



PLANNING BOARD

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

Minutes of Planning Board Meeting 9 May 2018

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

Staff Present: Martha Turner, Secretary; Paul Goudreau, Deputy CEO.

Others: See attached.

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 25 April 2018 with the correction of #2202-4233 on page 2 as indicated by secretary. Motion carried 4-0-1.

Correspondence: Secretary read a memo from SMPDC announcing their annual meeting scheduled for Wednesday 13 June 2018 at 5:30 PM in Sanford. She noted that although last year's agenda was light enough to allow for cancelling the regular Planning Board meeting to enable members to attend, this year the heavy agenda does not allow for the cancellation of a meeting. Therefore, if a Planning Board member is interested in attending, arrangements must be made in advance to ensure that there will still be a quorum of members available for the regular meeting that night.

Mr. Mattor distributed copies of the proposed "Mailbox Ordinance" that will be appearing on the June ballot. He asked the board members to review the proposed ordinance and consider how it might be interpreted by the Planning Board, such as regarding subdivision plans. He suggested that it might be an excellent "guideline" but might be difficult to enforce as an ordinance. He suggested that if this proposed ordinance does not pass in June, perhaps some changes could be made before being placed on the ballot again in November.

Reports: Mr. Goudreau reported that the Code Enforcement office continues with life safety inspections for multi-family dwellings throughout Hollis.

Old Business: None.

New Business: Day One C.U.P. #2201-4126, presented by Lisa Munderback, Chief of Operations. She stated that for more than thirty years Day One has owned the property at 408 Bar Mills Road and has operated a residential substance use treatment facility for adolescent boys ages 14 – 19. It appears that the original Conditional Use Permit lapsed in 1984 and was never renewed. Today's application is to bring the permit up to date. She stated, and Mr. Goudreau agreed, that all improvements that have been made over the years have all been properly permitted, and the septic system is adequate and has been approved.



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Ms. Munderback stated that the property has been up for sale, and is now under contract, with closing scheduled for July 16. Day One plans to move this particular program to a new location in New Gloucester. She stated that the new owners are planning to have a similar residential treatment program, but with different clientele. Mr. Mattor expressed his belief that if this permit is approved, the Planning Board can specify that the permit may be transferred with the property.

Ms. Munderback stated that there are 12 bedrooms in the building, although there are currently only 9 residents. Mr. Lovell asked if there is overnight staffing. Ms. Munderback replied that there are staff members present at all times, but there is no live-in staff. There will be a maximum of six staff members present at any one time.

Board members discussed whether a more detailed plot plan is required. Mr. Ponzetti made a motion to accept the 1" = 78' scale and waive the 1" = 50' requirement. Ms. Brackett seconded. After discussion, Mr. Ponzetti withdrew his motion.

Mr. Mattor stated that the application must be reviewed under the conditional use provisions of the Hollis Zoning Ordinance, including a detailed plot plan. Ms. Munderback stated that there are adequate parking spaces for the staff, and none of the residents have cars. Mr. Ponzetti noted that parking spaces must be indicated on the plot plan.

Mr. Ponzetti reviewed other items to be shown on the plan, including the north arrow, the correct scale of 1" = 50', parking, location of buildings, lot lines and setbacks in feet, distance to neighbors' wells, location and type of existing lighting, location and size of signs, location of vegetative screening, location of dumpster, and any existing easements. Mr. Ponzetti also requested a copy of the contract for waste removal. Mr. Goudreau suggested waiving the requirements for a topographical map and a soils survey.

Mr. Mattor stated that if the plot plan is received within the next week, Ms. Munderback could be on the agenda for the next meeting on May 23, at which time a public hearing and a site walk can be discussed if the application is determined to be complete.

New Business: Deer Pond Hair Salon C.U.P. #2201-4127, presented by Junior Morse and Christina Gaines-Morse. The salon is located at 1071 Cape Road, Map 15 Lot 43.

Mr. Goudreau reviewed the history of this property since 2001. He noted that he became involved in April 2018 when a tenant complained to the Select Board that she had been unfairly evicted from an apartment at that location. Mr. Goudreau stated that the owners had been granted a permit for construction of a garage but had never received a permit for an apartment over the garage. In 2005 the CEO issued a permit for an addition to the garage and an occupancy permit for the beauty salon to be located in the new addition. These permits were apparently issued in violation of Shoreland Ordinance. There was never an application for a Conditional Use Permit for the beauty salon. In 2014, CEO Peter Gordon, with instruction from the Select Board, issued a letter revoking the occupancy permit for the garage building "due to the ongoing use of the room above the garage as a residence."



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On April 4, 2018, Mr. Goudreau issued an order to “cease and desist any and all activities associated with the operation of a Beauty Salon and apartment rental” due to violations of State Law and Town Ordinances. Mr. Goudreau then worked with the owners to allow the salon to be reopened, with the requirement that an application for a Conditional Use Permit for the salon must be presented to the Planning Board. Mr. Goudreau noted that Maine shoreland law requires a 250’ setback from any great pond, which includes Deer Pond.

Board members discussed at length the various town ordinances in effect between 2001 and the present. Questions were raised regarding how to proceed with this application. Eventually this will probably have to be referred to the Board of Appeals for relief of the shoreland setback requirements.

Mr. Ponzetti made a motion to send this entire application and history to the town attorney for legal advice regarding how to proceed, with emphasis on the various (apparently erroneous) decisions made in issuing permits in the past, plus consideration of zoning changes over the years. The Planning Board requests legal guidance on how best to proceed, as well as recommendations for the Board of Appeals. Motion was seconded; motion carried 3-0-1.

Mr. Morse asked if there was any possibility of obtaining a permit for a rentable apartment over the garage. Mr. Goudreau noted that this is not pertinent to the current Conditional Use Permit application. Mr. Mattor emphasized that this would be a new additional use for the property, and would require review under the current Hollis Ordinances, including space and bulk requirements.

Public Comment: Dave McCubrey, Hollis resident, questioned whether this property is actually located in the North Hollis Village (NHV) zone or the North Hollis Resource Conservation Zone (NHRCZ). He noted that the location of this property might have been considered RR3 originally but is now included in the EOZ. (The zoning issue is one of the questions that will be referred for legal counsel.)

Plan for Next Meeting: The next meeting will be on Wednesday 23 May 2018 at 7:00 PM.

Adjourn: Meeting adjourned at 8:45 PM.

Minutes submitted by Martha Turner, Secretary
Approved by Planning Board 30 May 2018

PB

5-9-18

LISA MUNDERS, DAY ONE

Christina Garcia-Muse

~~As Mom~~

Diana J

Dave McElbrey