

# Palmyra Planning Board Meeting Minutes

Date: 8/23/2022

**I. Call to order and flag salute** – *The meeting was called to order at 6:00 p.m. – flag salute.*

## **II. Roll call**

*Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulter, Gary Beem, Corey Dow Diane White, Secretary*

*Selectmen: Vondell Dunphy*

*Others present: Aimee Young (Plymouth Engineering for Brent Frost), Brent Frost, Norman Curtis*

## **III. Correspondence** – *none*

## **IV. Process Land Use Permit Applications**

*Yummy China Restaurant was discussed first (with approval of other applicants). Dave said that the original application was approved, but the document was not signed. He presented the application, and it was signed by all members of the Planning Board.*

*Site Plan for Riverside Subdivision – Dave asked to take this out of order (approved by the Board and applicants). He explained that when the amendment to this subdivision was approved, the site plan was not available for signatures. The plan is now available and the Planning Board member signed and dated the document. Norman Curtis was present on behalf of Scott Curtis and will be able to pick up a copy of the signed plan tomorrow.*

Joshua and Aimee Johnson - Bottle Redemption Center Decision Document

- o *The application for a bottle redemption center was approved at the 8/9 meeting.*
- o *Findings of Fact and Conclusion of Law presented and signed by the Board (attachment 1).*

a) Joel Hostetler - Country Store Decision Document

- o *The application for a country store was approved at the 8/9 meeting.*
- o *Findings of Fact and Conclusion of Law presented and signed by the Board (attachment 2).*

b) Brent Frost – Subdivision Application Review – refer to ATTACHMENT A

c) Site Plan for Riverside Subdivision (Scott Curtis) – *Discussed earlier*

## **V. Announcements** – *none*

## **VI. Reports**

- a) Secretary's Report 8/9/2022 – *Motion made by Dave to accept as amended—Seconded by Billy. Approved 4-0.*
- b) CEO Report – *No report.*

## **VII. Old Business**

- a) Shoreland Zoning Ordinance – CEO Analysis – *no update*
- b) Progress update: finding additional Planning Board members - *no update*
- c) Solar Array – *On July 21, Dave sent Travis (CEO) a request for information on where we stand on the solar array issues: When are the trees going to be planted, straightened, when will the dead trees be replaced? When will the sound test be done? On August 22<sup>nd</sup> a second email was sent (copied to the Town) asking in addition of open issues, where do we stand on is the solar array started up? If not, Why? When will it start up? He received a comment today from Travis stating that he has reached out to Adam, and is waiting for him to respond. They were working on the trees.*

## **VIII. New Business** - *none*

## **IX. Adjournment**

*7:55 – motion made by Dave at adjourn—seconded by Corey. Approved 4-0.*

*Respectfully Submitted  
Diane White*

NEXT MEETING  
9/13/2022

## ATTACHMENT A

### BRENT FROST SUBDIVISION Meeting 8.23.22

Pass out Table of Contents for the applicant's binder  
 Right to appear: reference application deed pg. 21-22 - **MOTION** by Billy that the applicant has right to appear  
 before the Planning Board to submit this application - Dave seconded - approved 4-0.

OPEN ITEM
APPROVED CRITERIA

#### REVIEW APPLICATION FOR COMPLETENESS

NO.	DESCRIPTION
1	Mylar to be provided at end of review.
2	The scale is 1:20, less than required but ok - need to see adjoining lots with larger scale - applicant to provide a plan showing adjacent lots.
3	Received
4	Add DATE
5	Add LOT AREA - provide plan showing adjacent lots.
6	None of these are on the property.
7	Change MAP LEGEND of WETLAND to what is shown on C1.
8	There are no internal lot lines for this property.
9	Found on pg. 17.
10	Property does not have any rights-of-way or easements.
11	Revise plan to indicate dimensions of the road and parking areas. Per the plan, roadway is 15' wide. Aimee explained that they want a single lane road (because of the small size of the project). Dave commented: waste disposal service had an issue with Chris Cookson's subdivision regarding driving down the road to collect trash; this may be a consideration. Provide cross section of roadway; delete PAVED PARKING SECTION on C2 since roadway to have gravel surface. Dave said that there is another ordinance for subdivision roads.
12	Located on C1.
13	Property is not in a Shoreland Zoning District.
14	Add place on C1 for CONDITIONS.
15	Found on C1.
16	PB assumes that applicant must provide the quality and quantity of water for his renters in the well to be installed.

