

# **Palmyra Planning Board Public Hearings**

Date: 1/10/2023

6:00- Public Hearing - Non-Conforming Use Permit Application – Robert Bryant (Map 7, Lot 1A)

*The public hearing was called to order by the Chair at 6 p.m.*

## **Present**

**Planning Board Members:** *Dave Leavitt, Billy Boulier, Gary Beem*

**Planning Board Secretary:** *Diane White*

**Administrative Assistant:** *Priscilla Jones*

**Select Board Members:** *Brian Barrows, Vondell Dunphy, Jo-Anne Brown, Herbert Bates*

**Residents:** *Kent and Doug Frati, Harold Wilber, Bill Freudenberger, Ivan Bates, Hollis Edwards, Pat White, Darrin Dyer, Lewis and Erin Fitts, Tyler and Garth Norris, Michael Cray*

**Nonresidents:** *Robert and Zach Bryant, Aimee Young (Plymouth Engineering), Andre and Teri Poulin, John Hikel*

*Quorum present (3 of 4 members).*

*Purpose of the hearing: To review Mr. Bryant's Change of Non-conforming Use Permit Application for Bryant's Brewing which was reviewed by the Planning Board on December 27<sup>th</sup>. This review is for the single topic: Is his proposed use more, less or equally nonconforming as the past uses?*

*Motion made by Dave that the Planning Board has jurisdiction to hold this public hearing based on the Town of Palmyra's Nonresidential Land Use Ordinance (Art. 4, Sec. 5). Second made by Billy. No discussion. Passed.*

*Motion that the applicant has the right to appear before the Planning Board since the application was approved as complete for the purpose of holding a public hearing at the meeting held on December 27<sup>th</sup>. Seconded by Billy. No discussion. Passed 3-0.*

## *Statement by the applicant:*

*The plan is to put a brewery, coffee roastery, and restaurant at 558 Main Street. They will focus on agricultural aspect by buying products from the local farmers.*

*Dave explained that tonight they will discuss whether or not this use will be more, less or equally nonconforming as the past two commercial uses.*

## *Comments from the public:*

*Harold Wilber asked Mr. Bryant to be a little more in-depth with his future plans and how the neighbors feel about this.*

*Mr. Bryant said that he will be getting the coffee worldwide and will be roasting it there and selling for distribution. For the farmers table, he wants to take advantage of the local farms to get the highest quality of products. They will serve breakfast, lunch, and dinner and be open 7 days a week. He explained that he will put in a significant investment into the property (septic and outside/inside needs work). Mr. Bryant had talked to Tyler Norris and Mr. Yoder (neighbors). Mr. Yoder said he is willing to work with them. He has gotten support from Tyler.*

*Doug Frati asked what will be used for ingredients, where are they coming from and what are his plans for the future.*

*Mr. Bryant explained that they currently source their grain locally at his business in Hartland. Some of the grain comes from other countries, since they cannot get some locally.*

*The byproducts of the beer and coffee will be provided to the local farmers for the animals.*

*Future plans include providing opportunities for craft fairs and expand if given the opportunity.*

*Lewis Fitts – He thinks that having a place to eat nearby is a good idea. He supports this venue.*

*Mike Cray – This is a good opportunity to provide jobs in the town.*

*Dave’s asked it there will be a PA system and what is the frequency of the bands.*

*Mr. Bryant said that there will not be a PA system. He would like to have bands and events. He does not plan to be open late and would like to provide a great resource for the town (from the agricultural standpoint and a good food standpoint). Bands will be primarily in the summer and on a Saturday.*

*Dave explained that their opportunity to put on conditions is going to be tonight.*

*Mr. Bryant said that he would like to provide “Harvest Host” which allows RV to park for one night. RV’s must be self-contained and will not hook up- to anything. This would be an opportunity to bring in those from the RV world.*

*Public Hearing closed at 6:26 pm.*

# Palmyra Planning Board Meeting Minutes

Date: 1/10/2023

## **I. Call to order and flag salute**

*The meeting was called to order by the Chair at 6:26 p.m. – flag salute*

## **II. Roll call**

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

*Priscilla Jones, Administrative Assistant*

*Selectman: Brian Barrows, Vondell Dunphy, Jo-Anne Brown, Herbert Bates*

*Others Present: Bob and Zach Bryant, Pat White*

***Residents:*** *Kent and Doug Frati, Harold Wilber, Bill Freudenberger, Ivan Bates, Hollis Edwards,  
Pat White. Darrin Dyer, Lewis and Erin Fitts, Tyler and Garth Norris, Michael Cray*

***Nonresidents:*** *Robert and Zach Bryant, Aimee Young (Plymouth Engineering), Andre and Teri  
Poulin, John Hikel*

## **III. Correspondence - None**

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

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

*Gary's concerns*

- *This could get out of control and is concerned about the neighbors.*
- *The animals will need time to get acclimated to the noise.*

*Billy's concerns*

- *Mr. Bryant has to demonstrate to the Board that the business will not have a more adverse impact on the neighbors. In his opinion it would.*
- *RV parking*
- *Weekend use, traffic*
- *Nighttime use*
- *Lights for parking*
- *New buyers of the neighbor's property (if they were to sell)*
- *Without conditions, he can expand the business. What an expansion will do to the neighbors does not come into play in the Nonresidential Permit Application process.*

*Dave's concerns*

- *Amish neighbors (not present). He stated he was aware the Yoder's had some church services on Sunday at their home and also had some schooling.*
- *Outside music*

