

Palmyra Planning Board Public Hearing Minutes

Date: 3/14/2023

6:00 - Public Hearing – Dennis Dow – storage building (Map 5, Lot 30-3)

Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulier, Corey Dow, Douglas Frati, and alternate Michael LePage

Select Board Members: David Gilbert and Herbert Bates

Diane White, Secretary

Travis Gould, Code Enforcement Officer (CEO)

Others present: Dennis Dow and Andre Poulin

- *Public Hearing called to order by the Chair at 6 p.m.*
- *Quorum present*
- *The purpose of the public hearing is to review the Nonresidential Land Use Permit Application submitted by Dennis Dow for the construction of a 40' x 100' storage facility (for rental units).*
- *Motion made by Dave that the Planning Board has jurisdiction to hold this public hearing based upon the Town of Palmyra Nonresidential Land Use Ordinance Article 4, Section 5. Second by Corey. Passed 4-0*
- *Motion made by Dave that the applicant has the right to appear before the since their application was approved as complete (for the purpose of holding a public hearing) at the meeting of February 28, 2023. Second by Corey. Passed 4-0*
- *No statement from the applicant.*
- *No questions or comments from the Board or the public.*
- *Public Hearing closed at 6:02 p.m.*

Palmyra Planning Board Meeting Minutes

Date: 3/14/2023

I. Call to order and flag salute

The meeting was called to order by the Chair at 6:02 p.m. – flag salute

II. Roll call

Planning Board Members present: Chair Dave Leavitt, Vice-Chair Billy Boulier, Gary Beem, Corey Dow, Douglas Frati, and alternate Michael LePage

Select Board Members: David Gilbert and Herbert Bates

Diane White, Secretary

Travis Gould, Code Enforcement Officer (CEO)

Others present: Dennis Dow and Andre Poulin (applicants)

III. Correspondence - none

IV. Process Land Use Permit Application

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

Open items reviewed by Corey:

16) *Evidence of quality and quantity of water. Andre Poulin submitted a letter from a hydrologist and well driller. He explained that he wants to build the duplexes in Palmyra because there is a need and it is close to Walmart. This is an investment project. He is frustrated with the process and the cost. Dave explained that they are trying to follow the ordinance. Billy stated he cannot be the exception. The Planning Board evaluates the applications and then makes sure the applicants comply with the ordinances. Billy expressed concern about the neighbor's water supply. Residents have indicated that wells in the area go dry. Billy stated that nearby families will be greatly impacted if there is not enough water in the area and they have to be responsible to ensure that the citizens are protected. It is up to the applicant to provide evidence that the neighbors will not be impacted. Andre stated that he hopes the document from the hydrologist shows that there is adequate water. Conclusion is that he has three times the water needed. Dave read from the ordinance "the proposed subdivision will not cause an unreasonable burden on the existing water supply; the proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water". Andre stated that the neighbors are hundreds of feet away and what is under to ground is unknown. The first thing he will do is drill a well. Dave sent the letter to the state hydrologist and he agreed to look at it and give a verbal response. Summary on page 6.*

Billy suggested that the Planning Board get a hydrologist to evaluate and report to the Planning Board. Billy asked Diane (closet neighbor) about her well. The well does dry up occasionally in the dry months (doing regular household chores). The well supports two households. Doug noted that the report indicates that the problem area is on the east side of the project. Diane's well is on the east side.

Doug stated that the neighbor across the street may have a well with a casing not set properly.

Andre said that they are now questioning the experts report. Dave's questions: is it complete; are there omissions; and does the data support the conclusion drawn? He did call for a free evaluation, and should have a response for the next meeting. The state gave the names of several other agencies that can be hired, including Kleinschmidt in Newport. Travis said that what they have is someone's opinion, the water situation will not be known until a well is drilled. He suggested that they move forward. Billy said that he is uncomfortable moving forward when the neighbor who abuts the property has difficulty with their well and will not accept the report from the hydrologist as evidence that the water quality or quantity will not be impacted.

Doug suggested that they vote on this and move on. Dave asked for opinions. Doug is satisfied with the information they have and when the well is drilled, the real outcome will be known. Corey and Gary agree.

Billy explained that it is imperative that they not allow an application to go through that impacts the neighbors. In his opinion, the water needed for six units would impact the abutter.

Motion by Dave that the well drillers and hydrologists reports address the question of the adequacy of the water to the satisfaction of the Planning Board. Second by Corey. Passed 3-2 (Dave and Billy opposed).

