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PLANNING BOARD

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**Minutes of Planning Board Meeting 26 April 2017**

**Call to Order:** A quorum being present, the regular meeting of the Hollis Planning Board was called to order at 7:04 PM by Chair Paul Mattor.

**Roll Call:** Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Peter Lovell, Kevin Flinner, Heather Sullivan; Martha Turner, Secretary; Mike Seely, Select Board; Lee Jay Feldman SMPDC.  
Absent: Bruce Wishart

**Review of Minutes:** Motion was made and seconded to approve the minutes of 12 April 2017. Motion carried.

**Correspondence:** Letter received from Maine Boundary Consultants regarding Deer Pond Safe Storage #2201-4118. Copies placed on file and distributed to Planning Board members.

**Reports:** Mr. Mattor addressed the Board regarding comments he made at last week's town warrant public hearing. He clarified that he was speaking that night as a private citizen, and not as a representative of the Planning Board.

Mr. Seely reported that the CEO is out on sick leave. The Select Board is working toward hiring a part time deputy to assist.

**Old Business:** Red Barn Lane Subdivision #2202-4233. Paul Gadbois stated that there have been a few changes on the plan. The road will be a private gravel road, so neither Hollis nor Lyman will be required to maintain it. The first 30 feet will be paved, as required by ordinance. He also stated that the fire prevention question has been addressed by requiring all the houses to have sprinkler systems. The utilities will be underground. Hollis trash collection route already goes past the subdivision. The developer will be in touch with the trash hauler.

Mr. Mattor noted that a few documents are still missing: the performance guarantee, and a copy of the covenants and deed restrictions. He also noted that the Lyman Planning Board has approved these plans and has deferred further approvals to the Hollis Planning Board.

Mr. Ponzetti noted that there is no soil analysis showing exactly what the soils will handle. Mr. Gadbois will provide the Board with a letter from a licensed site evaluator or soil scientist.

Mr. Feldman suggested adding as a condition of approval that no building permits will be issued until the road has been constructed to Town of Hollis standards, and has been certified by a private third party inspector, independent of either town. Mr. Feldman stated that he will do some research and get some price estimates.

Mr. Ponzetti made a motion to have Mr. Feldman handle the final engineering inspection of the Red Barn Lane road. Motion was seconded, and carried 4-0-1.



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Mr. Gadbois stated he has called the district office for MSAD6 and was told that there is already a school bus route that goes right by the subdivision. Mr. Flinner made a motion to request the applicant to obtain a letter from the school district stating that there is no issue with picking up students from this subdivision. Motion was seconded, and carried 4-0-1.

Mr. Mattor reminded Mr. Gadbois that all conditions of approval must be included on the Mylar before it is signed by the Planning Board, and suggested that he might need to add a second sheet.

A public hearing for Red Barn Lane Estates is scheduled for Wednesday 10 May 2017 at 7:00 PM, prior to the next Board meeting. Abutters will be notified, and ads will be placed in the Smart Shopper.

**New Business:** Brett Marquis #2202-4233, amendment to Pauline Jones Subdivision, Hanson Lane. Mr. Marquis explained that he purchased Lot #5 two years ago. He has lived on an adjoining lot on Hanson Lane for the past twelve years. In 2006, before the Planning Board approved the subdivision, the Board conducted a site walk and discovered wetland areas on Lot #5. When the subdivision was approved, the Board added a restriction prohibiting any road construction or development activity on Lot #5 without prior Planning Board approval. Mr. Marquis has had the land assessed by the DEP, and the DEP determined that this is not a significant vernal pool. Mr. Marquis is asking the Board to remove the restriction. He stated that he has no plans to build on the lot at this time, but would like to have the restriction removed in case he wants to build in the future or to hand it down to his children. He stated that if the Planning Board determines this to be a non-buildable lot, his would ask for his tax assessment to be reduced accordingly.

