

Palmyra Planning Board Meeting Minutes

Date: 5/10/2022

I. Call to order and flag salute

*Vice Chairman Dave Leavitt called the meeting to order at 6:00 p.m. – flag salute.
Chairman Beem joined the meeting a few minutes late.*

II. Roll call

*Planning Board Members present: Gary Beem, Dave Leavitt, Corey Dow, Billy Boulter
Diane White, Secretary
Selectmen: Vondell Dunphy, Herbert Bates
Others present: Michael LePage, Joel and Rhoda Hostetler (Hostetler's Country Market)*

III. Correspondence

a) Letter from DOT re: Route 2 Project – *distributed to the Board (attachment 1)*

IV. Process Land Use Permit Applications

a) Pleasant River Partners LLC (Finding of Facts and Conclusions of Law) (attachment 2) - *Corey read the Findings of Facts and Conclusions of Law (decision): Based upon the Findings of Facts and Conclusions of Law, the Town of Palmyra Planning Board approved the application for Pleasant River Partners LLC by a vote 4 to 0 to construct a 60 x 120' storage building on tax map 5 lot 78A with the condition that the applicant provide an approved copy of the stormwater amendment from Maine DEP. The applicant is also responsible for obtaining any other local, state, or federal permits, if applicable. If the applicant proceeds with the construction prior to the Code Enforcement Officer (CEO) receiving stormwater amendment approval by the Maine DEP, they do so at their own risk. The document was signed by all members of the Board. A copy will be sent to the applicant.*

b) Hostetler's Country Market – Joel and Rhoda Hostetler

The application is not fully complete. Diane is working on the DOT permit for a driveway/entrance and also to determine if parking can be in the state right of way. Right of way is 50' from the center of Route 2.

Diane spoke with Mark from the State Fire Marshall's Office—no barrier-free permit is required (because of the size of the building).

Dave stated that he would like to schedule a public hearing for the next meeting (May 24th). The applicant wants to start construction in May or June. The Driveway/Entrance permit should be complete before the 24th. Billy said that parking and screening are issues. Dave noted that other businesses in town are using the right of way for parking. Billy said that parking in the front of the building is not safe and in his opinion, there is not enough room. There was further discussion on waiving submission requirements: Per Billy they can only waive submission requirements. Dave questioned the ability of the Planning Board to use discretion and waive ordinance requirements.

Discussion on the screening requirement per the ordinance. Dave explained that the screening could be a fence or shrubs. Billy noted that per the ordinance, screening will be required in the front and sides of the building. Other Board members questioned the need for screening in the front. The plan will be amended per discussion.

The Hostetler's agreed that the parking area could be moved to the left side of the building and they agreed to add screening to the plan. After discussion, it was agreed that the Planning Board would require screening only on the side property line of the parking.

The plan will be amended to reflect the changes as discussed (move parking area and add screening).

Billy questioned the placement of the sign. They had planned to put a sign in the State right of way, but agreed to put the sign on the building instead. The sign will be 3 x 5.

Dave made a motion to declare the application complete based upon the fact that there are modifications to the plan. The applicant agrees with the modifications stated below:

1. Move the parking area out of the DOT right of way (to the left hand side of the building no closer than the front of the building.)
2. Add screening between the building and the neighbors on the side of the parking lot.
3. Attach the sign to the building (instead of in the Maine DOT right of way)

Motion seconded by Billy. All in favor.

Dave asked if there will be any compliance issues. Billy stated that after the public hearing, compliance will be determined. Issues may include the number of parking lot spaces. Joel said they would include three parking spaces to the plan. Billy said that that is sufficient. No other compliance issues known.

Billy said that the municipality may be able to override a decision by the State to deny the Driveway/Entrance Permit (per the Planning Board Manual). He will research this.

Discussion on Home Occupation Permit Applications. Processing these applications will be the duty of the Code Enforcement Officer (CEO). Billy had created a new application that he recommends the CEO use.

