



PLANNING BOARD

Paul Mattor, Chair
Joe Ponzetti, Vice Chair
Peter Lovell
Kevin Flinner
Heather Sullivan
Jessica Brackett
Trevor Hustus
Bruce Wishart, alternate

Minutes of Planning Board Meeting 13 December 2017

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Peter Lovell, Bruce Wishart, Trevor Hustus, Jessica Brackett; Martha Turner, Secretary; Mike Seely, Select Board; Bob Cyr CEO; Paul Goudreau, Deputy CEO. Absent: Kevin Flinner.

A quorum being present, the meeting was called to order at 7:02 PM by Chair Paul Mattor.

Motion was made and seconded to suspend the regular meeting and open the Public Hearing for Peter Snell, Conditional Use Permit #2201-4124, 214 Hollis Road, Map 3 Lot 19-A. Motion carried. The Public Hearing was opened at 7:05 PM.

Brad Morin, Attorney for Mr. Snell, presented an overview of “Pete’s Place”, a business located at 214 Hollis Road, in operation for more than 25 years. Mr. Snell buys and sells antiques, architectural salvage, and other repurposed/recycled items. Many of these items are on display outside on the four acres of the lawn, as well as inside several trailers on the property. Mr. Morin noted that an antique shop is a permitted use in the EOZ, and is consistent with the town’s Comprehensive Plan and Zoning Ordinance.

Mr. Morin stated that in June 2017 Mr. Snell received notice that his business is in violation of Town of Hollis ordinances. Mr. Morin then met with Bob Cyr, CEO, regarding missing permits, as well as bulk and space issues. Mr. Morin stated that the town’s records are incomplete, but there is evidence of Pete’s Place being permitted for both the business and the residence as far back as 1999. He noted that there is no definition of “antique shop” in the Hollis Zoning Ordinance. Mr. Morin stated that his client simply wants to continue the operation that is already there, and he would like to obtain whatever permits are required to do so.

Mr. Snell stated that he owned and operated Snell Construction prior to opening Pete’s Place. He stated that at the time he opened Pete’s Place, all required permits were met, and all fees and taxes were paid as required. He noted that he has worked with all of the Hollis Code Enforcement Officers since 1980. He also noted that the Town of Hollis has always supported small businesses. Mr. Snell stated that his unique business has attracted customers from across the country and around the world.

Chris Bates, a Buxton resident, stated that he lives in a 200-year-old house, and he has been able to find items for his house that are not available anywhere else in the area. He also stated that he has worked many years in recycling, and appreciates the role of businesses such as Pete’s Place for recycling/repurposing items that might otherwise go to a landfill.

Rita Anderson, Hollis resident, stated that if it hadn’t been for Peter Snell she would not have had a bathroom in her house. She also noted that in an old house there is always a lot of work to be done, such as replacing windows and doors.



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Dana Packard, Saco River Theatre, stated that they have been doing business with Mr. Snell for many years, often looking to Pete's Place for hard-to-find props for their various productions. He stated that Pete's Place is a unique business, and he hopes that the town leaders and board members can find creative ways to allow this business to continue. He also noted that Pete's Place offers the Saco River Theatre up to \$500 in merchandise to use in their plays.

Jackie Dwyer, Hollis resident, stated that she attended the site walk at Pete's Place on December 2, and has also shopped there in the past. She stated that she has no complaints or concerns regarding this business. She asked the Planning Board for clarification of what a Conditional Use Permit is, and how it is issued. Mr. Mattor replied that these issues will be explained later in the meeting, after the public hearing.

Vera Littlefield, Hollis resident, stated that Mr. Snell has helped her find items that she has repurposed and that she could not find anywhere else. She stated she would like to see this resolved.

Terry Walters, Hollis resident, stated that he would like to thank the Select Board and the Code Enforcement Officer for working on cleaning up unsafe and abandoned properties in Hollis. He noted that he is not a friend of Pete Snell, but he has shopped there. He also stated that he would like to see Mr. Snell's permit granted.

