



PLANNING BOARD

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

Minutes of Planning Board Meeting 30 May 2018

Members Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Peter Lovell, Jessica Brackett, Bruce Wishart, Trevor Hustus. Absent: Heather Sullivan.

Staff Present: Martha Turner, Secretary; Lee Jay Feldman, SMPDC.

Call to Order: A quorum being present, the meeting was called to order at 7:00 PM by Chair Paul Mattor. (Mr. Mattor noted that tonight's meeting was postponed from 23 May 2018.)

Minutes: Motion to approve the minutes of 9 May 2018, seconded, carried 5-0-1.

Correspondence: The secretary distributed copies of a letter received this week from an abutter of the gravel pit on Cape Road.

Mr. Feldman stated that the annual meeting of the Southern Maine Planning and Development Commission will be held on Wednesday 13 June 2018 in Sanford. SMPDC is a non-profit organization that assists with planning and development issues for the 39 towns that are members. Hollis is one of these towns, and currently has no representatives on the SMPDC general membership board. Any Hollis resident may apply to be a member, first requiring the approval of the Hollis Select Board.

Reports: Mr. Mattor reported that Hollis Select Board member Mike Seely has resigned. No plan to fill the vacant seat has been announced at this time.

Old Business: Motion was made to take the old business items out of order. Motion was seconded; motion carried 5-0-1.

The first item of old business to be considered tonight was the Red Barn Lane Subdivision #2202-4233, developer Joshua Waterhouse. Mr. Waterhouse presented final plans for this subdivision and noted that the official name of the subdivision has been changed to "Day Farm Estates", with the road to be called Day Farm Road.

Noting that this subdivision was first presented in 2016 and 2017, and some of the current Planning Board members were not members at that time, Mr. Feldman asked the two new members, Jessica Brackett and Trevor Hustus, whether they felt they have had sufficient time to catch up with the progress of the subdivision either by reading the minutes or watching the videos of the meetings. Both Ms. Brackett and Mr. Hustus replied affirmatively.

Mr. Feldman stated that he has worked with the developer to ensure that all items previously requested by the Planning Board are present on the final plan. He specifically reviewed the last five notes:



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#22. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations.

#23. No town services, such as snow plowing, trash pickup, or street construction and maintenance of any kind, shall be provided to the lots served by the private way.

#24. Trash pickup to be performed by a private hauler either at curbside or along Deering Ridge Road.

#25. Mail delivery shall be via a Post Office Box or until other arrangements are made and approved by the Postal Service.

#26. No permits shall be issued, or lots sold, until the road in both Lyman and Hollis has been certified by a third-party inspector, hired by SMPDC and paid for by the applicant, that it has been constructed in accordance with the design.

Mr. Lovell asked about the final decision concerning whether to install a fire suppression tank or to require individual sprinklers. Note #11 on the final plan indicates that each of the five residences within this subdivision will be required to have a residential sprinkler system.

Ms. Brackett asked about the requirement that each resident must rent a Post Office Box. Mr. Feldman noted that the houses are all located in Hollis, but Day Farm Road is located in Lyman, and Lyman and Hollis are in different Postal Districts. Unless the developer and the Postal Service can make other arrangements, the PO Box requirement will stand.

Board members reviewed the draft Findings of Fact presented by Mr. Feldman. Mr. Ponzetti individually reviewed each of the thirteen findings listed on pages two and three. "Per Article 1 of the Hollis Subdivision Regulations, the proposed project:

1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plain, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, as well as any applicable State and local health and water resource rules and regulations;

While a portion of this property has wetlands located on it, the proposed lots and layouts do not impact the wetlands. Soils on the site have been identified and appropriate test pits completed on each lot locating soils that can accept septic systems. (Approved 5-0-1)

1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
Each parcel will have an individual well. (Approved 5-0-1)

1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
N/A (Approved 5-0-1)

1.4 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

This subdivision being of a 5-lot residential project should not have any negative impacts on groundwater. (Approved 5-0-1)



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1.5 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

The applicant has provided a full erosion control plan which meets Maine Department of Environmental Protection Best Management Practice BMP standards of 2016. (Approved 5-0-1)

1.6 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways and existing or proposed public roads in Hollis, and in an adjacent town where proposed subdivision crosses municipal boundaries;

Both Hollis and Lyman held two joint meetings to discuss the application. The proposed road enters on to Deering Ridge Road in Lyman and the Lyman Planning Board has approved the proposed roadway for the project. (Approved 5-0-1)

1.7 Will provide for adequate solid and sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

The Solid Waste Hauler for the town has been notified and indicated that there would be no problem picking up curbside in Lyman for the town of Hollis. (Approved 5-0-1)

1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline, as identified in the Comprehensive Plan;

None have been identified. (Approved 5-0-1)

1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan;

Yes; this project complies with all regulations. (Approved 5-0-1)

1.10 Will be developed by a subdivider with adequate financial and technical capacity to meet the standards and requirements in the Subdivision Regulations;

A performance guarantee for the Hollis portion of the project will be required to construct the roadway. If the applicant cannot provide this to the town then the subdivision cannot be built out. (Approved 5-0-1)

1.11 Is in conformance with the Town of Hollis Shoreland Zoning Ordinance;

N/A (Approved 5-0-1)

1.12 Will be developed so that all principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation in accordance with Hollis Ordinances;

N/A (Approved 5-0-1)



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1.13 Will provide for adequate storm water management.