NO.	DESCRIPTION
17	Applicant to provide HHE-200.
18	Stormwater Management Plan found on pgs. 46-52.
19	Aimee explained that they will keep the roadway and grass at the same elevation and no ditching will be needed. They are trying to keep the wetland disturbance at a minimum.
20	PB accepts applicant response in application, pg. 4. Some areas have been cleared but will be allowed to grow back.
21	Found on pg. 41-44.
22	Found on pg. 24-30.
23	Wetlands located on C1. Erosion and Sediment Control Plan on pages 41-44.
24	Billy stated that this is a different type of subdivision (no separation of property). He does not believe a performance guarantee is necessary. Dave mentioned that the ordinance states "shall". He asked Billy if he is proposing that this requirement be waived. Dave said that someone may come before the town to accept the road. He asked other board members how they feel about a performance guarantee.
	Dave stated that this will deviate from the ordinance.
	<b>Motion by Billy "A performance guarantee for the road is not required (for this application)"</b>
	<b>Dave seconded - approved 4-0.</b>
25	NRPA Permit is in process
26	Dave said he is unclear about the stories and number of units to be built. Aimee said they are single story duplexes (6 units total). Discussion on formal plans. Billy said that at a minimum, he would like the elevations shown.
27	Performance Guarantee - see #24 above
28	Performance Guarantee - see #24 above
29	Performance Guarantee - see #24 above
30	Performance Guarantee - see #24 above
31	Performance Guarantee - see #24 above
32	See #24 for applicant stating responsibility for long term maintenance.
33	PB determined escrow fees are not required at this time but may be required upon review for compliance.
34	PB determined no additional studies are required at this time but reserves the right to request if an issue is discovered in compliance review.
	<b>SIGNED STATEMENTS FROM THE FOLLOWING PUBLIC OFFICIALS [Article 5-Section 3e]</b>
i.	Newport Water District is not involved.
ii.	Fire Chief letter is required stating that the design for the roadway is adequate for fire protection.
iii.	Newport Sanitary District is not involved.

NO.	DESCRIPTION
iv.	Applicant has Scott E. Braley, Professional Engineer as the designer.
v.	Applicant has received a Driveway/Entrance Permit found on pages 34-35. The name on the permit is Franklin Maker Jr. (dated March 13, 2020). Brent explained that Frank Maker is the former owner, who sold it to Chris Cookson. Brent bought the property from Chris. Applicant to verify the location of 1,600' from the Detroit Town Line and locate on C1. Billy asked that the Standard Conditions and Approval listed be provided. Aimee explained that these are shown on page 2. Driveway must be level with the roadway from edge of pavement. Billy did not see this on the plan. Aimee explained that this is compliant according to the plan. Dave said that there are requirements for a turn around, minimum road widths, etc.. To be discussed under compliance. Applicant to show on C1 the requirement for vegetation to be maintained at a height of 2' or less as indicated on the permit. Aimee will fix the plan so it shows being tied into Route 11. Center of driveway is marked on pavement (note on permit) - driveway is not being paved. Aimee questioned if the marking is required on Route 100.
vi.	None other requested.
	<b>Billy made motion that the application is not complete - Dave seconded - discussion: Dave stated that a public hearing will be scheduled within 20 days after completeness of the application is approved.</b>
	<b>Motion approved 4-0.</b>
	<b>PLANNING BOARD CONTINUED WITH REVIEW FOR COMPLIANCE</b>
35	<b>CRITERIA SECTION 1 APPROVED - item b found on pgs. 37-39.</b>
36	<b>CRITERIA SECTION 2 APPROVED - applicant will provide well on site to meet the needs of the renter's.</b>
37	<b>CRITERIA SECTION 3 OPEN due to #38/41 below</b>
38	Applicant to provide HHE-200.
39	Applicant is providing a well.
40	Newport Water District is not involved.
41	Billy noted that the well is downhill from the septic. Aimee explained that this was the only location where they can put the septic (must be 200' from the septic system). If the septic system is functioning properly, there will be no concerns. Billy asked for a statement from whoever does their HHE (engineer) stating there will be no issues with septic being uphill from the well.
42	PB assumes water supply will be adequate since applicant is renting units.
43	Newport Water District is not involved.
44	Property will not have a public water supply system.
45	<b>CRITERIA SECTION 4 OPEN due to #48/49 below</b>
46	Erosion Control Plan information is found on pages 41-44. Billy stated that he did not see any soil barriers. He would like this indicated on the plan (where it will be located).

