

Palmyra Planning Board Meeting Minutes

Date: 1/11/2022

I. Call to order and flag salute

Vice Chairman Dave Leavitt called the meeting to order at 6:00 p.m. – flag salute.

II. Roll call

Planning Board Members present: Vice Chairman David Leavitt, Corey Dow, Billy Boulter

Chairman Gary Beem joined the meeting at 6:04

Diane White, Secretary

Other Present: Ken and Mary Ellen Fletcher, Michael LePage

Tom Emery and Robin Winslow (Hometown Health Center)

III. Correspondence

- a) Billy – Hometown Healthcare correspondence - *Billy reviewed correspondence with Hometown Health Center (attachment 1).*

IV. Process Land Use Permit Applications

- a) Hometown Health Center Commercial Developments/Subdivision Amendment Application
Billy reviewed. (see attached notes – attachment 2):

AMENDED SUBDIVISION APPLICATION

The applicant did submit documentation on January 7th (completeness items).

Performance Guarantee and Lot Owners Agreement (LOA) – submitted as final executed copies.

Note: Planning Board did vote on the amended subdivision application as complete on December 14, 2021. There were two open compliance items (stated above).

Discussion on Irrevocable Letter of Credit (ILOC) that the applicant submitted (attachment 3). Billy noted that the version that the applicant submitted was the version transmitted on December 20th.

This is not the final version that was forwarded on December 29th.

Dave asked Mr.

Emery if it was an oversight that the version that was sent out in early January was not used. Mr. Emery told him that it is his understanding that this version (dated January 5, 2022) is the one that is the result of lawyer's discussions. He thought that everything was in order for tonight's meeting. Billy said that on January 1st, another version of the ILOC was forwarded (with other suggested wording) to Mr. Emery and the town's lawyer. He suggested that they look at the differences between the versions approved by the Planning Board on January 1st with the version submitted for tonight, which was approved on December 20th.

Dave said that on December 28th, there was a discussion about revisions and the revisions were made.

On December 29th Billy incorporated the changes and on January 1st he sent this version to the applicant and our lawyer. The new version covered all public improvements (roads, fire protection system, storm ponds, water distribution, sewer and storm drainage) and this addressed all public improvements that the ordinance requires. On December 28th all members agreed that they want exhibit A attached (cost breakdown) and the specifications Mr. Emery provided which included reports on earthmoving, paving, turf and grasses and storm drainage piping. This made the criteria clear. The version submitted for tonight's meeting does not say anything about these specifications. Dave said that the Board had agreed that they had a superior version. Mr. Emery requested that they approve the application with this as a condition. Billy said that he saw nothing wrong with approving the ILOC as submitted by the applicant. Corey and Gary agreed that if the applicant is willing to change to the newest version, they should do this.

Mr. Emery proposed to make it a condition of approval (that the ILOC be updated in accordance to the concerns discussed). Once the finalized ILOC is received then approval will be in place. If the

bank has any concerns, they will come back to discuss changes. Robin Winslow and Tom Emery agree that both lawyers agreed to the version that came in on January 1st but the wrong version was sent. Motion made by Billy that the ILOC submitted by the applicant will be revised to the version that the Planning Board sent on January 1st, 2022 and this will be a condition of approval for the amended subdivision application approval. Seconded by Dave. Dave, Corey, and Billy voted in favor.

Billy noted that, in the DEP Permit, it does state that the applicant will be responsible for the maintenance of all facilities including the stormwater management system.

Item #32 - Lot Owners Association (LOA) (attachment 4) – Billy said he believes that the wording is appropriate for the long term maintenance agreement. The lawyer's opinion is that the version provides adequate protection for the town and is consistent with the Town Ordinances. Motion made by Billy that the applicant has provided the information for compliance with item 32. Seconded by Dave. All in favor.

Billy noted that the DEP Permit has seven conditions (included in the Finding of Facts and Conclusions of Law as submitted by Billy) (attachment 5) and in his opinion; those conditions should be placed on the amended subdivision application.

