



PLANNING BOARD

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

Minutes of Planning Board Meeting 25 July 2018

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

A quorum being present, the meeting was called to order at 7:05 PM by Chair Paul Mattor.

Motion was made and seconded to suspend the regular meeting and open the Public Hearing for Conditional Use Permit #2201-4129, Marjorie McDonald seeking permit for a dock extension in the Shoreland Zone at 42 Hemlock Road, Map 25 Lot 14. Motion carried. Public hearing opened at 7:07 PM. Prior to tonight's meeting, the Planning Board held a site walk at this location. Mr. Mattor asked if there were any members of the public present who would like to ask questions or offer comments concerning this application. Hearing none, Mr. Mattor closed the public hearing at 7:09 PM.

At 7:10 PM, Mr. Mattor opened the Public Hearing for Conditional Use Permit #2201-4130, Melissa Leclerc seeking permit for renovations at 48 Hemlock Cove Road, Map 25 Lot 16. Ms. Leclerc has submitted plans to place a foundation under an existing enclosed sun porch and convert the room into a kitchen. There would not be a walk-out basement. These plans have been approved by Saco River Corridor Commission (SRCC). Prior to tonight's meeting, the Planning Board held a site walk at this location. Mr. Mattor asked if there were any members of the public present who would like to ask questions or offer comments concerning this application. Hearing none, Mr. Mattor closed the public hearing at 7:12 PM.

Motion was made and seconded to close the public hearing portion and reopen the regular meeting. Motion carried. The meeting resumed at 7:13 PM.

Minutes: Motion was made and seconded to approve the minutes of 11 July 2018 as presented. Motion carried.

Reports: Mr. Mattor reminded the viewing public that there are still vacancies on the Planning Board for one regular member and two alternate members.

Mr. McCubrey reported that renovations to the Community Building are nearing completion and the town offices will be moved on Saturday, August 4. Regular business hours will resume at the Community Building on Tuesday, August 8. All services will be available in the temporary location, but all files may not be readily accessible, such as code enforcement files and assessing records. CEO Tammy Munson will be overseeing the town hall building repairs.

Correspondence: None.



PLANNING BOARD

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

Old Business: Marjorie McDonald, CUP/Shoreland Application #2201-4129, to add a 6' extension to an existing 10' dock at 42 Hemlock Cove Road, Map 25 Lot 14. The original dock at this location extended 16'. The applicant proposed to remove the old unsafe dock and replace it with a new dock of the same dimensions. Code Enforcement issued a permit for the first 10'. However, Hollis Zoning Ordinance (HZO) Section 6.16.1.C requires Planning Board approval for a dock which extends more than 10'. The new dock will be only 4' in width.

Mr. Ponzetti reviewed the HZO Section 3.7.4.5.C (items **i.** through **xiv.**) concerning Planning Board Conditional Use Application Procedure. The applicant has submitted a complete and timely application; all required fees have been paid; the site visit and public hearing were scheduled and the public duly notified (including letters to abutters); no third-party review was required.

Mr. Ponzetti reviewed Shoreland Zoning Ordinance (SZO) Section 1.4, items 1 through 8. Board members voted on each item as noted.

1. Will maintain safe and healthful conditions; **yes** (3-0-1)
2. Will not result in water pollution, erosion, or sedimentation; **will have no impact** (3-0-1)
3. Will adequately provide for the disposal of all wastewater; **N/A** (3-0-1)
4. Will not have adverse impact on wildlife; **no impact** (3-0-1)
5. Will conserve shore cover and visual, as well as actual, points of access; **this project enhances shore access** (3-0-1)
6. Will protect archaeological and historic resources; **N/A** (3-0-1)
7. Will avoid problems associated with flood plain development and use; **no problems associated, as this is a temporary seasonal structure** (3-0-1)
8. In conformance with provisions of Chapter 17, Land Use Standards; **this project complies with Section 17.3, Piers, Docks, Wharves** (3-0-1)

Mr. Ponzetti made a motion to approve Ms. McDonald's application for a 6' dock extension. Motion was seconded. Motion carried 3-0-1.

Old Business: Melissa Leclerc, CUP/Shoreland Application #2201-4130, for renovations at 48 Hemlock Cove Road, Map 25 Lot 16. Ms. Leclerc explained that in 2008 the previous property owner was issued a building permit for a screened-in deck, with a notation specifically stating that no future enclosure will be allowed without Planning Board and SRCC approval. She is applying for a permit to convert the existing permitted sunporch into a permanent part of the single-family residence. This would include a full foundation, but without a walk-out basement. SRCC permission was received in March 2018.

The applicant, the board members, and Mr. Feldman discussed the impact of removing the existing structure and rebuilding it with the new foundation vs. lifting up the existing structure and setting it back down on the new foundation. SRCC Permit #17-109 includes the following as part of their approval: "the placement of a foundation under an existing sun porch to be located 38 feet to the normal high-water line of the Saco River."

Members agreed that it is more practical for Ms. Leclerc to remove the existing sunporch completely and rebuild the new room over the new foundation. This renovation will be in exactly the same footprint and will not expand the volume of the structure, which has previously reached the maximum allowance of 30% expansion.



PLANNING BOARD

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

In the Hollis Zoning Ordinance, Article 1, Chapter 1.4 Non-Conforming Uses and Structures, the Planning Board is charged with determining that setback requirements are met “to the greatest practical extent.” Members discussed at length the definition of the term “practical” and how one determines “the greatest practical extent.”

According to Section 1.4.2.2. “Construction or enlargement for a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board.”

Section 1.4.2.4. states the following: “In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the physical condition and type of foundation present, if any.”

