



PLANNING BOARD

Paul Mattor, Chair
Joe Ponzetti, Vice Chair
Peter Lovell
Heather Sullivan
Jessica Brackett
Bruce Wishart

Minutes of Planning Board Meeting 12 September 2018

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Peter Lovell, Jessica Brackett, Bruce Wishart. Martha Turner, Secretary; Dave McCubrey, Select Board; Tammy Munson, CEO; Lee Jay Feldman and Eric Sanderson from SMPDC; Don Marean.

A quorum being present, the meeting was called to order at 7:20 PM by Chair Paul Mattor.

Public Hearing: Motion was made and seconded to suspend the regular meeting and open the Public Hearing for Darbick Terrace Subdivision #2202-4240. Motion carried. The Public Hearing was opened at 7:28 PM. The applicant, Adam Winslow, was represented by Jim Nadeau and Mark Carpenter of Nadeau Land Surveys.

Mr. Nadeau reviewed the Planning Board's minutes from 27 June 2018 when the applicant previously appeared before the board. At that meeting, the application was determined to be complete. As requested, the Winslows have submitted a letter authorizing Jim Nadeau or any representative of Nadeau Land Surveys to act on the applicant's behalf.

Public Comment: Deborah Nadeau, abutter (no relation to Jim Nadeau). Ms. Nadeau has submitted a package of documents to the Planning Board including items related to the dispute over the location of the boundaries of Mr. Winslow's property. The Nadeau's have also engaged an attorney, who has submitted a letter to the Board. Ms. Nadeau noted that the attorneys will likely be the ones to resolve the boundary questions; the Planning Board will be looking at the impact on the neighborhood. She stated that the area in question is very wet, with a brook running through it. There is also quite a slope to the land. Ms. Nadeau questioned whether the soil in the area can support four new houses with wells and septic systems.

With no other members of the public offering any input at this time, a motion was made and seconded to close the public hearing portion and reopen the regular meeting. Motion carried. The meeting resumed at 7:44 PM.

Minutes: Motion made and seconded to approve minutes of 25 July 2018 as presented. Motion carried.

Reports: John Sheahan reported on the progress of the New Complex Committee. They are looking at plans for a new village center to be located on a 52-acre parcel of land bordering Routes 35 and 117. Mr. Sheahan noted that TIF funds can be used for land purchase, infrastructure, and a fire and safety building, but not for the construction of the actual town hall building. He stated that the New Complex Committee meets on the third Thursday of every month at the Community Building. The next meeting, September 22, will include a presentation from WBRC architects engineers. All Hollis residents are encouraged to attend.

Tammy Munson reported that the Code Enforcement office is in the process of implementing new software to optimize the permitting and planning process. Applicants for permits will be able to apply and submit their documentation online. All pertinent records are now being digitized, including CEO permits, subdivisions, appeals, and Conditional Use Permits. For approximately one month these physical records will be out of the office while they are being scanned. Once the process is complete, anyone looking up a



PLANNING BOARD

Paul Mattor, Chair
Joe Ponzetti, Vice Chair
Peter Lovell
Heather Sullivan
Jessica Brackett
Bruce Wishart

particular map and lot number will be able to access all records and permits associated with that property. This information will be accessible from the town's website 24/7, without requiring a visit to the Town Hall.

Ms. Munson also stated that she is working with the Select Board to create ordinances regulating multi-family dwellings and short-term rentals.

Mr. McCubrey informed the Board that the new TV in the meeting room is a smart TV which can be used for presentations, accessed by WIFI. He also reported that various road repair projects are underway. Sand Pond Road is expected to be completed this year. Salmon Falls Road, Upper Tarbox, Bear Hill, and Deerwander may have to wait until spring. All are expected to be complete by 30 June 2019.

Correspondence: Reminder to attend the New Complex Committee on 22 September at 7:00 PM.

Old Business: Tim Johnson, developer of Cooks Brook Subdivision #2202-4232. As requested by the Planning Board, Mr. Johnson submitted to the town a guaranteed letter of credit to cover the cost of road construction within the subdivision. At this time, most of the road construction is complete. Mr. Johnson is seeking the release of \$65,625, and to retain with the town the remaining \$12,375 to cover the costs of the final road surfacing. Ms. Sullivan made a motion to authorize the Select Board to release Mr. Johnson's letter of credit as requested. Motion was seconded; motion carried unanimously.

Old Business: Darbick Terrace Subdivision #2202-4240. Ms. Sullivan asked if there is a definition of the term "wetland." What determines whether something is a designated "wetland" or just a wet area. Mr. Mattor replied that "wetland" is a professional term based on the presence of particular soils and vegetation.

On the plans, there is a reference, Note #16, Wetland Delineations, which have been flagged in the field by Kenneth Gardner, Certified Soil Scientist. A detailed test pit log will be required to confirm that the various test pit locations are able to handle the required wells and septic systems.

Regarding the question of boundaries, Mr. Feldman noted that the survey by Nadeau Land Surveys is a legal document and can be accepted by the Planning Board as part of the subdivision application. After the Board has reached a decision regarding this application, anyone who disagrees with the boundary survey may file an appeal with Superior Court. Mr. Feldman emphasized that anyone who wants to appeal a Planning Board decision must file the appeal within thirty days of the decision. He stated that the Planning Board members will be basing their decision on the best information available at the time of the decision. This is why the "Findings of Fact" is such an important document.

Mr. Ponzetti emphasized that before considering any decision, the application must be reviewed under the Hollis Zoning Ordinance as well as the Hollis Subdivision Regulations.