NO.	DESCRIPTION
47	Erosion Control Plan information is found on pages 41-44.
48	Applicant to show temporary and erosion control measure on C1.
49	Applicant to provide document on contractor certification.
50	<b>CRITERIA SECTION 5 OPEN due to # 53</b>
51	C1 and C2 have Professional Engineer Scott E. Braley stamp.
52	PB assumes MDOT Driveway/Entrance Permit is evidence of compliance.
53	Applicant to add GEOTEXTILE material below the aggregate subbase course of gravel. Discussion involving traffic access on this road. The applicant must provide means for delivery vehicles and other vehicles to get in and out safely. Dave said a place to turn is needed because this is a dead end road. Billy, Gary, and Corey said it is more of a driveway (because there will be only 3 buildings) and they do not consider it a dead end road (therefore the road standards do not apply). Applicant to redesign end of the driveway for safe turn around of delivery or emergency vehicles. Applicant to remove PAVED PARKING SECTION on C2. Applicant to add note on C2 at "GRAVEL ROAD SECTION" that the gravel meets the specifications for aggregate sub-base course as contained in the current edition of The Standard Specifications for Highways and Bridges of the State of Maine Department of Transportation.
54	Noted.
55	Project is not a mobile home park.
56	Project does not have parking lots.
57	Project does not have individual lots.
58	Access is to Route 11.
59	<b>CRITERIA SECTION 6 OPEN due to #61 below</b>
60	Newport Sanitary District not involved.
61	Applicant to provide HHE-200.
62	Newport Sanitary District not involved.
63	<b>CRITERIA SECTION 7 IS APPROVED</b>
64	Individual renters are responsible to remove their own trash.
65	Individual renters are responsible to remove their own trash.
66	<b>CRITERIA SECTION 8 OPEN due to #67 below</b>
67	NRPA Permit to be reviewed for any requirements to mitigate or manage impact to wetlands.
68	None of these conditions are on this property.
69	Site is not designated as a significant archeological or historic site.
70	Property is not designated as a Maine Natural Area.
71	Property is not located in any of these areas.
72	<b>CRITERIA SECTION 9 OPEN due to #74 below</b>