The designer of the plan has indicated no significant impacts will be created due to the development of this land. (Approved 5-0-1)

Mr. Hustus made a motion to approve the final plans for Day Farm Estates subdivision (formerly known as Red Barn Lane Subdivision). The motion was seconded. The motion carried 5-0-1. The final plans were signed by the six members present.

Old Business: Woods Excavating, Cape Road Gravel Pit, C.U.P. #2201-4123, presented by Chris Woods and Peter Dalfonso. Mr. Feldman's Findings of Fact draft was discussed. The first area of concern was regarding the scheduling of the crusher operation. Mr. Woods plans to bring in the crusher no more than four times per year and run it for a maximum of ten business days each time. These four cycles would not be consecutive. He plans to notify the neighbors prior to each crushing cycle. Discussing stump grinding, Mr. Woods noted that this is not a regular operation for this pit, and he would be willing to include stump grinding in one of the previously planned four annual crushing cycles.

Mr. Feldman noted that the Town of Hollis does not have a noise ordinance so he suggested the applicant might consider using the State's DEP noise level maximum of 70 dB A at the property line. Mr. Woods agreed. Mr. Woods will notify the Code Enforcement Officer prior to the beginning of each crushing cycle in order to measure the sound level at the property lines.

Mr. Woods noted that he intends to remove the old screener that has been in existence on the property and replace it with a newer quieter model. He stated that all the equipment he uses will be the most efficient and least noisy technology available.

Mr. Wishart mentioned the input from abutters regarding excessive noise, including the most recent from Elizabeth Saunders. He noted that as a board member he wants to allow the pit to continue operate but also to consider the quality of life of the neighbors.

Members discussed the hours of operation, what exactly is included in the term "operation" and whether the pit could be closed on certain holidays every year. Mr. Ponzetti made a motion to close the pit entirely on the following four holidays: Memorial Day, Independence Day, Labor Day, and Thanksgiving Day. Mr. Lovell seconded. The motion carried 4-1-1. This item will be included in the Findings of Fact and Conditions of Approval.

Mr. Woods expressed concern about having access to his equipment during closed hours, citing the example of sometimes needing to remove the loader from the pit during the winter for snow removal. Members discussed this and will add to conditions of approval.

Members suggested the following items to be included in the hours of operation:



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1. Regular operation (bringing in material, loading, moving, and removing material) shall be conducted between the hours of 7:00 AM and 6:00 PM Monday through Friday, and between the hours of 8:00 AM and 1:00 PM on Saturday.
2. The running of all grinding, crushing, and screening machinery will cease no later than 5:00 PM Monday through Friday.
3. The pit will be closed and non-operational on the following four holidays: Memorial Day, Independence Day, Labor Day, and Thanksgiving Day.
4. No equipment shall be operated on Sundays or outside the above indicated hours of operation. Incidental movement of equipment onto or off from the site will be allowed outside of the normal hours of operation.

Mr. Woods' reclamation plan was discussed. The submitted plan indicates projected completion for the year 2023 (five years). Mr. Woods emphasized that since some material was previously removed from the site, there is not sufficient material remaining for reclamation, thus requiring some material to be brought into the pit for this purpose. He stated that the plans he has submitted would allow the property to be completely reclaimed to State standards by the end of November 2023. Mr. Feldman will add a condition stating that if the property is not closed properly, the property owner will not be able to apply for any other permits in Hollis until the violation is resolved.

Mr. Mattor asked about the transferability of this permit, if granted. Mr. Woods stated that he would prefer that the permit be limited only to his company, and not transferable to another operator or to the landowner. This will be included in the conditions of approval.

Mr. Feldman will revise the draft Findings of Fact to include all items discussed tonight; the revised document will be reviewed at the next meeting.

Public Comment:

Duane Hanson, an abutter, reiterated his ongoing concerns about the anticipated noise levels when machinery is operational. He asked if the Hollis CEO will be enforcing the noise standards and was answered in the affirmative. He was assured that if the permit is approved, and there continue to be complaints about noise levels, these complaints will be directed to the CEO.

Plan for Next Meeting: The next meeting will be on Wednesday 13 June 2018 at 7:00 PM.

Adjourn: Meeting adjourned 9:05 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 13 June 2018