



PLANNING BOARD

Minutes of Planning Board Meeting 8 February 2017

Workshop: The workshop was convened at 6:00 PM. The Board reviewed the proposed Zoning Ordinance changes, indicating which items are priorities to be drafted for the June town meeting.

Call to Order: A quorum being present, the regular meeting of the Hollis Planning Board was called to order at 7:00 PM by Chair Paul Mattor.

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

Review of Minutes: Motion was made and seconded to approve the minutes of the January 25 workshop. Motion carried unanimously. Motion was made and seconded to approve the minutes of the January 25 regular meeting. Motion carried unanimously.

Correspondence: Mr. Feldman reported that he has been in touch with the CEO for Lyman regarding the Red Barn Lane subdivision. A joint meeting to review the preliminary plan with the Lyman Planning Board is scheduled for Wednesday 15 February 2017 at 7:00 PM at the Lyman Town Hall.

CEO Report: Mr. Cyr noted that his office continues to be busy, despite the snow. Nothing of note that he expects to come before the Planning Board in the near future.

Old Business: Fox and Hound Café, Conditional Use Permit. Scott Lalumiere, property owner, reported that he has received approval that the septic system is indeed capable of handling the proposed change in business hours and the addition of dinner two nights per week, even with serving beer and wine. Mr. Lalumiere will provide the Planning Board with a copy of the approval letter.

Mr. Lalumiere stated that although he has only owned the property for three years, that location has been in use as a restaurant continually since at least 1997. In the town records there are copies of building permits and septic system permits, but there is no evidence of a previous Conditional Use Permit.

Mr. Feldman stated that if the Town of Hollis has no record of a Conditional Use Permit, it should be rendered lawfully nonconforming. He noted that the Hollis Zoning Ordinance refers at length to the expansion of nonconforming structures on a property, but only briefly refers to the expansion of the nonconforming use of a property. He referred to Article 1 Section 1.4.1.1 of the Ordinance, Continuance of Non-Conforming Uses: "The use of land, building or structure, lawful at the time of adoption or subsequent amendments of this Ordinance, may continue although such does not conform to the provisions of this Ordinance."

Mr. Mattor suggested that the Planning Board might begin a review of how nonconforming uses are addressed in the current Zoning Ordinance.

Ms. Sullivan noted that even though there is no pre-existing CUP on file, she believes the applicant has met the expectations that the Planning Board has required, regarding the adequacy of the septic system.

Mr. Feldman suggested two options at this time: either go through the entire CUP process, or proceed with a vote of no action.



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Mr. Flinner made a motion for the Planning Board to take no action on this application. The motion was seconded and discussed. The property owner stated that this would be acceptable to him. The motion carried unanimously.

New Business: Van Hertel, regarding properties he owns on Bean Street. Mr. Cyr reported that he recently received a request for a building permit on one of those properties. In reviewing his files, he discovered a letter written to Mr. Hertel in 2014 from the Select Board and the previous CEO. This letter raised questions concerning whether various transfers of properties from Mr. Hertel to various family members and businesses he owns might be viewed as an attempt to circumvent subdivision laws. This issue apparently was not resolved at that time. Mr. Cyr determined that Mr. Hertel has been in violation since 2009.

Mr. Feldman stated that he has consulted with the Town's attorney who concurred that this division of property should indeed be considered as a subdivision.

Mr. Mattor suggested that Mr. Hertel should now begin the subdivision application process, starting with submission of a sketch plan and payment of all required fees.

New Business: Deer Pond Safe Storage, Conditional Use Permit, represented by Jeff Amos of Terradyn Engineering on behalf of Patco, the developer. Mr. Amos stated that the developer has purchased additional property next door to the approved storage location. The plan is to add additional storage buildings, as well as to create a new entrance from Cape Road, rather than upgrading Deer Pond Lane. Mr. Amos stated they expect to have DEP approval within the next few weeks. He also stated that they still plan to complete the project in three phases.

Mr. Ponzetti asked if CMP had relinquished their easement. Mark Patterson, developer, replied that the CMP easement must remain in place until the existing mobile home has been removed. Mr. Wishart asked about the existing store. Mr. Patterson stated that the store will remain, and will be used partly as office space and partly for storage. He noted that the gas station pumps and storage tanks have all previously been removed.

Mr. Mattor asked the developer to provide copies of the letter of approval from the Hollis Fire Chief, from the DOT, and from DEP. Board members agreed that a site walk is not necessary. The Public Hearing will be scheduled for Wednesday 8 March 2017 at 7:00 PM.

Public Comment: Mr. Seely reported that the Select Board is in the process of reviewing the fee schedule, Policy #10, and asked that any suggestions for adjustments to any of the fees should be submitted to the Select Board as soon as possible.

Next Meeting: Wednesday 22 February 2017, to begin with Public Hearing regarding proposed Zoning Ordinance Changes.

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

Minutes Submitted by Martha Turner, Secretary
Approved by Planning Board 22 February 2017