With no one else offering public comment at this time, Mr. Mattor closed the public hearing and reopened the regular Planning Board meeting at 7:40 PM.

Minutes: Motion was made and seconded to approve the minutes of 8 November 2017 as presented. Motion carried.

Motion was made and seconded to approve the notes from the site walk on 2 December 2017 as presented. Motion carried.

Reports: Mr. Cyr introduced Paul Goudreau, Deputy Code Enforcement Officer. No other reports at this time.

Old Business: **Peter Snell, CUP #2201-4124, 214 Hollis Road, Map 3 Lot 19-A.** Mr. Mattor noted that since Mr. Snell last appeared before the Planning Board, there has been a site walk and a public hearing. In response to some of the concerns expressed by members of the public, Mr. Mattor emphasized that there is absolutely nothing personal about the Planning Board addressing this issue. He explained that the role of the Planning Board members is to apply the rules of the town's ordinances fairly and equally in all cases whenever an application is brought before them. He then asked Mr. Cyr to review the history of this application.

Mr. Cyr stated that the Select Board received some complaints, and he was asked to accompany Mike Seely, Select Board member, on a visit to Mr. Snell's property. He was also asked to accompany the Hollis Fire Chief, who determined that the structure that is on the property and is being used as a residence is unsafe. According to the Fire Chief, there would be no way to safely get someone out of the building in case of an emergency.



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Mr. Cyr stated that there is no occupancy permit on file for a residence at that location, nor has the applicant been able to produce one. The septic system apparently was inspected, but there is no evidence of any permits being issued. He noted that Mr. Snell has indicated that Mr. Cyr was the only person to address any issues with his property. However, there are records regarding legal issues and court cases dating back many years.

On August 28, 1991, Mr. Snell signed a letter to the Town of Hollis stating that he would remove all storage trailers except four (4), and that those four would be screened. This was in response to a District Court ruling. Mr. Wishart questioned why there are still so many trailers on the lot at this time, instead of just the four. Mr. Snell replied that in 2011 he was required to pay personal property tax on those trailers, and he took this as approval. Mr. Cyr noted the Tax Assessor is not involved with whether a use is legal or not. Taxes are assessed according to how the property is being used, regardless of the presence or absence of permits.

Mr. Morin requested that three issues be forwarded to the Town's attorney. First, to determine what the use is currently. Mr. Cyr noted that by definition Mr. Snell currently has a junkyard and an automobile graveyard. He also noted that there is no actual antique shop. Mr. Morin suggested that Mr. Snell's application is for a "commercial facility with outside storage and sales." The second question concerns the Town's bulk and space requirements, which do not allow for multiple uses on a lot of this size. The third question concerns use of storage trailers as buildings.

Mr. Seely noted that, ordinarily, all communication with the town attorney must be through the Select Board. However, in this case the town attorney already has the basic information, and therefore the Planning Board may communicate directly with the attorney. The secretary will draft a letter to Attorney Ben McCall.

Old Business: Woods Excavating, LLC, CUP #2201-4123, for Cape Road Gravel Pit.

This application was presented by Chris Woods, applicant, and Peter Dalfonso, engineer. The property in question is Map 16 Lot 28-2, owned by Lora Hertel. The original CUP for this gravel pit was issued to William Kowalski in 2013. The operation changed hands, and is most recently being leased by Woods Excavating, LLC, of Westbrook. Mr. Woods would like to continue operating at this location. At the time of his initial application in July 2017, the Planning Board requested some additional information, which has been provided on the revised application dated 17 October 2017, with accompanying letter from Mr. Dalfonso dated 8 November 2017.

Mr. Woods would like to use the pit for both extraction and recycling of materials. A lot of the material that is removed from a construction site can be brought back to the pit to be processed and reused. The processing would be sporadic throughout the year rather than occurring on a daily basis. Mr. Woods requests the following working hours: 7:00 AM to 7:00 PM Monday through Friday, and 7:00 AM to 12:00 PM on Saturday.



