

# Palmyra Planning Board Meeting Minutes

Date: 01/12/2021

I. **Call to order** – Chair Gary Beem called the meeting to order at 6:00 pm.

II. **Roll call**

*Planning Board members present: Gary Beem, Dave Leavitt, Corey Dow, Maurice Temple and Billy Boulter*

*Selectmen Present: Vondell Dunphy, David Gilbert, Herbert Bates*

*Diane Cookson (Planning Board Secretary)*

*Others present: Chris Cookson, Sherry Kelly, Claude Levesque*

III **Announcements**

- *Hometown Healthcare application – to be reviewed at the next meeting*

IV **Correspondence**

V. **Reports**

- *Secretary's Report (12/22/2020) – Motion made by Gary to accept as written—seconded by Dave. All in favor.*
- *Palmyra Annual Report – Planning Board Report – copies distributed to the Planning Board. Read by Chairman Beem.*
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VI. **Old Business**

- *Chris Cookson – requesting signature on subdivision plan – Chris explained that the Planning Board approved his subdivision in 2017, but the plan was not signed. He presented the plan to the board. Questions asked:*

*Maurice – Is the project complete. Yes*

*Maurice - Has anything changed? The general purpose building was not built. Residents did not have much interest in it. He may add a gazebo.*

*Dave asked why he needs this now. He is changing banks, and they asked for this.*

*Billy – Has this gone to the registry? No. This was caught by attorney—it needs to be signed before going to the registry.*

*Only one of the Planning Board member from 2017 is on the current Board—Gary Beem.*

*Dave said that the plan is different than what was built. According to his notes, the plan was for six duplexes (12 units). Chris explained that he had to change some of the planned duplexes into single units because it was required per DEP. Four duplexes and three single units were built. Also, there was going to be a backup propane generator installed. Chris said that wasn't done because the electrician said that it couldn't be done—he would have to put individual generators at each building.*

*Gary made a motion to sign the plan—seconded by Maurice.*

*Dave said that the issue is: what is on the plan presented is not what got built and is not what the Planning Board approved.*

*Maurice asked if he could have new prints done that would show what was actually built. Chris said that he can have Plymouth Engineering modify the original plan. Billy said that he would like the changes noted on the new plan along with an explanation of the changes, why it was changed and that 4 of the 5 members were not on the board at the time of approval.*

*Dave said that he would be inclined to sign the modified plan—other board members agree. Maurice asked that he include what is on the original plan, explain the changes, and that there is no general purpose building and no generators.*

*Gary made a motion to approve (the motion to sign). No second. Failed.  
Gary made to rescind the motion to sign—seconded. All in favor.*

*Chris will present a modified plan at the next meeting (including a copy for the town).*

*Chris asked about building more duplexes on a piece of land he purchased from Kelly and Frank Maker that abuts his duplexes. Maurice told him to talk to Travis Gould (CEO).*

## **VII. New Business**

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

- Levelly LLC (Map 5, Lot 78-2) – storage lockers

*Maurice asked if Beverly Cole is the only abutter. Daniel Ready may also be an abutter. David said that the Commercial Review Ordinance says that structures over 2500 sq. require a permit.*

*Dave said that the ordinance has a section on applicability and the old ordinance had a trigger of 5000 square feet (s.f.)—the new ordinance was changed to 2500 s.f., which would trigger the need for a permit. The application is for a 2496 sq. storage locker. Question on if a permit is required. Billy said that this part of the ordinance should be changed—all commercial buildings should be under the approval process.*

*Maurice said that even a small footprint could have a big impact—it does not make sense to not require a permit. Corey agrees that this should be changed. Selectperson Vondell Dunphy said that it would benefit the town (to have a permit) because you would have a record of it.*

*Billy asked about the house on the property—it is used as their business. This is not their primary residence. He asked questions about size of lot (on prior application) and distances from fence. Claude said that the fence will come down when building—then be put back up. Set backs are in conformance. Billy asked about selling the house separately (would it be possible). If they were to sell it, it would be sold as one parcel.*

*Discussion on requirement for an escrow account. Dave said he does not believe it is required in this case.*

*Billy said that the statement on the fee schedules states that “prior to acceptance of the application, the applicant will issue a check in the amount of ¼ % of the project estimated cost or \$2,500 minimum”. He suggested rewording this to clarify. Dave said that he reads it differently. Billy said that it needs to be clear if all applicants are required to fund an escrow account or if it decided when applicant comes before them. Dave said that whether or not it is required is decided by the board on a case by case basis, and should be decided on after the board has met with the applicant and before they have voted on the completeness of the application.*

*Planning Board would like to review this and asked if they can wait for a decision until the next meeting. They can wait—building will not be started until spring. Motion made by Billy to*

*postpone making a decision to allow them time to review—seconded by Dave. Sherry said that she would like something definitive from the Planning Board.*

*Dave asked if there is time to get something on the warrant for town meeting. Vondell suggested asking Priscilla (Administrative Assistant).*

*Dave asked other members of the board to attend the Selectmen's meeting to discuss the language in the Commercial Review Ordinance (applicability section attached). He would like to suggest amending the Commercial Review Ordinance to reduce the square footage. Billy and Maurice recommend taking out any reference to size. Members of the board agree—cut out A-D on pages. 4 & 5.*

*Dave asked if it is the Boards opinion that they will sign the permit for Levelly's as they submitted it (without a public hearing).*

*Two courses of action suggested:*

- If Travis says a commercial review is required – due diligence (comply with the ordinance/public hearing requirement).*
- If Travis says that no permit required—refund money, tell them “no permit required”, unless the applicant wants their application reviewed and a permit issued.*

*Maurice had concerns about issuing a permit when the ordinance does not require it.*

*Corey will reach out to Travis to request an opinion.*

*If Travis does not issue an opinion, a permit will not be required.*

- Vikas and Sunaina Chawla (Kuber LLC) – SmartStyle Hair Salon (Walmart) – Dave said that the board could issue a conditional permit if they need to get a copy of the lease. Permit fee not paid. Diane will send an email asking about the lease and status of the check.*

*Motion made by Dave to table—seconded by Corey. All in favor.*

**New Business (taken out of order) –**

*More discussion on the requirements of the escrow account:*

- Dave asked how they would make a determination that an escrow account is needed before meeting with the applicant. The need for an escrow account is at the discretion of the Planning Board.*
- Billy – Escrow needs to be set up at the very beginning of the process (at the first meeting).*
- Corey – calculations would be needed to set up an account.*

**IX. Adjournment - Motion made by Gary to adjourn—seconded by Dave. All if favor. 8:05 pm meeting adjourned.**

*Respectfully Submitted  
Diane Cookson*

NEXT MEETING  
01/26/2021