



PLANNING BOARD

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

Minutes of Planning Board Meeting 28 February 2018

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

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

Minutes: Motion was made and seconded to approve the minutes of 14 February 2018 as presented. Motion carried 4-0-2.

Correspondence: None.

Reports: Mr. Goudreau reported that the Code Enforcement Office has been busy following up on various violations around town, and some of these may come before the Planning Board in the near future.

Mr. Mattor reminded all Hollis residents that there are openings available on the new Hollis Finance Committee. An application form for this committee is available at the town hall or on the town's website.

Old Business: Peter Snell, Conditional Use Permit #2201-4124. Mr. Snell was present at tonight's meeting, as were the town's attorney, Ben McCall, and Mr. Snell's attorney, Brad Morin. New information was received today from Mr. Snell and Mr. Morin. Mr. Mattor offered a reminder that all information pertinent to an agenda item must be submitted one week in advance, to allow Board members time for review prior to the meeting.

Mr. Wishart asked whether this application is for an antique shop, or for a commercial facility involving outside sales and storage.

Mr. Ponzetti referred back to the court order from the 90's requiring Mr. Snell to remove all but four of his trailers, and noted that Mr. Snell appears to be in contempt of court since he has not removed any trailers from his property. Mr. Ponzetti asked whether Mr. Snell's current Conditional Use Application should be considered in relation to all history such as court proceedings, or should this be considered as a brand-new application as though nothing already exists.



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Mr. Morin stated that they were instructed to apply for a Conditional Use Permit by the Hollis Code Enforcement Officer. Mr. Morin suggested that it could be viewed as an after-the-fact permit. One of the issues to be resolved is the question of the existence of two uses on this lot.

Mr. Morin noted that his firm has gone back through many years of Hollis ordinances, and discovered that there have been two uses on this property long before the adoption of the ordinance creating the EOZ and the current bulk and space requirements. Both the residence and the antique shop by themselves are permitted uses in the RR 3 zone.

Mr. Snell reported that the trailers were there before the building. He moved the building from another location, with all required permits.

Mr. McCall, attorney for the town, reviewed his responses to questions posed to him in December 2017. One question concerned the existence of two uses on one lot in the EOZ. He suggested that the Board could make a finding that Mr. Snell's residence and antique shop are both permitted uses in the EOZ, and that Mr. Snell's occupancy predates the ordinance creating the EOZ. Regarding the question concerning the enforcement of the old court order, Mr. McCall emphasized that this is a matter for the courts to pursue, and is not a Planning Board issue. Regarding the classification of the existing use(s) on the property, Mr. McCall stated that he has carefully reviewed the definitions of an automobile graveyard and a junkyard, and he does not believe that Mr. Snell's current business meets the definition of either one.

Mr. McCall suggested, and Mr. Mattor agreed, that it is reasonable to classify the existing business as a commercial operation that includes outside sales and storage. Mr. Mattor also suggested that the historical evidence supplied by the applicant and his attorney is sufficient to prove that two uses existed prior to the enactment of the current zoning regulations regarding number of uses per lot. Thus, the existence of two uses on a non-conforming lot could be considered as grandfathered as to space.

Mr. Ponzetti made a motion to consider the bulk and space requirements for two uses on this property to be historically grandfathered, and thus permitted to continue. The motion was seconded and discussed. The motion carried 5-0-1.



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In reference to the ordinance passed by the town in November, Mr. Ponzetti asked if the applicant is currently in violation of any current town ordinance. Ms. Brackett noted that Mr. Snell's application is intended to resolve an existing violation, and thus may reasonably be considered by the Planning Board.

Members discussed the existence of many storage trailers on Mr. Snell's property. Questions were raised concerning whether these trailers are vehicles or structures. It was noted that all structures must have permits issued by the Code Enforcement Officer, who stated that none of the existing trailers have permits at this time.

Mr. Ponzetti made a motion to require the applicant to come back to the Planning Board with a site plan showing all of the items listed in Hollis Zoning Ordinance, Article 3, Section 3.7.7.b, items "i" through "v":

"In order to secure information upon which to base its determination, the Planning Board shall require the applicant to furnish, in addition to the information required for a conditional use permit, the following information prepared by the appropriate Licensed Maine Professional:

- i. A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea level, high water elevation, groundwater conditions, bedrock, slope and vegetative cover.
- ii. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with Maine State Plumbing Code, Part II.
- iii. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
- iv. Plans of buildings, sewage disposal facilities, and water supply systems.
- v. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application, the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency, which can provide technical assistance."