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Ms. Brackett referred to an email received from Chris Roy, a neighbor, who asked about the relevance of the new article in the Hollis Zoning Ordinance stating that no application shall be received or processed for any applicant who has known violations in the town of Hollis until such violations are resolved. The owner of the property is Lora Hertel. However, the lease agreement is signed by Van Hertel, Country Properties of Maine. Ms. Sullivan suggested that the lessor is not the party to be held responsible.

This was followed by a discussion of who is the actual permittee: is the permit issued to the property, to stay with the property if it is sold, or is the permit issued to and owned by the individual applicant, in this case Mr. Woods.

Mr. Cyr explained that after Mr. Kowalski obtained the original permit, if Mr. Woods had continued with the same operation he would not have needed to obtain a new permit. However, Mr. Woods desires to add additional activities that are not included in the original permit, such as bringing in materials to be recycled. Thus, he is required to apply for a new permit. Although the permit will be signed by the applicant, in this case Mr. Woods, the actual permit would run with the property.

Mr. Woods explained that when his company began operations in the gravel pit last summer, he was not fully aware of the limitations of the existing permit. Upon being issued a violation by the CEO, Mr. Woods paid the required fine and agreed to stay within the activities of the original permit until he is issued a new one.

Mr. Ponzetti recommended that the town attorney should be consulted about some of these issues. He suggested sending a copy of the deed and the lease agreement to the attorney for review in relation to the new language in the Zoning Ordinance regarding violations. One question would be: Are any of the involved individuals currently in violation in Hollis? Second question: can the Planning Board make this CUP specific to just this one applicant and not transferrable to a future operator of the gravel pit?

Mr. Mattor reviewed the documents received from Mr. Woods and Mr. Dalfonso. There is an excavation plan as well as a reclamation plan including contours. Mr. Ponzetti asked if there is any water involved in any of the processing or recycling operations. Mr. Dalfonso replied that there is no water involved. Mr. Dalfonso also stated that they have submitted a letter of intent to the DEP.

In view of the fact that most of the complaints regarding activities at the pit were related to excessive noise, Mr. Ponzetti asked if there are ways to mitigate the noise. Is there any way to limit the noise that comes out of the pit?

Mr. Dalfonso noted that one of the problems is the loud back-up alarms on the loaders and trucks. Mr. Woods stated that he is aware of another company that has developed a back-up alarm that meets safety standards but is not as loud.

When asked about the loud tailgate banging, Mr. Dalfonso replied that this is a matter of training the truck drivers. He noted that some of the drivers may have been in a hurry and not paying attention. Mr. Woods suggested installing signs requesting no tailgate slamming.



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Duane Hanson, a neighbor, stated that there is not much of a buffer, not many trees remaining since it was originally clear-cut. He stated that he has just put in a pool, and does not want to be listening to crushers and loaders and tailgate-banging all summer long.

Mike Seely, also a neighbor, stated that he also does not want to hear such noise, and he is opposed to increasing the daily number of hours of operation.

Mr. Ponzetti suggested that Mr. Woods might make a noise abatement plan, indicating all measures that can be taken to minimize disruption for the neighbors. Perhaps this plan could eliminate the use of all crushers and screeners on Saturdays. Mr. Mattor suggested locating the crushers, screeners, or other loud equipment as far away from the neighbors as possible, and creating a berm as a buffer.

Mr. Woods noted that this is considered a short-term pit. He could run the numbers and come up with a timetable for reclamation. As they remove material from the pit, they could use clean fill from other jobs to build the slope, reclaiming the land as they go, and keeping it neat and orderly in the process. They could make a plan to use up the pit and get rid of it, ending up with a buildable property. Perhaps the CEO could monitor the progress of the reclamation process on a regular basis.

