

Palmyra Planning Board Meeting Minutes

Date: 12/13/2022

Public Hearing – Joshua & Ami Johnson – commercial storage trailer

The Chair called the public hearing to order at 6 p.m. and determined that there is a quorum (3 out of 4 present).

Dave explained that the purpose of the public hearing is to review an amendment to the non-residential permit application submitted by Joshua and Ami Johnson to renovate an existing structure located at 9 Gee Road into a bottle redemption center by adding a storage container.

A motion was made by Dave that the Planning Board has jurisdiction to hold this public hearing based on the Town of Palmyra Ordinance. Seconded by Corey. No discussion. Motion passed 3-0.

A motion was made by Dave that the applicant has the right to appear before the Planning Board since their application was approved as complete for the purpose of holding a public hearing at the meeting held on November 8th. The motion was seconded. Motion passed 3-0.

No questions or comments from the applicant, board members or the public.

Hearing closed at 6:03 p.m.

I. Call to order and flag salute – *The meeting was called to order by the Chair at 6:03 p.m. – flag salute.*

II. Roll call

*Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulier, Corey Dow. Gary Beem (joined at 6:10)
Diane White, Secretary
Vondell Dunphy, Selectman
Residents Present: Michael LePage, Harold Wilber, Adam Moulton, Ami Johnson
Others Present: Bob Bryant*

Planning Board members agreed to proceed with completing Johnson's application before going to other agenda items.

Billy explained that at a previous meeting, the application was approved as complete (for the purpose of holding a public hearing) and compliant. Billy made a motion that the application submitted by Ami and Joshua Johnson to add an 8 x 20 storage building at 9 Gee Road be approved because they meet all the requirements of the Nonresidential Land Use Ordinance, Article 5—seconded by Corey. No discussion. Passed 3-0.

Billy presented the decision documents (Findings of Facts and Conclusion of Law). Two copies signed by the Board (one copy for the applicant and one copy for the town). Three copies of the Planning Board Permit signed by the Chair (one each for applicant, CEO and town).

III. Correspondence

a) Email from Billy: Zoning Amendment Procedures (*attachment 1*)

Billy explained that at the last meeting, a citizen had a question about an amendment to the Zoning Ordinance. Billy had done some research and discovered that there were four versions for making changes. Nonresidential Land Use Ordinance, Shoreland Zoning, and Subdivision Ordinances have the same procedure, but the Zoning Ordinance is different. One way to make changes is for the Planning Board to recommend to the Select Board. The other way is to submit a petition.

The board discussed the wording in the Zoning Ordinance. The section in question states: "Upon recommendation of the Planning Board received in writing by the Selectmen and/or upon receipt of a petition by the Selectmen". Dave questioned whether the petition is "by them" or is the receipt "by them". If it were interpreted that they do the petition, are they submitting the petition to themselves? Billy agreed that that would not make sense and he suggested that the Planning Board make a recommendation to the Select Board.

IV. Process Land Use Permit Applications

a) Joshua Johnson – commercial storage trailer (Map 12, Lot 1-1) – *discussed earlier*

V. Announcements - none

VI. Reports

- a) Secretary's Report (11/22/2022) – *Motion made by Billy to accept as changed. Seconded by Corey. Passed 4-0*
- b) CEO Report - *submitted – no questions.*

VII. Old Business

Dave asked to take e) Bob Bryant out of order and discuss first. Other members approve.

Dave explained that Mr. Bryant is trying to get a feel of the Planning Boards opinion of his plans to use a building located in the agricultural/residential zone (but previously used as a commercial building) as a restaurant, coffee brewery, and brewery. He has not yet submitted an application. The opinions of the board members will not be binding.

Billy had created an application to use since there is no application for this situation. He said this form could be used for the nonconforming aspect and then the nonresidential permit application would follow. Dave questioned using an application that has not been approved.

Billy stated that the Planning Board can act upon the nonconforming use application and it would be binding. The questions that need to be answered are:

- 1. The change of use is equally or more appropriate to the district.*
- 2. The change will have no greater adverse impact to adjacent properties.*

Mr. Bryant had concerns about his ability to complete the Nonresidential Land Use Application, but could complete the new form.

*Mr. Bryant had submitted a letter (*attachment 2*) that explains his plans for the building located at 558 Main Street in Palmyra.*

Points made by Mr. Bryant:

- *There will be no expansion of the dwelling.*
- *The area will be improved (cleaned up).*
- *Before he moves forward, he would like to know if he can do this, since the cost will be extensive.*
- *He would like to break ground in May.*
- *He wants to create a place where people can come and enjoy the agricultural area.*
- *He has no interest in being open late. He plans to close at 8 p.m.*
- *The restaurant will be open 7 days a week.*

Opinions of the Board Members (regarding the proposed project):

Corey – This could be an acceptable use as long as it doesn't adversely affect the traffic and neighbors.

