

# **Palmyra Planning Board Public Hearing Meeting Minutes**

Date: 10/11/2022

6:00 - Public Hearing – Brent Frost Subdivision (Map 3, Lot 10-A)

*Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulier, Gary Beem, Diane White, Secretary  
Travis Gould, Code Enforcement Officer (CEO)  
Residents: Michael LePage, Clint Southard, Dannie Fotter  
Aimee Young, Plymouth Engineering,*

*Billy explained that this application is for construction of three building, each with two residential units with garages on 1.76 acres located on Route 100. The property will not be subdivided, but this falls under the definition of a subdivision because it involves the construction of three or more dwelling units on a single tract of land. The applicant presented the application at a pre-application meeting on August 9<sup>th</sup>. The first review of the application was on August 23<sup>rd</sup>. The second review was on September 13<sup>th</sup>. At this meeting the Planning Board approved the application as complete enough to schedule a public hearing. A letter was sent to the applicant on September 16<sup>th</sup>.*

*Motion made by Billy that the Planning Board has jurisdiction over this application based upon the Palmyra Subdivision Ordinance Article 2. Seconded by Dave. Passed 3-0.*

*Motion made by Billy that the applicant has the right to appear before the Planning Board based upon the warrantee deed dated June 16, 2022 presented to the Planning Board on August 23<sup>rd</sup>. Seconded by Dave. Passed 3-0.*

*Aimee Young explained that the project is for the construction of three duplexes. There will be an on-site well and septic.*

*Questions from the public:*

*Clint Southard of 6 Hurds Corner Road in Palmyra had concerns regarding the location of the driveway. He has seen a lot of accidents near that location. Aimee said that they did get an entrance permit from DOT and that approval takes into account sight distance. Dave pointed out in the Subdivision Ordinance, Article 7 – Section 17g the language regarding sight distance is based upon mile-per-hour of speed limit. Gary related that he observed a large tractor trailer navigating at his location without any problems. Aimee stated that the vegetation will be trimmed back and maintained to two feet or less for adequate visibility on that corner.*

*Dave questioned if the Palmyra ordinance has the same standards for driveway entrances as DOT.*

*6:09 – meeting closed.*

## Planning Board Meeting

**I. Call to order and flag salute** – *The meeting was called to order by the Chair at 6:09 p.m. – flag salute.*

## **II. Roll call**

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

*Residents Present: Michael LePage  
Aimee Young, Plymouth Engineering*

## **III. Correspondence**

*Letter from the Newport Fire Chief and HHE200 presented by Dave (for Frost Subdivision)*

## **IV. Process Land Use Permit Applications 4**

a) Brent Frost – Subdivision Application Review (Map 3, Lot 10-A) – *Billy provided an updated index for the subdivision binder.*

### COMPLETENESS REVIEW

*Billy passed out copies of ATTACHMENT A, which is his updated color-coded status of all checklist items. He reviewed the updated status of the previous checklist of information that had been provided since the meeting on 9/13 (shown in bold red).*

- *New information on HHE200 submitted tonight.*
- *Letter from the Newport Fire Chief submitted. He finds that the design is adequate for safety and accessibility (dated September 28, 2022).*
- *Update on open items: three items were open as of the last meeting. (spreadsheet attached)*
  - *Mylar- to be address at the completion of the application*
  - *NRPA Permit status – Aimee had an email stating that the application had been accepted. The earliest they will hear anything is 10/27*
  - *Letter from the fire chief – this was submitted*

*Billy asked when construction will proceed. Aimee said that some earthwork may be done this year, but construction will not begin until spring.*

*Open items include the Mylar and NRPA Permit.*

*Motion made by Billy that the application is complete pending submittal of the following items to the Code Enforcement Officer (CEO): two paper copies of the approved plans and the Natural Resource Protection Act Permit. Dave seconded. Passed 3-0.*

### COMPLIANCE REVIEW (OR CURRENT OPEN ITEMS)

- a) *CRITERIA SECTION 3 – open items -# 38, 41 – information has been provided.*
- b) *CRITERIA SECTION 4 – open items #48, 49 – submitted on 9/13.*
- c) *CRITERIA SECTION 5 – open items #53 – note of C2 as described must be included.*
- d) *CRITERIA SECTION 6 –# 61 – provided on 9/27.*
- e) *CRITERIA SECTION 8 - #67 is open pending receipt of NRPA Permit.*
- f) *CRITERIA SECTION 9 - #74 is open pending receipt of NRPA Permit.*

- g) *CRITERIA SECTION 10 - #76 has been submitted (9/13).*
- h) *CRITERIA SECTION 14 - is open pending receipt of NRPA Permit.*
- i) *CRITERIA SECTION 16 - #91, 92, 93 - is open pending receipt of NRPA Permit.*
- j) *FIRE PROTECTION - #99, 100, and 101 are complete with information provided this evening.*