Motion made by Billy that Hometown Health Center has provided evidence that they have complied with all sections of Article 2 – review criteria in the Town of Palmyra Subdivision Ordinance and their application for the amended subdivision application be approved with the seven conditions (as written on the DEP Permit) and with the condition that the applicant provide an executed copy of ILOC that the Planning Board had submitted on January 1st. Seconded by Dave. All in favor.

Amended subdivision application is approved.

Dave asked about the Findings of Facts and Conclusions of Law. These are not to be executed tonight. He suggested that a revision number or date be put on documents that are emailed so they are easier to track.

COMMERCIAL DEVELOPMENT - (Billy reviewed)

For completeness there is one open item: Evidence of all other local permits has been obtained (Amended Subdivision Application was not approved). Motion has been made that the Subdivision Application has been approved. This item is now complete.

Motion made that Hometown Health Center Application for the Commercial Development is complete. Seconded by Dave. All in favor.

Compliance: Above motion made the application complete. Motion made by Billy that Hometown Health Center has provided evidence that they have complied with all sections of Article 5, Section 1. Review Criteria in the Town of Palmyra Commercial Development Review Ordinance and that their application be approved. Motion seconded by Dave. Discussion: Dave asked about the escrow account. He said that there are two invoices and he is unclear if there will be a third. Billy did not think language for more funds is needed.

All in favor of the motion.

Billy said that they should annotate on the Mylar the conditions and provide this for the next meeting for signatures. The town will need two copies. The Palmyra Ordinance requires filing with Findings of Facts and copies of any state or federal permit (Traffic Movement and DEP Permit).

Dave said that they have approved the subdivision and permit. At the next meeting: sign documents, Mylar and Findings of Facts.

Robin Winslow wanted to address a question asked by a resident at the public hearing. The question was: "Will Hometown Health Center pay taxes to the town?" They do pay taxes and then file forms with the state (BETR) for reimbursement.

- V. Announcements** – *Ordinance review with the Select Board scheduled for January 19th at 6 p.m. This is a Special Selectmen's Meeting dedicated to meet with the Planning Board to review the ordinances and the fee schedule. Corey had made color copies of the ordinances to be reviewed. Diane will distribute.*

Dave will attend the Select Board meeting to discuss the Solar Farm deliverables and making copies for the Planning Board.

VI. Reports

- a) *Secretary's Report (12/28/2021) Motion made by Dave to accept as amended—seconded by Corey. All in favor.*

VII. Old Business

- a) *Solar Farm Deliverables Matrix – Dave had made notes on the Solar Farm Deliverable Matrix and Billy's conditions list (attachments 6 & 7). He is also going to discuss the responsibility and authority that the CEO has to ensure that this gets done.*
- b) *Follow up - Conditions List - no discussion*
- c) *Ordinance Revisions / Applications Revisions - To be discussed with the Select Board on January 19th.*
- d) *Confirmation of FOAA Training (Freedom of Access) – Dave explained that this requires Board Members to go online and read the material then sign an affidavit. This affidavit is kept on file at the Town Office. Dave explained that this involves a citizens ability to get copies of documents (and emails) and which communications are privileged. He encouraged the members to get a town email address.*

Members reviewed the FIRM Maps. Diane will make copies. Michael will check for updated maps.

Dave suggested adding under Old Business:

- e) *FIRM Map*

VIII. New Business

Dave said that the Board does not have the authority to change zoning districts—this would have to go before the citizens. Gary had told him that he thought someone one was trying to change the districts. Dave has seen no evidence of any attempt to change districts. Gary said that he had seen something, but cannot find it now.

Dave told him that farmland is preserved to the greatest extent possible in the ordinance (in the subdivision section).

IX. Adjournment

Motion made by Gary to adjourn—seconded by Dave. All in favor. Meeting adjourned at 7:15.

*Respectfully Submitted
Diane White1*