Ms. Brackett raised the question of the deed restriction in Mr. Winslow's deed: "No subdivision of lots." This restriction does not mention a 40-year limit, which was a restriction on the final plan of the original Darbick Terrace Subdivision. Mr. Feldman stated that the Planning Board does not enforce deed restrictions. This is a civil matter between the applicant and the abutter(s).



PLANNING BOARD

Paul Mattor, Chair
Joe Ponzetti, Vice Chair
Peter Lovell
Heather Sullivan
Jessica Brackett
Bruce Wishart

The question of net density calculation was discussed. Mr. Feldman pointed out a conflict between the language of the Hollis Subdivision Regulations and the Zoning Ordinance regarding net residential density.

From the definitions included in the Subdivision Regulations:

“Net Residential Area: the buildable area of a parcel determined by subtracting unusable area from total acreage.
Net Residential Acreage: the gross acreage available for development, excluding the area for streets or access.
Net Residential Density: the number of dwelling units allowed per net residential acre.”

In contrast, the Zoning Ordinance, Article 6. Performance Standards, Chapter 6.A. Net Density Calculation includes a lengthy list of items not specified in the Subdivision Regulations: roads, easements, parking, slopes greater than 25%, unstable soils, state or federal wetlands, and others.

Ms. Sullivan made a motion to ask SMPDC to contact the town’s attorney to clarify the language regarding net density calculation. Motion was seconded; motion carried 5-0-1.

Mr. Nadeau requested a waiver of the requirement to locate all trees more than 24” in diameter, which appears in the Subdivision Regulations as part of the checklist for minor subdivisions. Mr. Feldman noted that the checklists are not really part of the official ordinance. Mr. Mattor polled the board members; the consensus is that identification of trees more than 24” in diameter is not required.

Mr. Nadeau requested two other waivers: the erosion and sedimentation control plan, and the stormwater management plan. He noted that there will be no internal road construction, no new infrastructure. Each individual homeowner will be required to follow all requirements for these two items as each new house is constructed. The CEO will also be monitoring all construction to ensure that best management practices are followed.

Following is a list of items that the Planning Board is requesting from Mr. Winslow:

1. Test pit logs
2. A 100’ buffer circle around each test pit, to be noted on the plan
3. Letter from local well driller
4. Medium intensity soil survey
5. Hydrogeologic study

Ms. Sullivan made a motion to table further review of the Darbick Terrace subdivision application until the above items have been provided. Motion was seconded; motion carried 5-0-1.

New Business: Doug Alcaide, Shoreland Zone Permit #2201-4133.

Mr. Alcaide is applying to construct a new foundation under an existing post and beam house located at Map 3 Lot 50-1 in the Shoreland Zone on Skelton Lake. The Saco River Corridor Commission has approved his plan. Mr. Mattor noted that Mr. Alcaide’s submissions include the required fee, his deed, plan, SRCC approval letter, and a list of abutters,

Ms. Sullivan made a motion to consider Mr. Alcaide’s application complete. Motion was seconded; motion carried 5-0-1. A site visit and a public hearing will be scheduled as soon as possible.



PLANNING BOARD

Paul Mattor, Chair
Joe Ponzetti, Vice Chair
Peter Lovell
Heather Sullivan
Jessica Brackett
Bruce Wishart

New Business: Don Marean, State Representative, presented an overview of current and pending legislation concerning both medical and adult use marijuana. He noted that there will be a warrant article on November's ballot for a 180-day medical marijuana moratorium in Hollis. He suggested that Hollis needs to be ready for permit applications regarding both medical and adult use marijuana. Such businesses may bring new revenue to the town, but appropriate land use regulations must be in place.

Ms. Munson noted that the only thing she can currently approve is a 30-plant medical grow for an existing caregiver. At this time there are no specific marijuana-related items on the town's Use Table, although there are restrictions regarding zones where retail sales are permitted or restricted.

Mr. Marean stated that LD 1539 was passed by the Maine legislature in July; it goes into effect on December 13. He suggested that Hollis might want to put together a committee to review how the new laws may have an impact on the town.

Ms. Sullivan made a motion for the Planning Board to create a marijuana subcommittee. Mr. Ponzetti seconded the motion. The motion was discussed. Mr. Mattor asked what the goals of the subcommittee would be. Ms. Sullivan suggested that the committee could come up with recommendations for either (1) creating a new marijuana regulation ordinance, or (2) determining how marijuana-related businesses would fit into the town's existing ordinances. She noted that currently someone who is a registered caregiver prior to December 13 can have one retail outlet at their residence as a Home Occupation. Ms. Munson stated that there are specific restrictions already existing regarding home occupations in Hollis. The motion to create a subcommittee carried 5-0-1.

Mr. Marean noted that abutters of marijuana businesses may have many concerns, including odor, handling of materials left over from processing, and impact on water and electricity. Other concerns may be raised regarding outdoor growing facilities. Ms. Sullivan added that manufacturing processes may involve hazardous solvents. Concerns were also raised regarding location of marijuana businesses near schools.

Mr. Marean recalled that Hollis was once a "dry" town and the residents had to vote to allow alcoholic beverages. He suggested that, similarly, Hollis is now a marijuana "dry" town. Mr. Marean stated that he would be happy to return to a future Planning Board meeting if members have further questions. He also emphasized that the town can tap into many resources in Augusta.

Public Comment: None.

Plan for Next Meeting: The next Planning Board meeting will be Wednesday 26 September 2018.

Meeting adjourned at 10:00 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 26 September 2018