

Palmyra Planning Board Meeting Minutes

Date: 4/25/2023

I. Call to order and flag salute

The meeting was called to order by the Chair at 6:05 p.m. – flag salute

II. Roll call

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

Alternates: Katie Burrill, Michael LePage

Select Board Members: Vondell Dunphy, Herbert Bates

Diane White, Secretary

Others present: Gail Jones; Boyd and Rosalie Withee; Kenneth Kozyra for Maine RSA #1; Patrick Kane, Randy Sinclair, Michael Fermo, and Jeffrey Allen for A Team Development,

III. Correspondence - none

IV. Process Land Use Permit Application

- a) Poulin Palmyra Development Subdivision (Map 5, Lot 26) – *Andre Poulin had called the office— there is no new information to discuss because they are still waiting for the state permits. The Vice Chair asked that this be held for discussion after Maine RSA #1 and A Team applications.*
- b) Maine RSA #1 – Cell Tower application – *additional information submitted by Kenneth Kozyra*
- 1) *The property lease (for a 100 x 100 section) and easement was submitted along with the Withee's deed (to show right, title and interest). The applicant has fulfilled this requirement pending receipt of lease with the signature from the corporate office.*
 - 13) *Diane had asked Travis (CEO) if this property is in Zone A of the Flood Insurance Rate Map and in his opinion, it is not. Board agrees. Closed.*
 - 19) *Erosion Control Plan – included on page C1.*
 - 20) *Pending engineering dept. (stormwater control plan). Minor change to C4 – added a note. Complete.*
 - 21) *According to the CEO, the property is within the watershed of a great pond, but since there will be no runoff, it is not applicable. The Planning Board agrees with the guidance of the CEO that a phosphorus control plan is not needed. Not applicable per CEO.*
 - 32) *Wetland – Ken had provided a Wetland Avoidance Plan. Board agrees that the requirement is fulfilled based upon the Wetland Avoidance Plan as submitted for 131 Spaulding Road.*

Motion made by Billy that the Nonresidential Land Use Application for Maine RSA #1 Inc. has met all review criteria of the Nonresidential Land Use Ordinance with the exception of providing a completed and signed lease. Second by Dave. Passed 5-0.

Dave explained that the Findings of Facts will be signed at the next meeting. The sign permit application was submitted and signed by the Board.

- c) A-Team Development – Newport Self-Storage – *Additional documents submitted by Jeff Allen of A.E. Hodsdon Engineers including a letter from the Historic Preservation Committee (attached). Mr. Allen explained the project:*
- *He explained that they are planning to build storage units next to Wal-Mart and across from Ware-Butler on Route 2.*

- They will put in a road from Route 2 into the units.
- The plans include a paved area to display commercial rental trucks.
- Four storage buildings—about 450 units
- Maine DEP Stormwater Plan was filed in April.
- The developed area will be less than three acres—the entire lot is about 40 acres.
- Three systems used for runoff in impervious area, including a vegetative buffer.
- May continue to hay the rest of the land
- Truck rentals will be done online.
- Billy asked Mr. Allen to send a full-size set of plans.
- They will have security cameras.

Application Review (Corey):

Permit fee of \$4,780 paid

- 1) *Title and Interest – the deed was signed on March 1st and recorded on March 6th.*
- 2) *Request for waiver – Mr. Allen explained that they may request a waiver for the screening. They want the trucks to be seen from the road.*
- 9) *The parking area will be paved.*
- 13) *Is the property in Shoreland Zoning? Answered “No”. Billy questioned this. To be determined.*
- 15) *Add acreage on C.1 and stop sign.*
- 16) *Geotextile not needed because the traffic will be light.*
- 17) *Fire Chief stated that water can be drawn from the pond if necessary for fire protection.*
- 18) *MDOT Entrance Permit attached. Billy noticed that a page was missing—to be submitted later; DEP Stormwater has been applied for. Open.*

Other items completed.