Ms. Munson emphasized that the new room will be in exactly the same footprint, but will be structurally sound, insulated, usable year-round, and will not increase the non-conformity. She stated her belief that Ms. Leclerc’s plans meet the requirements of both the Hollis Zoning Ordinance and the Shoreland Zoning Ordinance.

Ms. Sullivan referred back to the definition of practical. (“fitting the needs of a particular situation in a helpful way; helping to solve a problem or difficulty; effective or suitable: Cambridge Dictionary online.) She stated her belief that the proposed plan is the most practical for the homeowner. Mr. Ponzetti stated his belief that these plans are the most practical for the existing structure. Mr. Lovell referred to Section 1.4.2.4, stating that taking all of these factors into account, this plan appears to be the most practical.

Mr. Ponzetti reviewed Shoreland Zoning Ordinance (SZO) Section 1.4, items 1 through 8. Board members voted on each item as noted.

1. Will maintain safe and healthful conditions; **yes** (3-0-1)
2. Will not result in water pollution, erosion, or sedimentation; **contractor will use best management practices, with oversight by Code Enforcement** (3-0-1)
3. Will adequately provide for the disposal of all wastewater; **existing septic system** (3-0-1)
4. Will not have adverse impact on wildlife; **no impact** (3-0-1)
5. Will conserve shore cover and visual, as well as actual, points of access; **no impact** (3-0-1)
6. Will protect archaeological and historic resources; **N/A** (3-0-1)
7. Will avoid problems associated with flood plain development and use; **no impact** (3-0-1)
8. In conformance with provisions of Chapter 17, Land Use Standards; **this project is in conformance** (3-0-1)



PLANNING BOARD

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

Mr. Ponzetti also reviewed Shoreland Zoning Ordinance Section 14.3 “Non-conforming Structures” which refers to: not increasing the non-conformity; no expansion more than 30% during the lifetime of the structure; and meeting the setback requirements to the greatest practical extent as determined by the Planning Board. Ms. Leclerc stated that she is aware that her residence has reached its maximum lifetime expansion limit.

SZO Section 14.3.1.2. requires that the new foundation “does not extend beyond the exterior dimensions of the structure” and the foundation “does not cause the structure to be elevated by more than three (3) additional feet.”

Ms. Sullivan made a motion that the application satisfies all requirements of SZO Chapter 14.3.1, Sections 1, 2, and 3. Motion was seconded. Motion carried 3-0-1.

CUP factors applicable to conditional use, HZO Section 3.7.4.6., with voting results:

- a. The application is complete; all required documents have been provided; **yes** (3-0-1)
- b. Impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat; **no impact** (3-0-1)
- c. Will conserve shore cover and access to water bodies; **yes** (3-0-1)
- d. Use is consistent with Comprehensive Plan; **yes** (3-0-1)
- e. Safe and adequate road access; **yes** (3-0-1)
- f. Is in conformance with flood hazard protection regulations; **yes** (3-0-1)
- g. Wastewater and solid waste disposal; **existing system is adequate** (3-0-1)
- h. Hazardous materials; **none** (3-0-1)
- i. Stormwater drainage system; **N/A** (3-0-1)
- j. Adequate provisions to control soil erosion and sedimentation; **contractor will follow best management practices** (3-0-1)
- k. Adequate water supply; **yes** (3-0-1)
- l. Buffer strips and landscaping are adequate; **yes** (3-0-1)
- m. All performance standards in this Ordinance have been met; **yes** (3-0-1)
- n. Use will not deplete or degrade adjacent water bodies or supplies; **no impact** (3-0-1)
- o. Use will not adversely burden municipal infrastructure; **no impact** (3-0-1)
- p. Adequate fire protection for intended use; **yes** (3-0-1)
- q. Conservation Commission; **not consulted** (3-0-1)

Mr. Ponzetti made a motion to approve Ms. Leclerc’s application as presented. Motion was seconded. Motion carried 3-0-1.

Old Business: Patrick Dube #2202-4242 Tanglewood Subdivision. Mr. Dube owns the property located at 28 Tanglewood Drive, which is in a previously approved subdivision, located in the North Hollis Resource Conservation Zone (NHRCZ). When he purchased the property, there was an existing mobile home plus an addition, both of which were occupied. There is an occupancy permit for the addition, but there is no evidence of any permit application to the Planning Board at the time of the addition. The mobile home is currently occupied by a non-family member tenant. At this time, Mr. & Mrs. Dube reside out of state and stay in the addition when they visit in the summer. The lot is not large enough to meet the bulk and space requirements for two dwellings.



PLANNING BOARD

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

Mr. Dube's property came to the attention of the Code Enforcement Officer last winter. Upon the CEO's inspection at that time, it was discovered that there were actually three units that had various code violations, as well as the violation of the subdivision regulations. CEO referred Mr. Dube to the Planning Board for possible subdivision revision. In order to add an additional dwelling unit to an existing subdivision, the applicant must appear before the Planning Board. However, since the lot is not large enough for more than one dwelling, the applicant might be referred to the Board of Appeals to seek a variance from dimensional standards.

Ms. Sullivan made a motion that the Planning Board does not have the authority to act on the application for a second dwelling unit on this property, and the applicant is referred to the Board of Appeals. The motion was seconded and carried 3-0-1.

Public Comment: None.

Plan for Next Meeting: The next Planning Board meeting will be held on Wednesday 12 September 2018, to begin with a site walk at 6:00 PM at 61 Darbick Terrace. Regular meeting at 7:00 PM to begin with 61 Darbick Terrace public hearing.

Meeting adjourned at 8:35 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 12 September 2018