

TOWN OF HOLLIS
PLANNING BOARD
34 Town Farm Road
Hollis ME 04042-3538

Minutes of Planning Board Meeting 9 December 2015

Call to Order: The regular meeting of the Town of Hollis Planning Board was called to order at 7:00 PM by Chair Paul Mattor.

Roll Call: Faith Plummer, Joseph Ponzetti, Richard Fitzpatrick, Peter Lovell, Paul Mattor, CEO Bob Cyr, Secretary Martha Turner. Select Board: River Payne.

Review of Minutes: Motion to accept the minutes of 11-11-15 meeting. Motion was seconded and discussed. **One correction:** Under Old Business #6, "The motion was seconded and carried 4-0-1." Motion to accept the minutes as amended carried 5-0-0.

Correspondence: None.

CEO Report: Mr. Cyr reported Garrigue restaurant has begun work on septic system. Nothing received yet from State Fire Marshall. Mr. Cyr has received an inquiry from a resident who might be interested in opening a home brewery. This resident will have to be in touch with the State before submitting an application for a Conditional Use Permit.

Old Business: # 1. Approval of final plans for two subdivisions, Clark Farm Estates and Warren Farm Estates, developer Van Hertel Jr. Present tonight for this discussion were Bill Thompson, BH2M Engineers, and Lee Jay Feldman, SMPDC.

For both subdivisions, approval from the Hollis Fire Chief is still required. The Chief has not yet specifically approved the exact plans that have been submitted by the developer. The Board expressed concern about delaying the final approvals because of lack of response from the Fire Chief. Mr. Ponzetti moved to require the Fire Chief's written approval of both projects before the installation of the fire tanks. The motion was seconded and carried 5-0-0.

Ms. Payne was asked if the Select Board is satisfied with the performance guarantee letter that has been received from Gorham Savings Bank. She replied the Select Board is satisfied that the developer's performance is guaranteed.

**TOWN OF HOLLIS
PLANNING BOARD
34 Town Farm Road
Hollis ME 04042-3538**

Mr. Feldman also recommended adding the following paragraph as a condition of approval for both subdivisions:

“The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by this applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.”

Regarding Clark Farm Estates, a 10-lot cluster subdivision to be located at the intersection of Sara Vaughn Road and Route 202, Mr. Feldman noted that the remaining land, used to meet the open space requirement, should be designated on the plan as Lot #11, which would change the Clark Farm Estates to be designated on the plan as an 11-lot cluster subdivision.

Ms. Plummer moved to approve the Final Plan for Clark Farm Estates with the following three (3) conditions:

1. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by this applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.
2. The “remaining land,” used to meet the open space requirement, is to be designated on the plan as Lot #11.
3. The Hollis Fire Chief will provide written approval of fire suppression tanks before they are installed.

The motion was seconded and discussed. The motion carried unanimously.

**TOWN OF HOLLIS
PLANNING BOARD
34 Town Farm Road
Hollis ME 04042-3538**

Regarding Warren Farm Estates, an 8-lot cluster subdivision to be located at the intersection of Deerwander and Mansion Road, due to the presence of wetland areas, Mr. Feldman recommended that the CEO should keep track of all wetlands to be filled during construction. Mr. Feldman also stated that the open space land should be designated as Lot #9, and Mr. Hertel's remaining land should be designated as Lot #10, changing Warren Farm Estates to a 10-lot cluster subdivision.

Mr. Feldman had also noted that there was no signature block on the final plans for Warren Farm. Mr. Thompson stated that this has already been corrected.

Ms. Plummer moved to approve the Final Plan for Warren Farm Estates with the following five (5) conditions:

1. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by this applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.
2. The Hollis Fire Chief will provide written approval of fire suppression tanks before they are installed.
3. The "open space" is to be designated on the plan as Lot #9.
4. The "remaining land" to be retained by Mr. Hertel is to be designated as Lot #10.
5. Re: wetland permitting – paperwork will be provided to the Hollis Code Enforcement Officer to keep track of the amount of wetland fill needed to put in driveways and structures.

The motion was seconded and discussed. The motion carried unanimously

**TOWN OF HOLLIS
PLANNING BOARD
34 Town Farm Road
Hollis ME 04042-3538**

Under Article 1 of the Subdivision Regulations, there are 13 items that must be reviewed by the Planning Board regarding each subdivision application. Mr. Feldman stated that these can be incorporated into the “Findings of Fact” that will be presented for a vote at the next PB meeting. After the Findings of Fact are accepted, the members of the Planning Board will sign the Mylars for both subdivisions.