NO.	DESCRIPTION
73	No other ordinances are involved with this subdivision.
74	NRPA Permit has not been received.
75	<b>CRITERIA SECTION 10 OPEN due to #76 below</b>
76	Applicant to provide financial documentation from financing authority.
77	Applicant has hired Plymouth Engineering to provide the design for this project and information has been provided in the application.
78	<b>CRITERIA SECTION 11 IS APPROVED</b>
79	Wetlands have been identified on C1.
80	There are no waterbodies involved with this project.
81	<b>CRITERIA SECTION 12 IS APPROVED</b>
82	PB determined that the additional requirement of water for this site would not significantly impact the quantity of water available for adjacent sites.
	<b>Motion by Billy to waive the requirement for the applicant to hire a geologist (due to the scope of the project) - seconded by Dave - approved 4-0.</b>
83	<b>CRITERIA SECTION 13 IS APPROVED</b>
	Property is not in a flood plan area based upon information found on page 32.
84	<b>CRITERIA SECTION 14 OPEN waiting for information from the NRPA Permit</b>
85	<b>CRITERIA SECTION 14-A IS APPROVED</b>
86	Property is not in "Farmland".
87	Property is not adjacent to property enrolled in the Maine Farm, Open Space or Tree Growth programs.
88	Property is not located adjacent to a working rural landscape.
89	<b>CRITERIA SECTION 15 IS APPROVED</b>
	All requirements are n/a for this application.
90	<b>CRITERIA SECTION 16 IS OPEN due to #91/92/94 below</b>
91	Stormwater management information is provided in pages 46-52. Decision on this # to be delayed until the NRPA Permit is reviewed. This should be in on the 18th (per Aimee).
92	Stormwater management information is provided in pages 46-52. Decision on this # to be delayed until the NRPA Permit is reviewed.
93	Project does not have detention ponds.
94	Waiting for NRPA Permit comments.
95	<b>CRITERIA SECTION 17 IS APPROVED</b>
96	Property is not within the direct watershed of a great pond.
97	<b>CRITERIA SECTION 18 IS APPROVED</b>
	Property does not cross municipal boundaries.

NO.	DESCRIPTION
98	<b>CRITERIA SECTION 19 IS APPROVED</b>
	Land is not subject to liquidation harvesting.
	<b>CRITERIA SECTION 20 IS APPROVED</b>
	PB is not aware of any amendments to Title 30-A, Section 4404.
	<b>FIRE PROTECTION IS OPEN due to all 3 items below</b>
99	Applicant to provide signed statement from the Newport Fire Chief.
100	Applicant to provide signed statement from the Newport Fire Chief.
101	#51 above addresses applicant to redesign access for fire protection. Fire Chief letter to address if there is an adequate water supply for fire protection.

Next PB meeting is 9/13/22 therefore applicant has until 8/30/22 to submit requested information for application completeness.

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# PALMYRA PLANNING BOARD LAND USE PERMIT

## Findings of Fact and Conclusion of Law

APPLICANT: Joshua and Ami Johnson

APPLICANTS TAX MAP #12, LOT #1-1

### FINDINGS OF FACT:

Joshua and Ami Johnson are proposing the conversion of a building located at 9 Gee Road into a Redemption Center. The applicant presented their application on July 26, 2022. The application was revised during the meeting as detailed in the minutes for that meeting. The following information was requested to be provided prior to a public meeting: #6 (applicant to provide addresses of abutters); #15 (add parking locations on Site Plan); #35 (indicate outdoor lighting on the Site Plan); #36 (show 3 parking spaces on the Site Plan); #41 (provide exterior sign location and information on the Site Plan). Motion was made by Billy that the applicant must provide the Redemption Center License prior to opening. Dave seconded. All in favor. Corey made motion that the application was complete. Seconded by Billy. All in favor 4-0. Public hearing was scheduled for August 9, 2022.

Public hearing held on August 9, 2022. The applicant had provided the requested information as required by the meeting on July 26, 2022. The Planning Board determined they had a quorum, that they had jurisdiction over the application and that the applicant had the right to appear before the board. There were no public or Planning Board comments.

Planning Board meeting of August 9, 2022 reviewed the outstanding items for compliance. The Planning Board determined that the applicant had provided the requested information. Motion made by Corey that the review criteria has met the requirement of Article 5 of the ordinance. Seconded by Dave. All in favor 4-0. Billy made motion that the application is approved with the condition that they will not open the redemption center until the Town Office receives a copy of the State Redemption Center License. Dave seconded the motion. All in favor 4-0.

### CONCLUSIONS OF LAW:

Based upon the application materials, testimony, statements, evidence, documents, and other materials presented to the Palmyra Planning Board and the above FINDINGS OF FACT, the Palmyra Planning Board finds that the applicant has met the requirements of the Nonresidential Land Use Ordinance, Article 5.

