

Palmyra Planning Board Meeting Minutes

Date: 11/22/2022

I. Call to order and flag salute – *The meeting was called to order by the Chair 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

Herbert Bates, Selectman

Residents Present: Michael LePage

Others Present: Herman Watson, Bob Bryant

III. Correspondence

The Chair reviewed a letter sent to Travis Gould (CEO) on November 18th regarding the Solar Array (attachment 1). The letter addresses the following issues:

- 1. Trees: all have been planted and their health will be monitored.*
- 2. Groundwater monitoring: set to take place this month and the town will get the results.*
- 3. The site is in operation and there may be some activity on site.*
- 4. Decommissioning estimates: update should be available by the end of the year.*

IV. Process Land Use Permit Applications

a) *Joshua Johnson – commercial storage*

- 1. No new information - public hearing scheduled for December 13th.*
- 2. Billy questioned the fee charged—Diane told him that he was charged the wrong amount, but he came in to pay the balance.*
- 3. Billy stated that compliance was approved at the last meeting.*
- 4. Billy will prepare a draft of the Findings of Facts for the next meeting.*

b) *Herman Watson approached the Board about changing the zoning for a piece of property he owns from agricultural/residential to commercial. Mr. Watson has been approached by a company that would like to install solar panels on his property (on Ell Hill Road).*

Mr. Watson had attended a Select Board meeting, and was told he had to ask the Planning Board about this.

Michael asked if this lot could be rezoned as commercial instead of allowing solar to be in a residential area.

After some discussion, it was determined that a solar array is not allowed in an agricultural/residential district, so a change would be required—either allowing solar arrays in the agricultural/residential district or changing his lot to commercial.

Dave told him that the Planning Board would have to make a recommendation to the Select Board to allow the requested change to go before the voters, or he could petition the Selectmen

to put this on a Town Meeting Warrant. The petition would require signatures of 10% of the number of voter who voted in the last governor's election.

The Board was unclear on the requirements for inclusion on a town meeting warrant: Does he need the Planning Board and the Selectmen approval or a petition or both.

Discussion on what Mr. Watson will need to move forward: Billy said that he would need the approval of the Planning Board and a petition or just a petition (with an adequate number of voter's signatures).

Dave said that he does not want to take action without a lawyer's opinion. He said that this could be precedent setting—if allowed for Mr. Watson, others would want to do the same.

Opinions of other board members: Billy does not think a meeting with the lawyer is necessary; Gary said that the board needs to be careful; Corey said that he would have a hard time to support this because the applicant for the last solar project had to move his location to a commercial district.

Motion made by Dave to hold off on taking any action until they have met with the town attorney. Seconded—3 in favor; Billy opposed.

Dave explained to Mr. Watson that he would like to meet with the town attorney before moving forward. Diane will ask Priscilla to set up a meeting with council to discuss amending an ordinance. Two Select Board member and two Planning Board members should be present.

- c) *Bob Bryant of Pittsfield presented the Board with his plans to open a brewery/restaurant in the garage that was once owned by Norris's. He owns a brewery in Hartland. He explained that the garage is in an agricultural/residential area but it was recently used for a commercial business. He does not plan to add anything; just improve what is already there. His questions:*
- 1. Is he all set to move forward?*
 - 2. Could he get help going through the application process?*

Dave told him that they can discuss this, but nothing will be binding until there is an application.

Dave explained that according to our ordinance, an existing nonconformity use can be changed to another nonconforming after obtaining a permit. Per the ordinance: The permitting authority shall approve of the change of use unless the change is not equally or more appropriate to the district and the proposed use shall have no greater adverse effect on the adjacent properties than the former nonconforming use. The nonconforming structure must have been in use within the last 5 years.

Billy said that there are two hurdles: Provide evidence that he believes that his use is not more restrictive in the zone and does not provide more nonconformity in that zone. He stated that he believes, by putting in a restaurant, it will be more nonconforming because of the traffic.

The Planning Board would have to be convinced that, by putting a restaurant in that location, it will not be more nonconforming than a manufacturing facility. A restaurant would be different because there is a farm next door.

Billy stated that the Board should take citizens opinion into account.

Gary was concerned about farmland protection and the fact that the neighbors are an Amish family—there may be concerns with alcohol being served.

Corey said that this proposal is reasonable as long as there is no adverse impact on the neighbors. Michael is in agreement with Corey.

Dave told Mr. Bryant that the language he is looking for is on page 10, sect 10-4. He suggested that Mr. Bryant come to the next meeting (December 13), but this could also be discussed at another meeting.

Dave suggested that Mr. Bryant read the ordinance and invite the neighbor (Mr. Yoder) to the next meeting. The neighbor may have an opinion on liquor being served. Mr. Bryant said that he will be serving beer and wine. Dave explained that it is the Select Board that issues the liquor licenses.

Mr. Bryant told the Board that an estimate for seating in the restaurant is 100-150. He may have craft shows and farmers market at the business. He plans to clean up the property. He has no interest in taking any agricultural land.

Short discussion about widening the driveway—he may need a state permit.

Dave asked that he look at the sentences in line b & c. He asked Mr. Bryant to send (in writing) what he intends to say to persuade to Board.

V. Announcements

Public Hearing for Joshua Johnson – commercial storage trailer - 12/13

VI. Reports

- a) Secretary's Report 11/8/2022 – *Motion made by Corey to accept as amended by Billy—Seconded by Gary. Passed 4-0.*
- b) CEO Report – *already discussed*

VII. Old Business

- a) Shoreland Zoning Ordinance – *Billy is working on this.*
- b) Progress update: finding additional Planning Board Members – *Corey will talk to Bill Randall and Bill Freudenberger (Board of Appeals). Dave asked Herb to ask the Select Board to talk to the other three members of the Board of Appeals about joining the Planning Board.*
- c) Recommended changes to the ordinance – review
Billy said that there was some confusion on a suggested change in the Entertainment Ordinance. Change made should revert back to previous version (\$50 plus the cost of advertising for a public hearing). The suggested change in the language (See Fee Schedule) is not an administrative change and should go before the voters.

Administrative changes made (Entertainment and Nonresidential Ordinances) per discussion at the November 8th meeting. Diane provided updated copies of the pages.

VIII. New Business

- a) Chamber of Commerce – Donation for Christmas Tree Fundraiser

Dave asked for clarification of what this is. Diane explained that this is a “Festival of Trees” and the Chamber would like the town to sponsor a tree. Mike said that (in his experience) sponsoring a tree would involve purchasing a tree, decorating, and buying gifts. Herb will ask for clarification on the Chamber of Commerce Tree. Are they asking that the town come up with surplus funds to sponsor a tree or is the Select Board asking Board Members to donate for the Chamber of Commerce tree?

- b) *Palmyra Giving Tree – Dave asked if the town has started getting donations. Diane explained that the town has taken some small donations, and there are some funds in the account. Tags are put on the tree and individuals take tags or give money. If there are tags left on the tree, Priscilla goes shopping.*

IX. Adjournment

7:11 pm – motion made by Dave at adjourn—seconded by Corey. Approved 4-0.

*Respectfully Submitted
Diane White*

NEXT MEETING - 12/13/2022