Old Business: # 2. Review of draft revised PB bylaws. A clean draft of these revisions will be presented at the next Planning Board meeting for final approval. This document will also be available for public review at the Town Hall. The agenda for this meeting will be posted on the website and at various town locations prior to the January 13 meeting.

Old Business: # 3. Discussion of “Home Occupation” definition. Mr. Lovell advised the Board that he has been the owner of a home occupation for the past five years, that he has no employees, no signs, and no customers coming to his residence. He stated he would recuse himself from any home occupation discussion that might appear to be a conflict of interest. Mr. Mattor noted that any Board member can make a motion if they feel there is an issue of bias or conflict of interest.

General discussion of “home occupations” continued. Suggestion that perhaps the place to begin is the town’s application for a home occupation. Mr. Gray offered to develop a draft of a revised home occupation application form to present to the Board for consideration at a future meeting. Mr. Ponzetti moved to postpone further discussion until such a draft is completed. The motion was seconded, and carried unanimously.

The town’s Comprehensive Plan and the TIF agreement with Poland Spring are under review by the Long Range Planning Committee. Southern Maine Planning and Development Commission will present a Memorandum of Understanding regarding the revision of both documents. Further information will be provided to the Planning Board as these discussions continue over the next several months.

**TOWN OF HOLLIS
PLANNING BOARD
34 Town Farm Road
Hollis ME 04042-3538**

Attached to the minutes from tonight's meeting will be the sections of minutes from the Planning Board's 6-24-15 meeting regarding the board's previous actions regarding "Home Occupation" definitions.

Old Business: # 4. Proposed changes to "Use Table." Recently the CEO has been approached about the possibility of opening two different types of businesses that are not listed on the current Use Table, a laundromat and a home brewery. Also, changes to the definition of home occupation may necessitate changes to the Use Table. Ms. Plummer suggested postponing further "use table" discussion until after the home occupation definition is finalized.

Old Business: # 5. Comprehensive Plan's 36 recommended Planning Board actions: which actions have been completed vs. which have not been completed and why not.

New Business: None

Public Comment: Dana Gray provided public input during previous discussions described above. No other public comment was received at tonight's meeting.

Next Meeting: Mr. Ponzetti moved to schedule the next Planning Board meeting for Wednesday, January 13, 2016. The motion was seconded, and carried unanimously. The agenda will include the Findings of Fact for both subdivisions, as well as a vote on the revised Planning Board bylaws.

Adjourn: The meeting was adjourned at 8:40 PM.

Minutes Submitted by Martha Turner, Executive Secretary
Approved by Planning Board 1-13-16

TOWN OF HOLLIS
PLANNING BOARD
34 Town Farm Road
Hollis ME 04042-3538

Attachment to Planning Board Minutes 12-9-15.

Following are excerpts from the Planning Board minutes of 6-24-15:

“Proposed Ordinance changes re: Home Occupations. Mr. Gordon explained that the Town would be better served by improving the wording of the definition of “home occupations” to make the language clearer and easier to interpret. Changes in the Use Table would also be required, to match the changes in the definition.

Mr. Gordon stated that as CEO he can approve some low impact home occupations that are “permitted” in the Use Table, but he would like the Planning Board to become involved when a proposed home occupation might have an impact on neighbors, occupations listed as “conditional” in the Use Table. Bringing such a home occupation application before the Planning Board would require Public Hearings and notification of abutters, just the same as application for any conditional use permit.

Board members agreed that the Town needs to encourage home occupations as much as possible, in compliance with the Comprehensive Plan, while still protecting the character of the neighborhood. All home occupations would still have to meet the performance standards listed in Article 6 Section 6.1., “General Performance Standards and Requirements for Non-Residential Uses”

Board members reviewed written comments previously submitted by resident Dana Gray as part of public comment.

Mr. Mattor moved to accept the new wording of the Home Occupation definition as proposed by Mr. Gray:

“Home Occupation: an occupation or profession which is carried on in a dwelling unit, or in a structure accessory to it, by a member of the family residing in the dwelling unit, clearly incidental and secondary to the use of the dwelling unit for residential purposes. The home occupation must conform to the requirements of the Zoning Use Table and other performance standards of this Ordinance.”

The motion was seconded and discussed. The motion passed unanimously.

Discussion of further changes to the ordinance language will be postponed until Mr. Gray can be present to elaborate on his suggestions. Mr. Gray will be invited to attend the next regularly scheduled Planning Board meeting.

Mr. Mattor pointed out the different protocol involved in changing the Zoning Ordinance vs. changing the Subdivision Regulations. He noted that after any zoning changes are approved by the voters, the Planning Board itself can proceed to change the Subdivision Regulations to comply with the new Zoning Ordinance.”