

Palmyra Planning Board Meeting Minutes

Date: 1/24/2023

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 Boulier, Gary Beem, Corey Dow

Diane White, Secretary

Travis Gould, Code Enforcement Officer (CEO)

Selectman: Vondell Dunphy

Others residents present: Michael LePage, Katie Burrill

Nonresidents: Aimee Young (Plymouth Engineering)

III. Correspondence – *Dave had received a phone call from Wes Jordan about a kitchen renovation at the golf course. He told the caller to talk to Travis (CEO) about the plumbing, but no permit is required for interior renovation.*

IV. Process Land Use Permit Applications

a) Poulin Palmyra Development Subdivision (Map 5, Lot 26)

It was noted that the permit application fee has not been paid. The Board agreed to move forward without the fee.

Corey went through the checklist items (checklist items included in the application submitted):

Open items: 16, 24, 25, 36, 37, 42, 44, 47, 49, 53, 54, 64, 73, 74, 76, 81, 96

Check list items discussed or open (those not listed are compliant or not applicable):

- 1) Complete except for the Mylar, which will be submitted when complete.*
- 4) Billy asked that the date be include in the title block.*
- 5) Billy would like it the property line between Clarence Boulier and Joe Wood shown on the EX plan.*
- 6) Dave did not see any utility poles. Aimee explained that power will be underground. Dave asked that the schematic for the duct work be shown. There will be no street lights. Billy asked her to locate utility pole # 59.*
- 10) Applicant to research the easements listed on the Warranty Deed Exhibit A.*
- 11) The width of the streets and right-of-way is not shown.*
- 12) Billy asked what the setback is for the septic. Travis said that since this is a public water supply, it is 300 feet.*
- 16) Discussion on how evidence of quality and quantity of water will be verified. Billy suggested that the abutters be asked about their wells.*
- 20) Check the distance to the neighbors well.*
- 24) No construction schedule. Billy asked that they provide plans per each unit. Construction must be started within six months of approval.*
- 25) PBR (Permit by Rule) application to the state has been submitted.*
- 27) Not applicable, but a condition may be put on if he sells the units.*

- 37) *There are problems with wells in that area, and there is a concern about what this development will do to neighboring wells. Dave stated that the burden of proof is on the applicant. The questions are: will there be adequate water to supply the project and what will it do to the water table in that area. He suggested adding a condition and possibly hiring a subject matter expert. Dave asked how to protect the abutting owners. Travis suggested that the developer drill the well first. Certified letters will be sent from the town to abutters and other land owners nearby notifying them of the public hearing and asking if they have concerns about their wells, the depth and gallon per minute of the wells and information on any water tests. The applicant has applied for a Public Drinking Water Supply Permit.*
- 42) *The next to the last sentence is not applicable.*
- 44) *A Public Drinking Water Supply Permit has to be in place.*
- 47) *Permit by rule is in progress.*
- 49) *Billy said that this would have to be a condition and the owner should give this to the CEO.*
- 53) *Aimee stated that this will be a road and will comply with the Town of Palmyra Road Standards for Subdivisions. On C3, delete top 3 details on the left side.*
- 54) *Applicant to review plans to ensure compliance with the roads standards for subdivisions.*
- 64) *Applicant to verify Route 2 roadside pickup of waste.*
- 73) *Open for compliance with all applicable checklist items.*
- 74) *PBR Permit is open.*
- 76) *Dave said that the letter in the application regarding adequate financial resources is generic and he would like something more specific with the cost estimate for the project.*
- 81) *Open for issues related to water availability and Public Drinking Water Supply Permit.*
- 96) *Aimee explained that this is not considered as a direct watershed because it goes through Fogg Brook first, therefore they do not need a phosphorous impact study.. Billy asked that she modify the language to explain this.*

Billy stated that the application for Poulin Development is complete with the following conditions: the applicant will pay the required application fee, put the dates on the title block, include lot lines for Boulier/Wood on the EX Plan, show the underground electric route to the buildings, locate pole #59 on C1, and show the width of the roadway and the right-of-way on C1. The motion was seconded by Dave . Passed 4-0. Approved as complete subject to the conditions.

Motion made by Billy to schedule a public hearing on February 14th (upon receipt of the application fee by Wednesday pm close of business day). Second by Dave. Passed 4-0.

Diane will send notices to abutters and will ask them if they will provide information about their wells.