- 25) *Aimee was going to get a copy of the DEP Permit by Rule. This is pending. Open.*
- 36) *The proposed subdivision has sufficient water available. Dave said that this was settled based on the vote on item 16. Closed. 3-2 vote.*
- 37) *The proposed subdivision will not cause an unreasonable burden on an existing water supply. Settled based on the vote on item 16. Closed. 3-2 vote.*
- 38) *Site suitability for a Subsurface Waste Water Disposal System. Six separate system designs required. Dave explained that a mistake was made on another housing subdivision application because the requirement in the ordinance to have separate subsurface wastewater systems per each unit was not known by the Planning Board Members. Travis recommends that the town follow the State of Maine rules, which would require one system. Dave stated that they must follow the ordinance—if they don't agree with it, they will try to initiate changes.
Aimee will have to revise this part of the application. Open.*
- 41) *Show wells and septic systems on the site plan; C-1 to show wells and six septic systems. Open.*
- 42) *Water supply shall be adequate to supply water requirements of the development. Closed-3-2 Vote.*
- 44) *Open for receipt of Public Drinking Water Supply Permit.*
- 47) *Soil Erosion. Open pending Permit by Rule.*
- 49) *Earthmoving must be done by or under the supervision of certified contractors. Condition of permit: provide a certificate (supplied certificate has expired certification). Open.*
- 53) *Previously considered complete, but Billy suggested that this be brought up again for discussion this evening. Discussion: The road requires a 3' shoulder per the ordinance. 20' road with a 3' shoulder on each side with no ditch. Detail shown on C3. Open*
- 73) *Conformance with all Palmyra ordinances. Open pending DEP Permit by Rule and Public Drinking Water Permit.*
- 74) *Entry permit correction – 5 units shown needs to be corrected. Open.*

- 76) *Credentials of investor. Open. Planning Board is asking for a letter from a bank verifying the credentials of the company providing the financial backing.*
- 81) *The subdivision will not adversely affect the quality or quantity of the ground water. Closed. 3-2 vote.*

Douglas asked about solid waste. Putting trash out on Route 2 does not sound practical. Mike asked if the trash company is on board with this. Dave referred to the ordinance. No language regarding this issue.

Open items: 25, 38, 41, 44, 47, 49, 53, 73, 74, 76

- b) Dennis Dow – storage building (Map 5, Lot 30-3) –
Application review:

12) Shoreland Zoning:

- Bill believes that this lot is in a resource protected area based upon the Shoreland Zoning Map and the information from the National Wetlands Inventory. Travis does not agree.*
- Dave called MMA- should show preference to Travis (CEO) due to his training.*
- Travis is willing to reflect in the minutes that the location of the building is not in a resource protected district.*

15) Plan drawn to scale – Billy clarified that the deed and sketch do not match. Billy provided a site plan on behalf of the applicant. Planning Board pointed out that the applicant only owns up to the CMP right of way. Change side setback on the CMP right of way side from 14” to 25” on the sketch. This assumes the CMP right of way is 50’ (as stated by the applicant).

16) Confirm gravel depth. Note added to drawing – 24’ – 48’ of gravel.

35) Light type included is acceptable.

39) Screens shall be installed. Applicant decided to install an 8’ high wood stockade fence on the side of the house lot along the edge of the gravel surround on that side. Applicant added this on the revised site plan.

41) Signs. 20 sq. ft maximum. 4’ x 5’ shown of the sketch.

Motion by Dave that the application is complete. Second. Passed 5-0.

Motion by Billy that the application of Dennis Dow to construct a 40 x 100 storage building with a gravel yard has met all Article 5 review criteria with the stated revisions to the site plan. Second. Passed 5-0.

V. Announcements

VI. Reports

- a) Secretary’s Report (2/28/2023) - *Motion by Dave to approve the report. Passed 5-0.*
- b) CEO Report

VII. Old Business

- a) Planning Board Ordinance Review - *To be looked at next meeting*
- b) BD Solar – action items update - *To be looked at next meeting*
- c) Hometown Health Center - action items update - *To be looked at next meeting*
- d) Change part of the ordinance regarding screening along the road - *To be looked at next meeting*
- e) Revised fee schedule – add fine for “After the Fact Permit” – *New fee schedule accepted*

VIII. New Business

- a) Home Occupation Permit Application - proposed revisions - *to be looked at next meeting*
- b) Planning Board Manual – 2019 Supplement – *Updated sheets for the Planning Board Manual distributed.*

IX. Adjournment

8:15p.m. - Motion made by to adjourn—seconded. Passed 5-0.

Respectfully Submitted
Diane White, Secretary

NEXT MEETING
3/28/2023