



PLANNING BOARD

Minutes of Planning Board Meeting 12 July 2017

Present: Paul Mattor, Chair; Joe Ponzetti, Vice Chair; Heather Sullivan, Peter Lovell, Kevin Flinner; Martha Turner, Secretary; Bill Thompson BH2M; Lee Jay Feldman SMPDC; Mike Seely, Select Board; Bob Cyr CEO. Absent: 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 Tom Witkowski #2201-4122 CUP for used auto sales at 660 Cape Road. Motion carried. The Public Hearing was opened at 7:08 PM.

Mr. Witkowski explained that he would like to be able to sell used cars on his property at 660 Cape Road. He will have a total of no more than fifteen (15) cars on the premises at any time. He stated that he will be doing no mechanical or repair work. The existing sign will remain, and will be repainted and unlit. 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 for detailing. No other building modifications are planned. He plans to keep using the existing outdoor lighting.

Duncan Hewitt, an abutter, expressed concern that his land has a wet area issue. Mr. Witkowski replied that he is in a higher spot, in a sandy gravel area. He noted that he has provided the Board with a contour map and a soils survey.

Mr. Hewitt asked about enforcement, such as what happens if he finds more than the maximum number of cars on the lot. Mr. Mattor explained that if this application is approved, all of the specific conditions of approval will be included as part of the official approval letter and findings of fact, and those conditions are enforced by the Code Enforcement Officer. These are legal documents, and the applicant is legally required to follow the specified conditions.

In response to concerns about the potential impact on the quiet and peaceful land in the back, Mr. Witkowski noted that he is in the process of moving his personal residence to this property in addition to his proposed business, and he is also looking for a quiet and peaceful area. He stated that he has no plans to remove trees or install fencing.

In response to concerns about expanding his business, or adding other uses in other parts of the building, Mr. Mattor emphasized that any new use, or any changes to the existing use, must be brought before the Planning Board for review.

Kathy Dyson, who lives across the street, asked if Mr. Witkowski was aware that Jason's Garage across the street is also licensed to sell used cars. Mr. Witkowski replied that he is aware; he also noted that his cars will be repaired and serviced in Buxton and elsewhere outside of Hollis before they are brought to his property. Mr. Witkowski also emphasized that there will be no noise nuisance associated with his business.

Mrs. Dyson also noted that there are two driveways associated with this property, and suggested that perhaps the driveway across from her house could be used exclusively for Mr. Witkowski's personal residential use, and the driveway across from Jason's Garage could be used exclusively for his business.

At 7:27 PM, with no other residents offering comments, a motion was made and seconded to close the public hearing and reopen the regular meeting. The motion carried, and the meeting resumed at 7:28 PM.

Reports: Mr. Cyr emphasized that he is charged with enforcement, and he recently had to issue a "Stop Work" order to someone who was not adhering to the conditions of approval for that particular use. That individual will now be required to appear before the Planning Board, as well as paying a fine. He noted that he has been made aware of other potential violations within the Town of Hollis and is working with the Select Board to address them all.

Mr. Mattor reported on the ongoing work of the Long Range Planning Committee, and noted that they are always seeking input from Hollis residents. Ms. Sullivan emphasized that this Committee is a great way for residents to get involved in planning for the future of the town, and encouraged everyone to attend their meetings. Mr. Mattor noted that the town's Long Range Plan is the foundation for all other zoning ordinances. He stated that if residents have concerns about the growth of the town, those meetings would be a great place to voice those concerns.

Old Business: Mr. Witkowski #2201-4122 CUP for used auto sales at 660 Cape Road. Mr. Feldman reviewed some of the conditions and findings of fact he is the process of compiling. He noted that the name of the business will be HRS Auto Sales, there will be no more than 15 cars for sale at any one time, and the hours of operation will be 10:00 AM to 6:00 PM, Monday through Saturday. He will also include the usage of the two driveways.

In response to Board members' concerns about leaving sufficient vegetative buffering along the boundaries with neighbors, Mr. Mattor asked the applicant to provide the Board with a plan indicating exactly where the cars will be located on the property, the location of the overgrown vegetation he plans to clear along Cape Road, and which portions of the buildings will be used for business and for his personal residence. Mr. Mattor emphasized that he does not want to prevent Mr. Witkowski from practicing responsible forestry management on his property.

After discussion of how many employees he will have, and whether they will be full time or part time, Mr. Witkowski and the Board agreed on the condition of no more than two employees plus the owner on the premises at any one time.

Mr. Witkowski will be on the agenda for the next Board meeting, to include a review of his plan as well as Mr. Feldman's Findings of Fact.

Old Business: Milo Farm Estates subdivision #2202-4238. Mr. Thompson reviewed the plans for this three-lot subdivision. Jessica Brackett, a neighbor, asked if there is enough common space for these three lots; Mr. Feldman replied that there is. Mr. Thompson emphasized that no development or alteration of the common area will be permitted, other than the removal of dead or diseased trees. Mr. Thompson will submit a final plan at the next meeting.

New Business: Subdivision amendment sketch plan #2202-4240. Adam Winslow presented his application for permission to divide a lot within a previously approved subdivision, Darbick Terrace. Mr. Mattor noted that on the subdivision plan that was signed in 1973, there is a restriction against mobile homes and lot divisions for a period of 40 years. However, this restriction does not appear on Mr. Winslow's deed. A question was raised concerning the existence of an original deed for the entire subdivision. Mr. Feldman offered to assist with researching these restrictions.

Mr. Feldman emphasized that this is not an application for a new subdivision, but is only a request for an amendment to an existing subdivision. He stated that it will be necessary for the applicant to provide a boundary survey to prove that the lot sizes will all meet the Hollis zoning requirements.

Mr. Winslow noted that his property is divided by a road (Darbick Terrace), and he questioned whether this is a private or a public road. Mr. Seely reported that Darbick Terrace is a town road.

Mr. Ponzetti made a motion to consider this application as a minor subdivision. The motion was seconded and discussed. The motion carried.

New Business: Bean Street Subdivision #2202-4237 sketch plan. Mr. Seely reported that after consulting with the town's attorney, the Hollis Select Board has issued a letter of non-enforcement that will allow the Brackett's to build on their lot, regardless of whether it is part of an illegal subdivision.

Mr. Cyr stated that his research has determined that this has been an illegal subdivision since the first lots were divided in 2002. Mr. Feldman noted that it appears to be a nine-lot subdivision, not just the five lots indicated on the sketch plan submitted to the Planning Board.

The Select Board and Code Enforcement Officer will be meeting with the town's attorney to determine exactly how many lots are involved, and exactly when the first violation occurred. Ms. Sullivan stated that she would like to see something in writing from the attorney regarding the legal status of the Bean Street properties, including the status of houses already existing on these lots.

Mr. Ponzetti made a motion to table this application until the appropriate legal opinions have been received. The motion was seconded and discussed. The motion carried.

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

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.

Public Comment: Mr. Feldman reported that SMPDC will be publishing a new edition of the law books that were previously published by Frederick Michaud.

Plan for Next Meeting: The next meeting is scheduled for Wednesday 26 July 2017 at 7:00 PM at the Community Building.

Meeting adjourned at 9:15 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 26 July 2017