V. Announcements – *Dave said that there will not be a Select Board meeting tomorrow night. There will be a meeting on Wednesday, February 1st.*

VI. Reports

- a) *Secretary's Report (1/10/2023) – Motion made by Dave to accept the public hearing meeting minutes and the Planning Board meeting minutes as amended. Second by Billy. Passed 3-0 (Corey abstained because he was not at the last meeting).*
- b) *CEO Report – Travis has issued one building permit this month for a large barn on Ell Hill Road, a replacement of a mobile home, and two plumbing permits.*

VII. Old Business

- a) Shoreland Zoning Ordinance – summary of changes – *Billy had provided a “marked up” copy. He explained that the red items are in our ordinance, but not in the State’s Chapter 1000 and the blue items are in the State Ordinance but not in ours. The Board agreed to schedule a special Planning Board meeting on February 7, 2023 to discuss this ordinance.*

Other ordinances:

Billy said that the Select Board has approved of three proposed changes:

- *To revise the Zoning Ordinance, Art. 9 – How an amendment can be made.*
- *Planning Board Ordinance – To allow a member of the Select Board to act as member of the Planning Board when needed for a quorum.*
- *Art. 10 – Nonconformance – to rectify “no requirement to complete an application and no requirement for a public hearing” and to define the permitting authority.*

Not yet approved (Billy’s recommended changes):

- *Entertainment – amend to state that the fee for a permit shall be as listed in the Town of Palmyra fee schedule. Dave made a motion that the Planning Board approves of this change. Seconded by Corey. Passed 4-0.*
 - *Nonresidential Land Use Ordinance – Sign requirement – Billy explained that we currently we are not complying with the Maine Revised Statute, Title 33, Chapter 21, Section 1914. This is additional requirements for on premises signs. This will change the town’s ordinance to conform to the state ordinance. Dave made a motion that the suggested changes be approved. Corey seconded. Passed 4-0.*
- b) Progress update: finding additional Planning Board Members – *Diane told the Board that Douglas Frati is willing to join and appointment papers will be signed by the Select Board at the next meeting. They will also appoint Mike LePage and Kathryn Burrill as alternate members.*
- c) Recommended changes to the ordinances /Floodplain Management Ordinance – review *Billy explained that he had changed this to be the responsibility of the Planning Board. Travis stated that he has training in Shoreland Zoning. He said that there is not a high demand for this in Palmyra. Travis would like this to be the responsibility of the CEO. Billy will amend with CEO as primary and the Planning Board as the secondary authority. Motion made by Dave that the Planning Board will be the secondary permitting authority. Billy suggested that the application and expert fees be changed.*

There was a discussion at the Select Board meeting about the proposed brewery to be located on Main Street and on revising the commercial zone to include all of Route 2 from the Newport line to the Pittsfield line. The Select Board asked Billy to come up with the wording for an article for the annual warrant.

Dave said that he is not sure that the proposed brewery is nonconforming (per the Zoning Ordinance). He suggested that service establishment be defined. Billy said that per the Nonresidential Land Use Ordinance, eating establishments are not allowed.

Dave is concerned that taxes will be higher on Route 2 and more services will be needed. Gary had some environmental concerns.

Dave said that impact fees may be assessed to businesses coming in.

Billy stated that the town is progressing and Route 2 is a commercial corridor. Changing the zoning would bring in more businesses and jobs in Palmyra.

Dave, Corey, Gary do not support this suggested change.

Dave made a motion to support Brian's (Select Board Chair) direction, and to see if the Planning Board supports this going to the Select Board. Seconded by Billy. The motion failed—3 opposed and 1 for (Billy).

- d) BD Solar – action items update
- e) Hometown Health Center - action items update
Dave and Billy had done a lot of work on drafting letters to give to Brian. Dave asked Travis if Brian had proceeded or did he ask Travis to proceed. Travis was not sure if Brian had given the letters to him.

Travis sent emails to Hometown Health Center and he is waiting for a response.

Travis has been emailing Adam (BD Solar) regarding the list of items requested by the Planning Board.

- f) Planning Board Report for Annual Town Report - A draft was distributed to the Board – approved.

VIII. New Business - None

Travis asked if the subdivision applicant goes to him after approval of the subdivision for building permits for the structures or if what is approved by the Planning Board includes the building of the structures.

After discussion, it was agreed that the applicant will need a residential land use permit for the structures.

IX. Adjournment

8:55 pm – motion made by Dave at adjourn—seconded by Billy. Approved 4-0.

Respectfully Submitted
Diane White

NEXT REGULAR MEETING
2/14/2023