Mr. Hanson noted he has observed that the gate is sometimes left unlocked, potentially allowing unauthorized use of the pit. Mr. Woods stated that the current location of the gate is too close to the road to allow room to get a truck out and then lock the gate behind, but perhaps the gate could be relocated.

Mr. Ponzetti suggested scheduling a site walk. It was noted that there may be snow on the ground, but the absence of leaves on the trees will allow visual inspection of the location. Mr. Woods stated that there is no equipment there at this time, but he will make sure the area is plowed for access during the site walk. Mr. Woods noted a crusher is only present when needed, with crushing occurring perhaps three or four times per year and lasting for three or four days at a time.

A site walk will be schedule for Saturday 6 January at 10:00 AM, with a public hearing to be held on Wednesday 10 January 2018 at 7:00 PM at the Hollis Community Center. These dates will be advertised in the Smart Shopper, and all abutters will be notified by certified mail.

Checklist for follow-up: clarify the terms of the lease, particularly Article 4; plan for noise attenuation (signage, driver training, etc.); placement of berms for buffering; notification of neighbors when crushing is scheduled; any incoming material to be placed as far back as possible; gate relocation; estimate of the overall life of the pit.

New Business: Shoreland Zone permit application #2200-0300, for 315 Old Alfred Road, Map 3 Lot 1, formerly known as the Salmon Falls Tea House. Presented by Sally McGarry, property owner, and Chris Carroll, architect. They would like to remove the existing building and construct a single-family residence. Their application to the Saco River Corridor Commission has been approved.



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They applied for a building permit which was denied by the CEO because the property is located within the Shoreland Zone. Members discussed Ms. McGarry's application and reviewed the relevant sections of the Hollis Shoreland Zoning Ordinance [SZO].

According to the SZO, Section 14.3, Non-conforming Structures: "the structure shall not be expanded in floor area or volume by more than 30%." The applicant's ruling from the Saco River Corridor Commission required the removal of all decks from the planned structure in order to stay within the 30% expansion requirement. Ms. McGarry noted that the plans call for an expansion from 880 square feet to 1069 square feet, which is within the 30% requirement.

Mr. Mattor pointed out that the water source for this building is not located on the property. Ms. McGarry stated that the water source is grandfathered. She stated that when she first purchased the property, she had a little shop there and was told they could not be prevented from using the water. She noted that there are no other properties using this water at this time. Mr. Mattor noted that there is nothing in the deed indicating they have the right to the water. Ms. Sullivan suggested the applicant check with the company that did the title search when they first bought the property. Mr. Mattor stated that the applicant must provide legal evidence of water rights.

Under SZO Section 1.4, Procedure for Administering Permits, the Planning Board must make "a positive finding based on the information presented that the proposed use" meets eight specific conditions, which will be reviewed when the applicant next appears before the Board. The Board will also review SZO Chapter 17 "Land Use Standards."

New Business: Review of Medical Marijuana Ordinance draft. Mr. Seely explained that this draft was provided to the Planning Board at this time because he was mistakenly advised that the town must create such an ordinance no later than February 1, 2018. In light of the fact there is actually no such deadline, this draft is provided at this time simply as a beginning point in the discussion of such an ordinance, which will indeed be required eventually. Mr. Mattor suggested Board members review this ordinance and note any suggested changes that might be incorporated.

Correspondence: Maine Council on Aging article on use of accessory apartments to allow older adults to age in place.

Public Comment: None.

Plan for Next Meeting: Ms. Sullivan suggested that for future meetings it might be helpful to not include any new business when there is a public hearing scheduled, noting that such hearings can be lengthy.

There will be a site walk at the Cape Road Gravel Pit location on Saturday 6 January 2018 at 10:00 AM. The next regular meeting will be held on Wednesday 10 January at 7:00 PM, to begin with a public hearing regarding the Cape Road Gravel Pit.

Meeting adjourned at 10:35 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 10 January 2018