Mr. Feldman noted that since the conditions of approval were not included on the final plan that was signed by the Planning Board, there is no need to file a new plan with the registry of deeds. The members of the Planning Board have the authority vote to amend the conditions of approval and declare this to be a buildable lot, if they so desire.

Mr. Mattor indicated he would like to know exactly what the discussion was at the time the Board voted on the restriction. Mr. Flinner will search for video of the 2006 Planning Board meetings. Mr. Ponzetti made a motion to ask Mr. Flinner to research meeting videos for 2006 in search of discussion of the Pauline Jones Subdivision. The motion was seconded and carried.

Discussion followed concerning a possible right of way across this property. Mr. Marquis will provide the Board with a copy of the deed for clarification.

**New Business:** Cluster Subdivision regulations. Mr. Mattor distributed copies of a document outlining some ideas concerning the concept of cluster subdivisions. He noted that many of the people who responded to the recent Hollis survey indicated a desire for more "community." The idea would be perhaps to require an internal road within any new subdivision, instead of allowing access to any homes directly from a town or state road. There followed a discussion of "conservation subdivisions." Mr. Flinner will send a link to more information.

Discussion of the need to completely revise the Hollis Zoning Ordinance. Mr. Feldman stated that he has been working with Limerick and Waterboro, and could also assist with Hollis.



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Each Zone could be reviewed individually, with uses added or removed as appropriate. The distinction between “procedure” and “standards” could be clarified, with appropriate checklists for each. Mr. Ponzetti noted that this is very confusing for the applicant, difficult to identify each step necessary to have an application approved. Further discussion was tabled.

Review of Shoreland Zoning Ordinance: Discussion was tabled, perhaps to be scheduled for a workshop meeting.

**Public Comment:** Heather Sullivan recused herself from the meeting, and addressed the Planning Board concerning the proposed Town of Hollis warrant article regarding recreational marijuana. Speaking as a private citizen, Ms. Sullivan stated that she has been a resident of Hollis since 2003, and pays her taxes from a job in the medical marijuana industry. She is a cannabis advocate and educates the public about cannabis. She works in Augusta, with the Joint Select Committee on Marijuana Legalization Implementation, along with Hollis Rep. Don Marean.

Ms. Sullivan stated that she would like to help Hollis residents understand the language in the proposed warrant article banning recreational marijuana in Hollis. This ordinance, if enacted, would impose a permanent ban on growing, processing, packaging and distribution of recreational marijuana in the town of Hollis. The ordinance would also ban public and private social clubs. She explained that such a social club would be like a coffee shop that also serves cannabis-infused treats along with the coffee.

She emphasized that the proposed ordinance may be perceived as a stopgap measure, but is in fact permanent. She noted that the ordinance would not prevent individual adults from growing their own marijuana for their own use, similar to being able to homebrew a batch of beer for private consumption. The ordinance also does not pertain to medical marijuana, which is protected by Maine’s Medical Marijuana Program.

Ms. Sullivan explained that when Congress passed the Controlled Substances Act in 1970, the Act included a provision that carves out an exception allowing states to make their own laws, as long as the state laws do not specifically restrict prosecution of Federal laws. Maine’s legalization of recreational marijuana meets these requirements. Under Maine law, all municipalities will be required to approve all marijuana businesses before the state will issue a license. Ms. Sullivan addressed a perceived conflict regarding the oath that Board members take, pledging to uphold constitutional law. She explained that this refers to the State constitution, not the Federal constitution.

The Planning Board made a motion to take no official position on the proposed ordinance or on the marijuana issue. The motion was seconded, and carried 4-0-1.

**Next Meeting:** Wednesday 10 May 2017, 7:00 PM, to begin with Public Hearing for Red Barn Lane Subdivision #2202-4233.

**Adjourn:** The meeting was adjourned at 9:00 PM.

Minutes Submitted by Martha Turner, Secretary

Approved by Planning Board 10 May 2017