Motion made by Corey that the Newport Self Storage Building Application is complete with the following exceptions (for the purpose of a public hearing):

1. *Provide full size drawings*
2. *Item 15 – add area of the deed and site utilities to C.1.*
3. *Item 18 – need second part of DOT Entrance and Stormwater Permit*
4. *Item 19 – add a silt fence to C3*

Second by Dave. Passed 5-0.

Public Hearing to be scheduled for May 9th at 6:00.

- 26) *Historic or archaeological resource – No. Letter from Maine Historic Preservation Committee confirms.*
- 27) *Dave explained that the board recommends no screening parallel to Route 2 for safety concerns. Billy stated that he needs to provide information on the screening (type of trees, height, etc.). Article 8, Section 10 will give the information needed for the screen. Board members agree not to require screening along Route 2.*
- 39) *Since the neighbor is a business, the answer to be changed to “No”.*
- 40) *Adjacent to Farmland, Open Space or Tree Growth. Open until confirmed.*
- 41) *Signs. They would like to have a sign that is visible from the interstate. Billy explained the rules for the sign. Application with a sketch to be submitted.*
- 42) *There will be no dumpster.*

Open items to be submitted:

- *Sign permit application and sketch*
- *Full size plans*
- *Screenshot of Flood Map*
- *Add stop sign to revised plan*

- *Acreage on C3 1.0 from the deed (#15)*
- *Add electrical service line to C1.0.*
- *Copy of the standard conditions for driveway permit from DOT permits (#18)*
- *Show silt fence and/or bark mulch berm.*
- *Review ordinance for screening with trees. Ordinance does not require for a commercial building.*
- *Is the adjoining land in tree grown, open space or farmland—Diane will check. (#40)*

Discussion on possibility of having a local farmer mow the remaining land.

- **Poulin Subdivision** – *Billy had submitted a document (attached) for Planning Board consideration concerning checklist item #37 (will the proposed subdivision cause an unreasonable burden on an existing water supply). Document was read and distributed. He suggested that a copy of the document be sent to the applicant.*
- *Gary had talked to a resident of the Badgerboro Road—his well dries up frequently in the summer.*
- *Katie stated that the well website shows multiple wells without water in that area.*
- *Billy said that there is a wellhead protection plan that the applicant would have to provide. A public service operator licensed by the state is required to oversee the public water supply. Dave did not hear from the state hydrologist, who said that he would not put anything in writing. Dave said that he would recommend that the Select Board get legal counsel before revisiting this.*
- *Michael stated that until the application is complete, all items can be revisited since additional information can be presented. There are things that were not addressed.*

V. Announcements

- RSU Budget meeting - May 23 – meeting to be held at Nokomis*
- RSU 19 Budget Validation - June 13*

These meeting are on the same night as scheduled Planning Board meetings so Diane will not attend the Planning Board meetings.

May 9th - Doug will not attend

May 23rd - Doug, Corey, Katie and Diane will not attend – cancel meeting

June 13th - Diane will not attend

June 27th - Dave will not attend

Dave thanked Vondell and Herb for attending the meetings. He stated that their input is appreciated as are the eggs that Herb brings in (at no charge). Dave presented Herb with a gift card to a local restaurant (as a thank you for attending meetings and for the eggs). Members of the Planning Board donated.

VI. Reports

- Secretary's Report (4/11/2023) - Motion by Dave to approve as amended. Passed 5-0.*
- CEO Report – No report*

VII. Old Business

- Planning Board Ordinance Review – Billy said that he will continue to help with updating the ordinances (as a resident since he will no longer be a member of the Planning Board after*

tonight). Dave suggested consulting with KVCOG for ordinance revisions then review with the Select Board before requesting a Special Town Meeting.

Billy said that the Board has reviewed all but the Stormwater Ordinance, but he would like to review this again.

