

Palmyra Planning Board Meeting Minutes

Date: 2/14/2023

I. Call to order and flag salute

The meeting was called to order by the Chair at 6:20 p.m. – flag salute

II. Roll call

Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulter, Gary Beem, Corey Dow, Douglas Frati, and alternates Michael LePage and Katie Burrill

Diane White, Secretary

Selectman: Brian Barrows, Vondell Dunphy, Jo-Anne Brown

Others residents present: Clarence Boulter, Jackie and William MacLaren, Jeff Hardy, Pat White

Nonresidents: Aimee Young (Plymouth Engineering)

III. Correspondence

a) *Maine Department of Transportation – Highway Rehabilitation (Route 152) – work done will be on Route 152 (attachment 1).*

IV. Process Land Use Permit Application

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

Applicant provided additional information dated January 31, 2023.

Billy stated that some items that were needed for a complete application include: dates on the plans, application fee, identify the underground electric, pole #59, and width of roadway and the right-of-way (on C1), existing lot lines (across the road). These items are complete. They explained that the easements are not applicable (for CMP poles).

Other checklist items:

16) *Evidence of quality and quantity of water – open. Andre Poulin (applicant) will investigate this first.*

20) *Compliant - Distance to abutters well from the septic. Pat White (closest neighbor) said that it is over 100 feet.*

24) *The Letter of Commitment is from an entity in Florida instead of a Maine bank. The Planning Board has concerns about the credentials of the investor and adequacy of funding. Billy stated that this is up to the developer to provide evidence that Poulin Development has the funds. Construction will begin when the frost is gone or when approval is complete. The applicant intends to build one unit at a time and take 6-9 months.*

25) *Open—Permit by Rule pending and DOT Entrance Permit revision. Dave said that the DOT Entrance Permit has it listed as a driveway multifamily (5 or less). Dave had talked to Craig of DOT and he was going to research what was submitted. Aimee will follow up with Craig (DOT). Billy mentioned paving of 25 feet needs to be shown of C1.*

36) *Open pending hydrologist report.*

37) *Open pending hydrologist report.*

38) *Open (Subsurface Waste Water Disposal)*

41) *Open for Public Drinking Water Supply Permit: Billy made a motion that the Poulin Subdivision must have a well system per duplex. Discussion on the number of wells required. Billy also pointed out the last paragraph or Article 7, Section 4. Water Supply states: the subdivision can have a licensed public water supply approved by the State. He also read the definition of a Public Water System and pointed out that the current application does not comply. Aimee stated that the*

applicant is planning for the future so they have applied for the permit from the State. Planning Board members agree that one shared well is adequate. Motion withdrawn. Dave suggested that a subject matter expert be hired by the town to advise on the adequacy of the well. Six septic systems and one well will be required

Jeff Hardy asked what would happen if the project is developed and area wells go dry? Dave responded that there will be reports from a well driller and hydrologist. He would like a subject matter expert to say that the applicant's hydrologist is correct. Billy suggested that the Planning Board wait (to ask for an escrow account) until the applicant's hydrologist says that there is enough water; then the town could hire a hydrologist to give a second opinion.

42) Open. Documentation to be submitted by the company drilling the well and a hydrologist.

44) Open for Public Drinking Water Supply Permit

47) Open pending receipt of Permit by Rule.

49) This will be a condition of the permit and should be given to the CEO.

53) Aimee confirmed that the detail on C3 that shows ditch on both sides of the driveway is correct. Billy said that the proposed grades should be included on C1. These are shown. Test and inspection reports not required because this is not a public improvement. This item is complete.

54) Not applicable

64) Trash will be curbside - complete

73) Open until final decision

74) Open for applicant to provide a statement that the proposed development is not in the direct watershed of a great pond.

76) The Planning Board asked for credentials for the investor.

81) Open

96) Complete

V. Announcements - none

VI. Reports

- a) Secretary's Report (1/24 & 2/7/2023) – Motion made by Dave to accept as amended. Second by Corey. Passed 5-0
- b) CEO Report

VII. Old Business

- a) Planning Board Ordinance Review Packet

Billy stated that the Select Board approved three amendments in the ordinances. The documents were sent to the Select Board on December 28th and members met with the Select Board on January 11th to discuss those three. The Administrative Assistant sent a message that the Select Board did not discuss or take any votes on these articles on January 11th. She also sent what the wording is for the amendment, which is similar to what the Planning Board approved, but is different. He asked what happened because the other proposed changes did not get on the Town Meeting Warrant.

