

Palmyra Planning Board Meeting Minutes

Date: 12/27/2022

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

II. **Roll call**

Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulier, Corey Dow, Gary Beem

Diane White, Secretary

Herb Bates, Selectman

Others Present: Bob Bryant

III. **Correspondence**

a) *Hometown Heath Center status update - Billy had received a response from Tom Emery (representative for the project) regarding the progress of Hometown Health Center. Mr. Emery had stated that construction should begin in late summer or early fall. Tractor Supply widening pavement to be completed this spring. Construction of the Tractor Supply extension will begin with the building project in late summer. Bill stated that construction did start with the entrance work at Tractor Supply.*

Some issues discussed:

- The Irrevocable Letter of Credit states that the loop road is to be completed by 9/30/2022. Since this has not been done, the letter of credit needs to be revised.*
- Permit required them to start in six months. Bill noted that they did start in May (on the Tractor Supply Entrance).*
- One of the conditions of approval was a requirement by DEP for them to submit final cost estimates and evidence of funding to the Bureau of Land Resources for approval (and the town would get a copy). Needs to be received before the applicant can begin construction.*
- Discussion on test reports for work done at the entrance. Dave stated that test and inspection reports are required. Since the town did not get these reports, is it nonconforming? Billy noted that item #3 of the Irrevocable Letter of Credit requires the applicant to provide written copies of all tests and inspection reports. Billy suggested that the applicant be notified that the town did not receive the required reports.*

There are five items that the applicant will be asked to complete before construction begins:

- 1. Revise the completion date for the loop road.*
- 2. Letter of credit date has to be extended. Current expiration date is December 2023.*
- 3. Increase the budget estimate (for inflation).*
- 4. Provide test and inspection reports for roadwork that has been completed.*
- 5. Submit final cost estimates and evidence of funding to the Bureau of Land Resources and the Town of Palmyra.*

It was suggested that the town send a letter to the applicant asking for these five items.

b) *Drawing for a proposed subdivision on Main Street submitted. No application submitted. No further discussion on Poulin Palmyra Development.*

c) *BD Solar.*

Action items (noted by the Planning Board but enforcement is the responsibility of the Select Board/CEO):

- *Replace dead trees.*
- *There is a groundwater report on three monitoring wells. Dave suggested that the tests be compared to the plan and the baseline test. Every year the results could be added to a spreadsheet to look for a trend. The results should go to the abutters if required by the decision document. The Town should look at the baseline test for other chemical that may have already been in the wells. The comparison should be made by an expert with a report to the Town.*
- *Decommissioning costs – Dave stated that the amount for decommissioning has increased and the escrow needs to be adjusted. 2022 Decommissioning Estimate attached (attachment 1). The CEO should evaluate the change from the original estimate.*

Planning Board suggested that the Select Board and Code Enforcement Officer (CEO) check the original amount (to tear down the solar farm) so the escrow can be adjusted upwards accordingly immediately. This is a critical issue.

The Solar Farm should be sent a letter requesting that they adjust their escrow account for decommissioning (if the cost has increased)

Discussion on the resale value of the panels. Dave said that the value will go down each year and will eventually have a negative value. He suggested that, beginning next year, the current resale value of the panel be included in the estimate of decommissioning. If and when the solar panels no longer have a positive salvage value and become a liability (cost to dispose), the cost must be included with the decommissioning estimate. Billy suggested that the town also get a forecast of when the solar panels will have no value.

IV. Process Land Use Permit Applications

a) Non-Conforming Use Permit Application – Robert Bryant (Map 7, Lot 1A)

Application and site plan submitted by Mr. Bryant. Billy noted that there is no second garage so this should be removed from the site plan. Mr. Bryant stated that there is a concrete pad. Bill noted that the abutter across the road is Tyler Norris.

Items discussed:

- *Applicant is proposing to change the use from a maintenance garage to a brewery, coffee brewing, and a restaurant.*
- *Applicant must show that the change will be equally or more appropriate to the district.*
- *Applicant must show that the change or use has no greater adverse impact on adjacent properties than the former non-conforming use.*

Mr. Bryant said that what he plans to do will be more appropriate to the district because there will not be big trucks coming in and he plans to work with the neighbors regarding the sale of their products. He had talked to Mr. Yoder and Mr. Yoder told him that he will be willing to work with him.