Public Hearing to be scheduled for the next meeting (May 24) for Hostetler's Country Market.

V. **Announcements** – The RSU 19 Budget meeting will be held on May 24th (same as the next Planning Board Meeting). Diane is required to attend this meeting and will not be at the next Planning Board meeting.

VI. **Reports**

- a) Secretary's Report (4/12/2022) – Motion made by Dave to accept as written. Seconded by Billy. All in favor.
- b) CEO Report – No report submitted. Billy mentioned that the Planning Board has not received a spreadsheet of the Planning Boards permit conditions with current status. He said that the Planning Board is asking for a copy—they are not correcting or modifying it. Travis said that he would provide this.

VII. **Old Business**

- a) Town of Palmyra Fee Schedule – Billy suggested that “Home Business Permit” be changed to “Home Occupation Permit”. This is a clerical issue.
- b) Shoreland Zoning Ordinance (Review) – Travis (CEO) is still working on this and will have recommendations/comments at the next meeting.
- c) Residential Land Use Permit Application and checklist (review) – Billy stated that the information on the CEO application is not sufficient—it does not have some of the conditional information required by the ordinance. The form that Billy created for the Planning Board conforms to the ordinance requirements and includes Findings of Fact and Conclusion of Law. Dave stated that Travis (CEO) has seen the Findings of Fact and Conclusion of Law, but is not using it. Per Billy: “The Planning Board believes that the application should include Findings of Fact and Conclusion of Law”. Dave wants to add: “The Planning Board likes the application that is being used but feels it should include Findings of Facts and Conclusions of Law”. Billy said that the application used by the CEO should be revised to include the items on the revised April 26th version and he should have a Findings of Fact and Conclusion of Law in his decision. Billy stated that the Planning Board is required by State Statute to make sure that the applicant has met the requirements. When it is approved, backup information supporting the decision is needed. Dave noted that what was done previously is signed in the signature block and there was no another document. It is up to the Select Board to pursue follow up for this procedure.
- d) Home Business Application – Discussed earlier

VIII. New Business

- a) Town Website updates – *Diane told the Board that the town is working on updating the town website. This will take 3 – 6 weeks and the current Planning Board documents will be on the new website.*
- b) Nonresidential Land Use Permit Application Procedures – discussion
Billy stated the way that the ordinance is written; if an application is complete they must schedule a public hearing. In the past, they have deemed applications complete with conditions and scheduled a public hearing. This was done with the understanding that there will be nothing amiss with the application the compliance review. There was a difficulty with the Hostetler application. He suggested that, if the application is approved, compliance needs to be reviewed to check for problems. If an issue is found, a motion could be made: “Upon review of compliance requirements, I make a motion to rescind the previous conditional approval of this application”; and then make the motion “I make a motion that the application is not complete”. This would remove the requirement for a public hearing. Dave added that it makes sense to go through completeness and compliance and then have the public hearing. This is not what our ordinance says, so there may be proposed changes for the next town meeting to change this procedure. Billy agrees that that section of the ordinance needs to be changed. Changes may be proposed for the next Town Meeting: have the public hearing after completeness and compliance. Other members support this.

Gary expressed concerns about the effect of solar farms on the land and the loss of land to farming communities. He said that solar farms are not a good use of the land. Dave said that the Board enforces the ordinance.

- c) Select Officers (Chair and Vice Chair)
*Billy nominated Dave for Chair. Seconded by Corey. All in favor.
Dave nominated Billy for Vice Chair. Seconded by Corey. All in favor.*

Dave noted that Gary has done a good job as chair for the last 14-15 years (which is a record run). He also noted that Billy has done a lot of good work updating the ordinances.

IX. Adjournment

Motion made by Gary to adjourn —seconded by Dave. All in favor. Meeting adjourned at 7:12.

*Respectfully Submitted
Diane White*

NEXT MEETING
5/24/2022