- b) BD Solar- action item update - *no new information*
- c) Hometown Health Center - action items update - *Billy sent an email to Tom Emery and directed him to send correspondence to the town.*

VIII. New Business

- a) New Digital Flood Insurance Rate Maps – *Another town (Etna) has the new digitized maps. Diane questioned if the maps were updated or just digitized (no updates were found).*

IX. Adjournment

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

Respectfully Submitted
Diane White, Secretary

NEXT MEETING
5/9/2023

POULIN SUBDIVISION APPLICATION

4/25/23

CHECKLIST ITEM #37 "The proposed subdivision will not cause an unreasonable burden on an existing water supply."

At our last meeting, the Chair stopped all discussion of this checklist item stating the Planning Board had made a decision on that item and therefore further discussion was not appropriate. I respectfully disagree with that determination.

Many times, in the last three (3) years, we have revisited checklist items previously approved. We are a citizen's body and not professionals and sometimes upon further review, we revisit a checklist item when we discover additional information that must be provided, correct a conclusion that we made, have the opportunity to reflect on a document received by the applicant or reflect on testimony received from the applicant. This procedure allows us as regular citizens to ensure we make the best decision we can for any application.

For this specific application, Checklist Item #53 was closed in our meeting of 2/14 and reopened in our meeting of 3/14 and remained open for meeting of 3/18 and closed on 4/11. Upon review of our meeting of 3/14 for Checklist Item #16, I discovered an error that the Planning Board had made in closing this item. In the stress of discussion, the Planning Board only focused on one (1) of the three (3) requirements for approval of this item and that was the quantity of the proposed water supply. The motion was carried 3-2 with Dave and I in opposition.

The Planning Board did not address the other two (2) requirements for approval of this Checklist item: "evidence of the quality of proposed water supply" and "If a public water system other than the Newport Water District is proposed, 1 copy of a wellhead protection plan shall be provided". These two items require this Checklist Item #16 to be open and be added to the conditions for this application.

The minutes regarding Checklist Item #16 state that the information from the well drillers and hydrologist address the question of the adequacy of the water. It was apparent the Planning Board members who voted in the affirmative regarded the technical information from the hydrologist of greater value than the testimony of the resident in the public hearing who testified on only being able to use water 3 months of the year and our Planning Board secretary, who is an abutter, testified that their well does dry up occasionally in the dry months doing regular household chores and that their well supports two households.

I believe both testimonies should have been considered in opposition to the technical information provided by the hydrologist. I would surmise that the hydrologist has not been informed of the water situation of the abutters which would allow him the opportunity to confirm his conclusion or modify, since he has gone on record to state there is adequate water.

The Findings of Fact for Checklist Item #16 should include testimony from the three (3) voting in the affirmative of the facts that supported their decision.

The Chair and I voted negative on Checklist Item #37 and Corey, Doug and Gary voted in the affirmative. The minutes of the meeting on 3/14/23 for Checklist #37 state it was settled based on the vote on Item

#16. This was based upon the information provided by The Brooks Hydro Logic document. In this document, there is one sentence that declares there is adequate annual ground water recharge to meet the water demand for the subdivision. This sentence does not address Checklist Item #37's question. The last sentence in the part entitled Water Demand Assessment addresses the question of Checklist Item #37 and is found on page 6: "There should be no significant impact to groundwater levels or water supply within the subdivision or area".

I believe it important for the Planning Board to note that the hydrologist did not go on record stating there would not be any significant impact to groundwater levels or water supply, which is what Checklist Item #37 requires, but only that there should be no significant impact.

For this reason, I am asking the Planning Board to reopen Checklist Item #37 for discussion.

If the Planning Board concludes again that the applicant has provided evidence that this Checklist Item #37 has been proven, the Findings of Fact should include testimony from each of the members voting acceptance on why they voted that way since approval of this application may be a cause for litigation for the Town of Palmyra if the subdivision impacts negatively to the water requirement of the abutters.

Billy Boulter - Vice Chair