### DECISION:

Based upon the above Findings of Fact and Conclusion of Law, on August 9, 2022 the Town of Palmyra Planning Board approved by a vote of 4-0 the Nonresidential Development Application submitted by Joshua and Ami Johnson to convert an existing building into a Redemption Center at 9 Gee Road with the condition that they will not open until the Town Office receives a copy of the State Redemption Center License. The applicant is also responsible to obtain any other local, state or federal permits, if applicable.



SIGNED THIS 23<sup>RD</sup> DAY OF AUGUST 2022 BY THE TOWN OF PALMYRA PLANNING BOARD

CHAIR: *D. J. Z. H.*

VICE CHAIR: *Billy Boulier*

MEMBER 1: *Mary Beem*

MEMBER 2: *Corey Gae*

MEMBER 3: \_\_\_\_\_

Permits are valid for two (2) years from date of issue. If no construction has begun within six (6) months of date of issue, the permit shall be void. If a permit has expired, the applicant must reapply. A permit is transferable to subsequent owners of the property. With Planning Board approval, a six (6) month extension may be applied to a permit due to extenuating circumstances.

These Findings of Fact and Conclusions of Law were developed in conjunction with the consideration of the permit application.

PALMYRA PLANNING BOARD LAND USE PERMIT

Findings of Fact and Conclusion of Law

APPLICANT: Joel and Rhoda Hostetler

APPLICANTS TAX MAP #14, LOT #14-1

FINDINGS OF FACT:

Joel Hostetler is proposing the conversion of a building located at 868 Main Street into a country market. The applicant's NONRESIDENTIAL DEVELOPMENT APPLICATION was reviewed in the meeting of July 26, 2022. The application was revised at that meeting as recorded in the minutes for that meeting. As a result of the revisions, the Planning Board voted 4-0 that the application was complete with the condition that the Site Plan be provided prior to the public hearing. The public hearing was held on August 9, 2022. The applicant had provided the requested Site Plan prior to the public meeting. The Planning Board determined that the Planning Board had jurisdiction over the application and that the applicant had the right to appear before the Board. There were no comments from the public or Planning Board members. At the review for compliance after the public hearing, the Site Plan was revised to eliminate the separate entrance and exit and to approve a sign 3'x5' on the building and a separate sign (maximum of 100 sq. feet) to be installed no closer than 15' from the edge of pavement.

The Planning Board voted 4 – 0 that the application of Joel and Rhoda Hostetler to operate a country market at 868 Main Street has met the review criteria of Article 5.


CONCLUSIONS OF LAW:

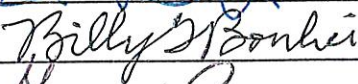
Based upon the application materials, testimony, statements, evidence, documents, and other materials presented to the Palmyra Planning Board and the above FINDINGS OF FACT, the Palmyra Planning Board finds that the applicant has met the review criteria of the Nonresidential Land Use Ordinance, Article 5.


DECISION:

Based upon the above Findings of Fact and Conclusions of Law, on August 9, 2022, the Town of Palmyra Planning Board has approved by a vote of 4-0 the Nonresidential Development Application submitted by Joel Hostetler to convert an existing building into a country market at 868 Maine Street. The applicant is also responsible to obtain any other local, state or federal permits, if applicable.

SIGNED THIS 23RD DAY OF AUGUST 2022 BY THE TOWN OF PALMYRA PLANNING BOARD

CHAIR: 

VICE CHAIR: 

MEMBER 1: 

MEMBER 2: 

MEMBER 3: \_\_\_\_\_

Permits are valid for two (2) years from date of issue. If no construction has begun within six (6) months of date of issue, the permit shall be void. If a permit has expired, the applicant must reapply. A permit is transferable to subsequent owners of the property. With Planning Board approval, a six (6) month extension may be applied to a permit due to extenuating circumstances.

These Findings of Fact and Conclusions of Law were developed in conjunction with the consideration of the permit application.