*Five items are pending NRPA Permit.*

*Billy suggested language for approval this evening with the conditions that the applicant provide the language required on C2, revise the date on C1 and C3 to include the correct revision date, and submit the NRPA*

*There was a discussion regarding approving this application with conditions (suggested by Billy). Travis recommended that all permits be in place before approval is given. Dave stated that all leverage is lost if the application is approved with conditions. He also had concerns about putting conditions on the permit. Billy stated that the conditions listed were easy for the CEO to review and that he had the responsibility to review the NRPA Permit anyway.*

*Dave and Gary agreed that approval should wait until all documents are received. Billy informed the applicant that a majority of the board did not approve compliance and they would wait for all documents to be received.*

*3 open items:*

- *Item 53 (additional note on C2)*
- *Add revision date on C1 and C3*
- *Provide the NRPA Permit*

*Mylar and 4 copies will be needed. Mylar and two (2) copies will be returned to the applicant.*

*Dave stated that a DOT entrance permit does not supersede our ordinance. If an applicant came with DOT permit the Board still has a part to play (with future applications). He said they may want to consider this for our ordinance. Billy volunteered to check with Maine DOT on their language addressing sight distance and speed of traffic.*

**V. Announcements** – *Dave announced that Diane will be unable to attend the meeting on November 8<sup>th</sup> (Election Day). Billy requested that the town provide another means of recording the meeting so accurate minutes can be taken.*

## **VI. Reports**

- a) *Secretary's Report 9/27/2022 – Motion made by Dave to accept as amended—Seconded by Billy. Passed 3-0.*
- b) *CEO Report – Travis had issued 22 building permits (including garages and sheds). Loads of lumber were seen going down North Gee Road.*
- c) *CEO Status of list of conditions – Travis had reached out to Adam Farkes and he responded with updates. Billy asked Travis to update the status on the list of conditions (provided by Billy).*

## VII. Old Business

### a) Shoreland Zoning Ordinance

- *Travis said that the State has done the majority of the work and has made notes of options for the towns. He does not recommend a lot of changes to this ordinance.*
- *Dave asked that someone crosscheck the old ordinance with the new proposed ordinance and provide a summary of the changes.*
- *Travis said that he could point out some big changes in the new State Ordinance.*
- *Travis would like a projector available so that the Board and CEO can have a work session. Diane will check on this.*
- *Travis suggested that they review Chapter 1000 together (with a projector or TV screen).*
- *The town must go by the current ordinance and Chapter 1000, but the town requirements can be stricter.*
- *The town has been using an outdated ordinance. Chapter 1000 was created in 2015.*
- *After more discussion, Billy volunteered to review Chapter 1000 and identify and summarize the differences with the current ordinance.*
- *To be discussed on October 25<sup>th</sup>. Billy will produce the work product*

### b) Progress update: search for additional Planning Board members - *no update*

### c) Solar Array update – *Dave had some concerns:*

- *There are a lot of trees that have not been planted on the Smith Road. There is no visual screen.*
- *Some of the evergreen trees are dying.*
- *This is the year they are supposed to give the town the cost of decommissioning. If the cost goes up, they will have to increase the escrow account. He is expecting a letter from them by December 31<sup>st</sup> with a new cost to decommission that facility. This needs to be done every year.*
- *Every year the panels will go down in value and get to the point where they have a negative value; they would then be a financial liability to the town and need to be counted in the decommissioning costs. Dave would like to see an estimate from those who buy used panels that show the value of the panels. Language in the ordinance says salvage value cannot be included, but this when the value is positive.*

### d) Tractor Supply / Hometown Health Center Entrance update – *Dave reviewed:*

- *Dave explained that there are concerns about public improvements and inspections. The town is supposed to be notified of public improvements (they do not think this was done) so the town will have the option to send a public official.*
- *They had talked about getting test and inspection reports. Dave would like to see them as they are done (not at the end of the project).*
- *They did not build the entrance in the configuration that the Planning Board approved.*
- *When something is done that is nonconforming, is it going to be accepted?*

*Billy had emailed Tom Emery and he confirmed that the work done was for the Hometown Health Center project. The Contractor and Frank Crabtree are supposed to contact Travis to resolve any nonconformities.*

**VIII. New Business**

*Billy stated that in reviewing Title 30A for subdivisions (section 4403), he came across the following: When an application is received (for a subdivision), the municipal reviewing authority shall give a dated receipt to the applicant and notify, by mail, all abutting owners of the proposed subdivision specifying the location of the subdivision and a general description of the project property. Dave stated that we are notifying the abutters (when the application is complete).*

*Diane will follow this rule when receiving a subdivision application.*

*Suggestion made to change this in the ordinance.*

*Dave suggested that a list is started listing the recommended changes to the ordinances (for town meeting). Have this ready by the end of this year to present to the Select Board in January. Add as item e) under old business*

**IX. Adjournment**

*7:28 pm – motion made by Corey at adjourn—seconded by Dave. Approved 4-0.*

*Respectfully Submitted  
Diane White*

NEXT MEETING - 10/25/2022