

Palmyra Planning Board Meeting Minutes

Date: 4/26/2022

I. Call to order and flag salute

Chairman Gary Beem called the meeting to order at 6:00 p.m. – flag salute.

II. Roll call

Planning Board Members present: Gary Beem, Dave Leavitt, Corey Dow, Billy Boulier

Diane White, Secretary

Travis Gould, Code Enforcement Officer (CEO)

Selectmen: Vondell Dunphy, Herbert Bates

Others present: Tim Bernard and Andrew Sjogren (Crescent Lumber), Joel and Rhoda Hostetler (Hostetler's Country Market)

6:00 – Public Hearing – Pleasant River Partners LLC (New Storage Building located at 1524 Main Street, Palmyra Maine)

Motion made by Dave for Corey to chair the Public Hearing. Seconded by Billy. All in favor.

Corey called the Public Hearing to order and confirmed that there is a quorum.

The purpose of the hearing is to review a nonresidential land use application submitted by Pleasant River Partners LLC related to the construction of a 60 x 120 storage building.

Corey made a motion that the Planning Board has jurisdiction to hold the public hearing based upon the Town of Palmyra's Nonresidential Land Use Ordinance, Article 4, Section 5. Seconded by Dave. All in favor.

Motion made by Corey that the applicant has the right to appear before the Planning Board since the application was approved as complete for the purpose of holding a public hearing at the meeting on April 12th.

Seconded by Dave. All in favor.

No statement from the applicant or the public.

Public Hearing closed.

III. Correspondence – none

IV. Process Land Use Permit Applications

a) Crescent Lumber – storage building

The Public Hearing is complete and the application is complete. Open items have been addressed (letter from Plymouth Engineering).

Review of open items:

21, 38, 43, 54 addressed in the letter from Plymouth Engineering.

Motion made by Billy that the application is complete. Seconded by Dave. All in favor.

Open items for compliance:

57, 58, 61, 74 – Billy said that they all pertain to the letter from Plymouth Engineering. He noted that item #74 states “conforms to all State requirements”. This has not been approved by the State. Mr. Sjogren explained that this is more of an amendment and not approval. Dave suggested that this be a condition of approval. Billy requested a copy of the approval of stormwater management from DEP (when it is available).

Motion made by Billy to approve the application submitted by Pleasant River Partners LLC for a storage building (60 x 120) based upon the application they have submitted with the condition that the applicant will provide a copy of the approved stormwater amendment from Maine DEP. Seconded by Dave. All in favor.

Finding of Facts and Conclusions of Law needed. Corey will provide this for signatures at the next meeting.

b) Hostetler's Country Market – Joel Hostetler

Review of missing items (Dave):

1. *Deed. Warrantee Deed submitted by the applicant. Billy asked how the deed identifies the property. Diane said that Priscilla Jones (Administrative Assistant) had verified that the deed is for 759 Main Street. Complete*
5. *Billy noted that this should be a commercial district (not agricultural/residential). Changed to commercial. Complete*
- 6, 7, & 11. *Complete*
8. *Application to be revised to include May – June for start and finish of construction.*
14. *Gazetteer Map and Google Earth maps submitted. Billy questioned the need for erosion control. Complete (note that this needs clarification)*
15. *The existing building does not meet the setbacks. Billy asked if there was a need for a variance since the use will be changed from residential to commercial. Travis (CEO) said that this is an existing nonconformance so it is grandfathered—no variance required or need to move the building back. Attached shed added to the drawing (14 x 16). Findings of Facts to note “the existing building is a nonconforming structure as it relates to setbacks”. Complete*
16. *Applicant will be adding 4 – 6” of gravel. Billy noted that the property slopes on the left hand side and this will need more gravel to level the parking lot. Dave suggested that they may leave the parking lot sloped. Complete.*
18. *State permits – Travis called the State to get information and left a message. He has not gotten a response yet. He believes that there will be state permits required. The applicant should apply for a driveway permit (since he is changing the use). There is an application online. If they do not need a driveway permit, he will need a statement from the State saying it is not required. Billy asked if a barrier free permit (handicap access) will be required—to be verified. Complete, but may need a driveway and barrier free permit from the State.
Diane and/or Travis will get this information. If it is required, State applications will be completed by Diane or Travis.*
- 19 & 20. *Not Applicable*

Motion made by Dave – application complete subject to three conditions. Seconded by Corey. All in favor.

Conditions:

15. *Existing structure nonconforming as it relates to setbacks*
18. a. *Determine if a driveway permit is required.*
b. *Determine if a barrier free permit is required.*

Public Hearing to be scheduled for May 10th at 6:00 pm.