Mr. Ponzetti's motion was seconded and discussed. The motion carried 5-0-1.



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In discussing the requirement for the site plan, members emphasized that the plan will then have to be reviewed by the Hollis Fire Chief for life safety issues, such as whether there is room to maneuver emergency vehicles. Mr. Mattor noted that the Planning Board also required this for the builders of the Hollis Safe Storage facility.

Mr. Snell's site plan will show the location of all existing structures, including all storage trailers. Members agreed that it will be up to the applicant to obtain permits for each structure from the Code Enforcement Officer, if these plans are approved by the Fire Chief and the Planning Board. The Planning Board will not address the question of the number of trailers.

Mr. Ponzetti referred to Hollis Zoning Ordinance Article 3, Section 3.7.4.6., items "a" through "q" Factors Applicable to Conditional Use. He noted that the Planning Board will be reviewing each of these items before approving a Conditional Use Permit. If some of these items do not apply, Mr. Snell may ask for a waiver.

Mr. Morin requested clarification of the requirement that the applicant must pay for the town's expenses generated by consultation with the town's attorney. Mr. Mattor reviewed the fees required by the Planning Board, and noted that it is standard policy for the applicant to cover all expenses incurred by consultation with attorney, engineers, or other professionals as required.

Old Business: Woods Excavating LLC, C.U.P #2202-4123 for continued operation of Cape Road Gravel Pit. Chris Woods, applicant, and Peter Dalfonso, engineer, reviewed the application to date. They submitted a new lease, signed by Lora Hertel, property owner. They also provided plans for minimizing all sources of noise, such as tailgate banging, crushing, grinding, and back-up alarms on trucks and loaders. They plan to have berms in place, as well as driver training and signage regarding the need to minimize noise. They also have a plan showing how often they will be bringing a crusher on site. Mr. Woods also plans to notify the neighbors in advance of each planned week of crushing, which is limited to a maximum of four times per year, lasting ten business days or less each time.

Mr. Woods explained that the screener that is on the property was already there when they began operating the pit. Mr. Lovell asked what kind of screener it is. Mr. Woods stated that it is a triple deck screener, but they would like to find a newer model in the future. Mr. Woods emphasized that the engine has a muffler, the moving parts of the screener will still make some noise, but it is a steady noise, not a loud firecracker type noise, and it is not as noisy as a crusher.



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Ms. Brackett asked if it would be possible to have the screener in operation during the Planning Board's site visit so everyone knows exactly how it sounds. Mr. Woods agreed that it would be possible.

Mr. Ponzetti noted that the current lease expires in December 2018. Mr. Woods stated that if the Planning Board approves this permit, he will ask the landowner to extend the lease. Mr. Woods explained that his operation is reclaiming the land as they go, and each phase in their plan is to be completed before the next phase is begun. Mr. Woods also asked the Planning Board to issue the permit directly to Woods Excavating only, so if the property is sold, the permit does not go with the property. Any new owner or operator would have to apply for a new permit.

Mr. Dalfonso discussed the planned operating hours for the pit. They would like to be able to operate from 7:00 AM to 7:00 PM on weekdays, 7:00 AM to Noon on Saturdays, with no operation on Sundays. There would be no crushing or screening after 5:00 PM on any day. If operating while it is dark, the only lights would be from the trucks and the loader in the pit. They do not plan to illuminate the whole pit like an asphalt operation might.

The Board scheduled a site visit for Saturday 24 March 2018 at 10:00 AM. Mr. Woods will also be on the agenda for the following Planning Board meeting on Wednesday 28 March.

Public Comment: Dave McCubrey and Duane Hanson, gravel pit neighbors, requested to comment about the gravel pit, but Mr. Woods and Mr. Dalfonso had already left the meeting, so Mr. McCubrey and Mr. Hanson were asked to submit their comments in writing, to be distributed to all Board members prior to the next meeting. Mr. McCubrey suggested that during the site visit, the members might visit his house to hear how loud the screener is.

Plan for Next Meeting: The Planning Board will hold a site visit at the Cape Road Gravel pit on Saturday 24 March 2018 at 10:00 AM. This will be publicized in the Smart Shopper, and the abutters will be notified by certified mail.

The next regular meeting will be on Wednesday 14 March 2018 at 7:00 PM.

Adjourn: Meeting adjourned 10:00 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 14 March 2018