



PLANNING BOARD

**Hollis Planning Board
Minutes of Site Walk 28 June 2017**

Site Walk at Milo Farm Estates #2202-4238, Map 4 Lot 7, Wakefield Road.

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Martha Turner, Secretary; Bill Thompson BH2M; Michael & Deborah Lord; David & Kara Patenaude.

Site Walk began at 6:00 PM.

Mr. Thompson, engineer from BH2M, reviewed the plans for a three-lot cluster subdivision. The plans include a private road to access the two smaller lots, while leaving the existing driveway for the existing house on Lot 3.

The terrain is flat; the soils are sand and gravel. The private road will be constructed using an existing curb cut. Mr. Thompson stated that the two lots will be for sale, and the developer will build the private road. There will be no ditch or culvert necessary.

Mr. Thompson indicated the proposed locations for the two new lots, as well as the 3.6 acres of open space to the rear of the property. The open space will abut the Harmon Farm and Clark Farm Estates open spaces.

A question was raised concerning ground water draw. Mr. Thompson replied that there have been no issues with any of the other sites in the area.

Minutes of Planning Board Meeting 28 June 2017

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Peter Lovell; Martha Turner, Secretary; Bill Thompson BH2M; Lee Jay Feldman SMPDC; Mike Seely, Select Board.

Absent: Bruce Wishart, Kevin Flinner.

A quorum being present, the meeting was called to order at 7:07 PM by Chair Paul Mattor.

Motion was made and seconded to suspend the regular meeting and open the Public Hearing for Milo Farm Estates, #2202-4238. Motion carried. The Public Hearing was opened at 7:10 PM.

Bill Thompson, BH2M, explained the developer's plans for a three-lot minor subdivision on Wakefield Road, to include an existing residence on one lot, plus two smaller lots with open space to the rear.

Jessica Brackett, Hollis resident, asked about lots being developed on Sarah Vaughn Road. Mr. Mattor replied that tonight's public hearing is regarding Milo Farm subdivision only. He explained for Ms. Brackett the way smaller lots are permitted in cluster subdivisions because of the inclusion of a required specific minimum amount of open space.

With no other residents offering comments, the public hearing was closed at 7:18 PM.

The Planning Board meeting was reconvened at 7:19 PM.

Mr. Mattor noted that several people are present tonight regarding the Bean Street Subdivision #2202-4237, which is listed on the agenda towards the end of the meeting. Mr. Mattor suggested that this item be taken out of order. He referred to the minutes of the May 24 Planning Board meeting regarding legal questions to be reviewed by the Town's attorney. The Board has not yet received any official communication from the attorney. Due to the subdivision's questionable legal status, Mr. Ponzetti made a motion to table further discussion of the Bean Street property until the Board gets a response from the attorney. Motion was seconded, and carried.

Mr. Rick Hull, attorney, asked to address the Board on behalf of his clients who have purchased a lot on Bean Street and have been unable to build due to the legal questions surrounding the Bean Street properties. He explained that the parcel they purchased had been created in 2009 by Mr. Van Hertel as a gift to a family member, then sold in 2014, and then sold to the Bracketts last year. The Bracketts were not made aware that there was any question of this lot being part of a subdivision. They are now living in a camper, unable to build their home. Mr. Hull requested resolution of this problem so they can begin construction.

The Board was also addressed by Tara Michaud, who stated that she lives across the street from where this is happening. She expressed her frustration with the ongoing delays which are leaving this elderly couple with no home.

Minutes: Ms. Sullivan made a motion to approve the minutes of 24 May 2017 as presented. The motion was seconded and discussed. Motion carried unanimously.

Correspondence: The secretary presented an invitation from the Maine Municipal Association to attend the workshop for Planning Board members in Saco on July 25, 2017.

Old Business: Milo Farm Estates #2202-4238, a minor subdivision on Wakefield Road, Map 4 Lot 7. Mr. Thompson explained that the plan is for a three-lot cluster subdivision. Each lot will have its own well and septic system.

He noted that no new curb cuts will be required on Wakefield Road. There is one existing lot which already has its own driveway. The two smaller lots will be accessed by a private road using an old entrance that currently exists.

Mr. Ponzetti noted that the applicant is asking for a waiver of the nitrate study. Mr. Thompson stated that the land is flat, and he would not expect a nitrate plume that might affect the neighbors' wells. With his next plan submission, Mr. Thompson will indicate the location of all neighboring wells. The question of a waiver can be decided at that time.