Travis questioned the procedures. He said that things may change—if they do, and the public hearing has been held, there is no chance for the public to voice their opinions on the changes. Billy stated that per the Nonresidential Land Use Ordinance Article 4. Section 5 that a public hearing shall be held within thirty-five days after proposed application is deemed complete.

Discussion on the parking lot. It will be in the State right of way. Per the ordinance, the parking lot cannot be in the right of way (this requirement can be waived by the Planning Board). Billy said this will come under the review—in terms of the application, it is complete. Dave suggested that procedures be discussed at a later date and possibly change the wording in the ordinance to state, “public hearing to be held after complete and compliant”. Billy said that he would support this.

Dave proposed that they keep going to item 25 for completeness then go back to #1 for compliance and then summarize all the problem issues (before scheduling a public hearing).

Travis said that according to Webber Surveying maps, the distance from the house to the state right of way is only a few feet.

More information on the state right of way is needed.

Travis suggested asking the state if it is allowable to utilize the state right of way.

Observation made by Dave—there are other businesses nearby that utilize the state right of way for business purposes.

Information needed: Is a driveway permit and barrier free permit needed from the state and determine the state right of way from the edge of the road.

27. *Billy asked to clarify – no outdoor storage.*

36. *Off street parking does not meet the requirements of 8.9B/C.*

Completeness review done.

Per Billy:

It appears from the design that the applicant cannot meet the requirements of 8.9B for parking spaces.

8.9C – Our ordinance requires 3 - 9 x 18 with a depth that would allow turning. They plan to have up to 10 spaces. To be decided when more information is available. A new plan may be required.

The applicant also needs to address screening.

Section 8.11 – Signs – the size of the sign is acceptable. Ordinance states that it cannot extend into a right of way—so there is an issue.

43. *Change the answer to yes*

44 & 46 *do not apply.*

45. *Check to see if there is a subsurface wastewater disposal application. Billy said that it is important to see where the leach field is. Applicant indicated that it is in the back of the house.*

CEO and Town Office:

1. *Determine from the state the location of the right of way (to this property).*

2. *Can a commercial business utilize part of the right of way for parking and sign placement?*

3. *Is a driveway entrance permit required?*

4. *Is a barrier free permit required?*

5. *Revised sketch that complies with the above issues.*

Billy asked the CEO if he is willing to meet with the applicant when these questions are answered. Travis (CEO) said that he could meet with the applicant for a new design that would work.

Hostetler's will attend the next meeting (May 10th). Diane or Travis will call and may amend the sketch.

There is concern regarding the size of the parking lot and where it is, and screening.

Motion to rescind the previous motion to hold a public hearing (May 10) made by Dave. Seconded by Billy. All in favor.

V. Announcements – none

VI. Reports

a) *Secretary's Report (4/12/2022) – Motion made by Dave to accept as written. Seconded by Corey. All in favor.*

b) *CEO Report – Travis told the Board that he had talked to Adam regarding the solar farm.*

- *They hope that it will start up in May. ADA Fence will be installing the screening. Screening will be ordered when payment received.*
- *They have gone over the fire procedures with the fire departments. If there is a fire, the fire departments will not go in—they will prevent the nearby houses from burning.*
- *The lockbox is on order.*
- *No new information on the water tests or sound tests.*

Billy asked that Travis follow up on the spreadsheets (created by Dave and Billy). Travis said that he will have something for the next meeting.

Travis has issued two building permits.

He will go through Chapter 11 (State Shoreland Zoning) and make recommendations.

VII. Old Business

- a) Town of Palmyra Fee Schedule – *the new schedule was approved at the last Select Board Meeting (4/13). Billy noticed a couple of clerical error to be corrected.*
- b) Shoreland Zoning Ordinance (Review) – *Discussed under CEO Report*
- c) Residential Land Use Permit Application and checklist (review) – *Travis had created an application that he will use and suggested that the Planning Board use the same application (if they review a residential application). A copy will be included with the packet for the next meeting (5/10).*
- d) Updated Nonresidential Land Use Permit Application – *Billy had updated the Nonresidential Land Use Permit Application and the commercial checklist.*
- e) Findings of Facts – *Prepared by Billy. This form will be used by the Planning Board when reviewing a residential land use application. This is required per the ordinance.*

VIII. New Business - none

IX. Adjournment

Motion made by Gary to adjourn —seconded by Dave. All in favor. Meeting adjourned at 7:48.

*Respectfully Submitted
Diane White*

NEXT MEETING
5/10/2022