Dave stated that he was disappointed that none of the work that Billy and the Planning Board had done and presented was put on the warrant and that the Administrative Assistant had changed the language. Some of the ordinances do not have clear language on how to update, yet they have been updated several times. He wants to call KVCOG to help with the language.

Discussion on who can initiate a change in the ordinance. Billy stated that there is three ways: Select Board, Planning Board, or a petition. Dave does not agree.

Brian said that he is saddened and angry about this and he apologized to the Planning Board members. He stated that he did not sign the Town Meeting Warrant and if he is still on the Select Board (after Town Meeting) he will do what he can to hold a special town meeting for these changes. He wants to encourage and support the work that they do.

Billy suggested that correspondence from the Planning Board be made a public recognition in the Select Board Meeting Minutes. Dave suggested joint meetings in 2023 to discuss the ordinances.

Shoreland Zoning – Billy said that the timber harvesting section in the Shoreland Zoning Ordinance was intended to be deleted, but according to DEP, because the state does not recognize the Nokomis Pond Protection Zone (NPPZ) we do not have the option to have the state enforce timber harvesting rules.

b) BD Solar – action items update

Water test

- 1. Results received (attachment 2). Dave would like the report to include a narrative so that the results can be analyzed.*
- 2. It is up to the Select Board to communicate this information (water test results) to the abutters.*
- 3. There is a list of all the chemicals and compounds in the panels in the packet. There is also a list of all the test the water company has done. The Planning Board has not been unable to verify that the water testing company has tested for all of the chemicals in the panels. The Planning Board recommended that the CEO and/or Select Board take the list of chemicals to the testing company and ask them if they are testing for these chemicals.*

Escrow account: *Dave explained that the escrow account was established so that if the company walks away, the taxpayers do not have to pay clean up the site. Every year the company submits an update and increases the account if the cost of decommissioning increases.*

- 1. Dave met with Travis—the solar farm company said that they can sell the panels and make enough to tear down the solar farm. They were told that the town is not interested, and this should be left out of the decommissioning cost. Over time the panels will not be worth anything. On future estimates, they will be asked to include an estimate on what the panels are worth.*
- 2. Dave said that he has not seen a copy of the signed pledge and disbursement agreement. He would like the office to locate this executed copy of the original document. Billy noted that the amount has increased.*
- 3. Per a letter from Bangor Savings Bank (attachment 3), additional funds were put in the escrow account (for the updated amount). Dave asked how one person can change the sum when the original document was signed by several people. The majority of the Planning Board member support asking the town lawyer about this.*

c) Hometown Health Center - Action items update (attachment 4) - Travis has been in contact with Tom Emery and he is working of the items.

Dave explained to the new members of the Board that HHC is a 25 million dollar medical facility that will be next to Tractor Supply on Main Street. The Letter of Credit has expired; they need to submit a new one. Test and inspection reports for public improvements have not been submitted. Billy asked that a letter be sent (instead of emails) to be more official. Bill has written a letter addressing items that need to be updated including the Irrevocable Letter of Credit, the budget estimate, and test and inspection reports. Billy does not think this letter was sent to Mr. Emery. He asked that this letter be sent. Dave said that the CEO did send an email to Mr. Emery on

January 10th, but he did not copy the Select Board or the Planning Board so it was not known that this was sent.

VIII. New Business

Dennis Dow owns and lot on Main Street and wants to put storage rental units on it. He will be on the next agenda. Dave offered to take the lead on this. He asked Travis (CEO) to be present to help with this.

Billy would like to discuss improvements to the town website regarding ordinance at the next meeting.

IX. Adjournment – *Motion made and seconded to adjourn. Passed 5-0. Meeting adjourned at 8:20 p.m.*

Respectfully Submitted
Diane White, Secretary

NEXT MEETING
2/28/2023