Mr. Mattor asked if the private way could be made more perpendicular to Wakefield Road, and Mr. Thompson replied that it could.

Ms. Sullivan made a motion to accept the Milo Farm sketch plan as complete. The motion was seconded, and carried. The final plan for Milo Farm Estates will be on the agenda for the next Planning Board meeting.

Old Business: Tom Witkowski, #2201-4122. Conditional Use Permit for a used auto sales business at 660 Cape Road. Mr. Witkowski reviewed the application he submitted to the Planning Board in May. He has presented all requested information, including maps, surveys, deed, and list of abutters. He stated that the existing well and septic system were tested at the time of purchase.

Mr. Witkowski requested to change his application to a maximum of 15 cars available for sale at any one time. He plans to have two employees, and his hours will be 10:00 AM to 6:00 PM. He stated that the existing buildings are all in good shape. The State of Maine requires him to install a garage door that will admit two cars, even though he will not be doing any mechanical work. This is the only planned building modification. He will also be repainting the existing sign.

Mr. Lovell asked about hazardous materials. Mr. Witkowski replied that there will be no hazardous materials stored on site because there will be no mechanical work. Mr. Witkowski stated that he obtains cars at auction, and has all required mechanical work done elsewhere before the cars will be brought to his facility for sale. In response to a question from Mr. Mattor, Mr. Witkowski stated that this is not a franchise, that he does not have other facilities.

Mr. Mattor noted that according to the Use Table, auto sales facilities are permitted in the EOZ as a conditional use. Upon approval by the Planning Board, the CEO will be authorized to issue his permit. Mr. Witkowski will also be required to obtain a dealer license from the State of Maine.

Mr. Mattor suggested that the Hollis Conservation Commission should be notified of the application, as this lot abuts the Commission's Googins Woods property. The secretary will notify the members of the Conservation Commission.

Mr. Ponzetti made a motion that no site walk is necessary for this application. The motion was seconded, and carried.

New Business: Bean Street Subdivision #2202-4237 Sketch Plan – tabled.

New Business: Revisions to previously approved subdivisions. Mr. Feldman stated that anyone who desires to split a lot within an approved subdivision will need to come to the Planning Board, but they do not necessarily need a full-blown plan with a Mylar to be signed. He stated that if such a split is approved by the Planning Board, Findings of Fact submitted to the York County Registry of Deeds should be sufficient. An application to split a lot within an approved subdivision will be on the agenda for the next Planning Board meeting.

Public Comment: Jessica Brackett expressed concerns about Mr. Hertel's plans for many subdivisions in Hollis. She stated that she lives on Sarah Vaughn Road near the proposed Harmon Farm subdivision, and does not want to be part of a subdivision.

She expressed concern that her lot was required to be at least three acres, but it appears that other lots nearby are smaller.

Mr. Mattor explained the process by which a lot in a cluster subdivision is permitted to be smaller because of the amount of open space required in such a development.

Mr. Mattor recognized that this is a very complicated issue, and this is why legal advice is required before moving forward. Mr. Feldman emphasized that subdivision law is very complex and difficult even for land-use attorneys to interpret.

David Patenaude, also a Sarah Vaughn Road resident, expressed similar concerns. He stated that when they bought their lot they were assured that there would be no other houses built behind them. He emphasized that he bought his lot specifically so he would not be part of a subdivision.

Mr. Patenaude was encouraged to submit to the Planning Board any documents he has concerning his lot or any of the pending subdivision applications. Mr. Mattor emphasized that all meetings are open to the public, as well as being televised live and recorded for later viewing through SRC-TV. He noted that written comments and questions may be submitted, and input from Hollis residents is vital to the subdivision review process.

Mr. Feldman noted that all of the issues that have been raised are very important, and will be taken into consideration, but the Town needs to be certain that everything proceeds according to Maine State Law.

Plan for Next Meeting: Mr. Ponzetti noted the difficulty of getting together a quorum in the summer months, working around member's vacation plans. Ms. Sullivan expressed concern about cutting back the number of meetings in light of the many concerns expressed by the public at tonight's meeting. Mr. Mattor suggested that the hours of the meetings might be lengthened to 6:30 PM to 9:30 PM if there will only be one meeting per month. Further discussion tabled for next meeting.

The next meeting is scheduled for Wednesday 12 July 2017 at 7:00 PM at the Community Building, to begin with a public hearing regarding Mr. Witkowski's CUP for used auto sales.

Meeting adjourned at 8:42 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 12 July 2017