*Discussion on RV Parking (Harvest Host): Mr. Bryant explained that this will not be an RV Park. RV's will come in and spend one night only. He does not believe there will be more than 5 in one night. Hollis Edwards stated that he owns a farm on the Shy Road and participates in the "Harvest Host" program. He explained that Harvest Host is based on agriculture (farms, winery, and breweries). It is a membership that lists places where RV's can stay at no charge. They must be fully self-contained. A reservation is made through Harvest Host, and then goes to them for approval. They are only allowed to reserve for one night.*

*Billy asked what his intent is for the buildings. Mr. Bryant stated that he does not intend to build anything now. He will need to expand the existing building, remove the existing furnace and replace it. He will also have cooling and boiler requirements that may not fit in the existing building so he may need to build some bump outs. He will remove the office and add a mudroom. Anything he does will fit into the residential/agricultural theme of the area.*

*Zach Bryant stated that the existing slab may be used for additional brewing space or coffee roasting. There is no intent to expand the restaurant.*

*Dave reviewed possible conditions:*

- 1. Restaurant hours to be limited to: no later than 6 am-9 pm Monday through Thursday, Friday and Saturday 6am -10 pm, and Sunday 7am - 6 pm. Bands to stop performing at the end of the business day.*
- 2. Sunday there will be no outside events or bands without prior approval from both neighbors.*
- 3. No fireworks*
- 4. No exterior public address system*
- 5. Maximum of 5 "Harvest Host" RVs at one time*
- 6. Restaurant space (infrastructure) not to be expanded. Outside tables are permitted.*

*Mr. Bryant asked if the hours stated was for the bands only. Hours of operation will not be included in the conditions. Revise condition #1 to state the hours listed are for the bands only.*

*There was discussion about condition #6 (expansion of the restaurant). Mr. Bryant does not want this to be a condition. This condition was removed.*

*On this narrow topic of more, less, or equally nonconforming, a motion was made by Dave that based upon application materials, testimony, statements, evidence, documents, and other material presented to the Palmyra Planning Board, the Planning Board finds that this applicant has proven to their satisfaction that the proposed use of this property is equally or more appropriate to the district than the existing nonconforming use and that the use shall have no greater adverse impact on adjacent properties than the former existing nonconforming use, subject to following conditions .*

- 1. Outside bands are limited to stop performing at 9 pm Monday – Thursday, Friday and Saturday at 10 pm, and Sunday at 6pm.*
- 2. No outside events or bands on Sunday without prior approval from both neighbors.*
- 3. No fireworks.*
- 4. No exterior public address system.*
- 5. Maximum of 5 "Harvest Host" RV's at one time.*

*The motion was seconded by Gary. Passed 2-1 (Leavitt, Beem in favor, Boulier opposed).*

**b) Pre Application Meeting – Poulin Palmyra Development Subdivision (Map 5, Lot 26)**

*Billy explained that this is a pre-application meeting to discuss plans submitted by Poulin Palmyra Development. Aimee Young of Plymouth Engineering was here to represent the applicant:*

- The lot is currently a vacant hayfield.*
- Proposal is to have a driveway off Route 2. There is an entrance permit in place.*
- 6 duplex units to be built.*
- The units will be for age 55 + rental.*
- Well and septic design is in place.*

- *A little less than 2 acres will be developed.*
- *No DOT traffic study. There are conditions on the permit.*

*Dave asked if there is a plan for phase 2. Aimee responded that it depends on how phase 1 goes.*

*Dave stated that, since this is a subdivision application, he will be looking at the town's ordinance for subdivision roads. Aimee said that they will comply with the town's road standards.*

*Gary questioned the ordinance rule for preserving farmland. Dave said that per the lawyer, this would be difficult to enforce. Billy said that the definition of farmland is clear—farmland is defined by State statute. Farmland is defined as growing and agricultural product – like haying. Aimee stated that the rest of the property would be hayed. She said that the entrance can be graded so a tractor could get in to hay the field.*

**V. Announcements - None**

**VI. Reports**

- Secretary's Report (12/27/2022) – Motion made by Dave to accept as amended. Second by Billy. Passed 3-0.*
- CEO Report – Billy noted that on the report (for permits issued), CEO did not list all the conditions on the permits approved by the Planning Board (specifically Merrill, Zook, and Lawler). The report needs to update to be current with the Planning Board issuance of conditions. Location is also missing on some of the permits listed.*

*Dave and Billy will attend the Select Board meeting tomorrow to discuss the ordinances and revisit the course of action for Hometown Health Center and the solar farm (as outlined in the Planning Board minutes of 12/27).*

**VII. Old Business**

- Shoreland Zoning Ordinance – summary of changes – Billy is working on this. Dave asked that the Select Board encourage the Code Enforcement Officer to assist the Planning Board with the Shoreland Zoning Ordinance.*
- Progress update: finding additional Planning Board Members – Dave suggested that Bill Freudenberger be asked to join. He is currently on the Board of Appeals.*
- Recommended changes to the ordinances /Floodplain Management Ordinance – review Billy said that three changes were sent to the Select Board to be talked about tomorrow night. Floodplain minor changes suggested. Dave would like Travis (CEO) to attend a meeting to talk about it. Billy will send the document to Travis.*
- BD Solar – action items update – discussed earlier*
- Hometown Health Center - action items update – discussed earlier/*
- Planning Board Report for Annual Town Report - Diane will prepare this in a similar format to last year.*

**VIII. New Business - None**

**IX. Adjournment**

*8:10 pm – motion made by Dave at adjourn—seconded by Billy. Approved 3-0.*

Respectfully Submitted  
Diane White

NEXT MEETING  
1/24/2023