Gary – His concern is the Amish neighbor.

Billy – The brewery will not increase the nonconformance, but the restaurant would. Nonconformance would be more because of the increased traffic and lights that would be necessary to light the area after dark. He would be in favor of the brewery, but not the restaurant.

Mike – He is in favor as long as there is no adverse affect on the neighbors or the traffic.

Dave stated that his opinion will be heavily influenced by the neighbors. Tyler Norris is in favor (with some conditions), but the opinion of the other neighbor (Yoder) is inconclusive. Mr. Bryant explained that he has not been able to talk to him, but he did talk to his son.

Harold Wilber asked how this is different than the M Room or the Golf Course. He stated that this could be beneficial to the town. Dave explained that the M Room is in a commercial zone.

More discussion on the Change of Non-Conforming Use Permit Application (attachment 3) created by Billy.

Dave's points:

- *The Board has not discussed using the form.*
- *The proposed project could be dealt with using the Nonresidential Land Use Permit Application Process.*

Billy's points:

- *There is currently no application for this situation.*
- *The Nonresidential Land Use Permit Application does not apply because there is nothing is being built. Billy later stated that upon review of the ordinance that "renovation" would require a Nonresidential Development Application.*
- *For this form, he will need only a site plan.*

Opinions:

- *Corey – the new form would eliminate the risk for the applicant.*
- *Gary agrees with Corey.*
- *Mike – agrees with the process to address the nonconforming issue first.*
- *Dave – The nonconforming use issue would come up using the nonresidential land use application process.*
- *Billy – the nonconforming use approval should be decided first for the benefit of the applicant.*

The new form (Change of Non-Conforming Use Permit Application) was approved by Billy, Gary, and Corey.

Form to be put on the town website.

Billy gave the form to Mr. Bryant and asked him to submit it at least 7 days prior to the next meeting.

- a) *Shoreland Zoning Ordinance – summary of changes - in progress*
- b) *Progress update: finding additional Planning Board Members – Vondell will talk to a couple of people. Dave had concerns about difficulty getting and keeping members of the Planning Board. One suggestion was to have the Code Enforcement Officer (CEO) issue permits if needed because of lack of quorum. Billy suggested another plan: ask a Select Board member to step in when needed (as an alternate).*
- c) *Recommended changes to the ordinances - review – Billy is working on language in the ordinances. He will attend the Select Board meeting on January 11th to advocate for ordinance changes. To be reviewed at the next Planning Board meeting (December 27th). Changes recommend by Dave: section of the commercial ordinance did state “may hold a public hearing”—now says “shall hold a public hearing”. Change this back to “may hold a public hearing”. After discussion, Billy, Corey, and Gary agree it should remain “shall hold a public hearing”.*
- d) *Hermon Watson – questions about a zone change for solar array - Mr. Watson was not present Dave stated that the voters would have to approve changing the zoning. Two way to get this to the voters: 1) Planning Board recommends this to the Select Board; 2) Petition Points/Opinions stated during discussion:*
 - *Billy would not recommend changing only one piece of property—if changed, it should be for all agricultural.*
 - *Corey does not support a change.*
 - *Gary – He is against solar farms.*
 - *Mike – Solar panels are a bad idea.*
 - *Dave – Other applicants had to follow the ordinance.*
 - *Billy recommended that the voters decide.*

Motion made by Billy to make a recommendation to the Select Board that the Zoning Ordinance be changed to allow medium and large solar panels in the agricultural/residential zones for the purpose of the voters deciding. No second. Motion failed.

- e) *Bob Bryant – Brewery/restaurant on Main Street – discussed earlier.*
- f) *Revised Entertainment Ordinance, applications for Signs and Special Entertainment, and Land Use Permits – final copies distributed to the board members.*
- g) *Planning Board Compensation – Dave, Corey, Gary and Bill agreed they were fine with the current compensation. Dave suggested that Bill be compensated for the additional cost he has incurred and incurs for printing all the information he has provided and continues to provide to the Planning Board. Dave made a motion that Bill be compensated \$50 per month in addition to his regular compensation. Motion approved 4-0.*

VIII. New Business - None

IX. Adjournment

8:15 pm – motion made by Dave at adjourn—seconded by Corey. Approved 4-0.

*Respectfully Submitted
Diane White*

NEXT MEETING - 12/27/2022