Billy's concerns:

- *A restaurant will create more traffic (after hours and weekends). Does this create a more adverse impact?*
- *The lighting will have an adverse impact on the Norris side because there is no screening.*
- *He is opposed to outside gatherings.*
- *He has concerns about outside entertainment and speakers. These would have an adverse effect on the neighbors.*

Dave's concerns/questions:

- *When reviewing the 70 items list, something may come up. It will then be too late to change this (if the Non-Conforming Change of Use application is approved).*
- *There is a second foundation—does he plan to expand?*
- *Will there be outside structures?*
- *Will there be outside speakers?*
- *Will there be outside bands?*
- *Concerns about lighting and screens.*
- *Could some of these concerns be addressed as conditions?*
- *Plans evolve and he questioned what the business will look like in ten or twenty years.*
- *He said he is not opposed to this, but does want due diligence for the citizens.*

Discussion on outside events. Mr. Bryant stated that he would do outside events. He pointed out that a farm on Main Street has craft fairs.

Gary said that he is not opposed to a restaurant and does not think that would have an adverse impact, but running a bar and having bands could cause a problem.

Billy and Gary opposed to bands. Corey said that bands would be ok during the day. He would be interested in the neighbor's opinions.

Mr. Bryant said that with conditions, the board would be putting conditions on the growth of his business. He does plan to have events and bands at this location. He said he plans to give back to the agricultural businesses by providing his spent grain and spent coffee and he want to do a farmer's table (purchasing from the local farms). He feels that this is much more conforming to the agricultural area than what is currently there.

A public hearing will be scheduled for January 10th. Dave will invite the Select Board to attend. A vote on the Non-Conforming Use Permit Application will be taken on January 10th. Dave said it will be helpful if Mr. Norris and Mr. Yoder attend the public hearing.

- b) *Sign Application – Sign Services (replacement for new name) (Map 5, Lot 78-2)
Billy noted that the wall sign meets the requirements. Total square footage of the wall is needed. It looks like there is 600 sf of wall area so he is within the requirement for wall area. Ground sign and window sign meets requirements. Billy said that the plan meets the requirements. Motion made by Billy that the permit for Sign Services be granted. Seconded by Dave. Passed 4-0. Permit signed by the Board.*

V. Announcements – *Corey is unable to attend the January 10th meeting.*

VI. Reports

- a) *Secretary's Report (12/13/2022) – Motion made by Dave to accept as amended. Seconded by Billy. Passed 4-0.*
- b) *CEO Report – BD Solar update – discussed earlier.*
- c)

VII. Old Business

- a) *Shoreland Zoning Ordinance – summary of changes – In progress. Dave said that he would like to have the CEO approval before making a recommendation.*
- b) *Progress update: finding additional Planning Board Members – Herb Bates will talk to Kate Burrill about joining the Planning Board.*

- c) Recommended changes to the ordinance – review – *Billy distributed a list of proposed changes (attachment 2). Bill will present this to the Planning Board and the CEO on January 11, 2023.*
- d) Hermon Watson – questions about a zone change for a solar array – *Mr. Watson was not present. The Planning Board has declined to make a recommendation to the Select Board to put this on the town meeting warrant. His options are: go to the Select Board or submit a petition (about making a change at a town meeting).*
- e) *Recommended monthly stipend for Bill (for copies). The amount recommended is \$50 a month. Dave will go to the Select Board meeting tomorrow to advocate for this. Bill will send an invoice for December 2022. Bill will research his ink and paper costs since he joined the Planning Board and evaluate his total costs to date and only invoice appropriately.*

VIII. New Business

- a) *Planning Board & Board of Appeals Zoom Webinar – February 16, 2023 – Billy encouraged members to attend.*

IX. Adjournment

7:40 pm – motion made by Dave at adjourn—seconded by Corey. Approved 4-0.

*Respectfully Submitted
Diane White*

NEXT MEETING - 1/10/2023