

Palmyra Planning Board Meeting Minutes

Date: 05/11/2021

I. Call to order – Chair Gary Beem called the meeting to order at 6:00 p.m.—flag salute

II. Roll call

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

Selectmen present: Vondell Dunphy, Herbert Bates

Diane White, Planning Board Secretary

Others present: Kasie Fair, Robert Chadbourne, Ken and Mary Ellen Fletcher

Hometown Healthcare Representatives: Judy Johnson and Tom Emery of Harriman

III. Correspondence

- Billy – Hometown Healthcare correspondence – (see attachment #1)

IV. Process Land Use Permit Application

- Chad Peasley – garage – Map 2, Lot 18-3 – *Motion made by Gary to accept as complete—seconded by Dave. All in favor.*
Motion made by Dave to approve the permit—seconded by Gary. All in favor.
- Robert Chadbourne – camp – Map 8, Lot 10 – *Billy distributed the “Shoreland Zoning Process” form he had developed and reviewed. Amendments need to be made to the Shoreland Zoning permit application. On page 5 and 6 change Hancock to Palmyra; and change “Environmental Control” to “Shoreland Zoning”. On page 2 change #19 to 25’ (based on the applicants revised information). Dave made a motion to call Mr. Chadbourne’s application complete subject to one condition—seconded by Maurice. Motion made by Billy to approve the application with the condition that the applicant must comply with 15.Q.1 of the Shoreland Zoning Ordinance as a condition of receiving a permit for the CEO approval. Seconded by Corey. All in favor.*
- Rachael Peete – addition to shed - Map 5, Lot 41 – *setbacks were brought in. Billy said that there will not be an addition—they are building a new shed. The old shed has been torn down. Application to be modified to “Residential Accessory Structure” – 20’ x 40”. Motion made by Dave to accept as complete—seconded by Corey. All in favor. Motion made by Dave to approve the permit—seconded by Corey. All in favor.*
- Kasey Fair – new home – Map 9 Lot 52A – *Kasey owns a home on and wants to put a manufactured home on his lot for his mother. Motion made by Gary to accept as complete—seconded by Dave. All in favor. Motion made by Gary to approve the permit—seconded by Dave. All in favor.*
- Andrew Wolfe & Diane Pierce – new mobile home – Map 3, Lot 14 – *payment and septic design not received. No discussion.*
- Hometown Healthcare Subdivision (review subdivision checklist / schedule a public hearing)

Information for Incomplete Items (see attachment #2) as of the 4/27 meeting had been submitted. Billy suggested that the submission pages be numbered. He went down through the list to verify if the items are complete:

8 – The response is not what he is looking for. The purchase and sale agreement referenced exhibit D. Exhibit D was not included with the purchase and sales agreement. Mr. Emery said that he checked with Mr. Fletcher and he confirmed that there is no additional information that would have been part of exhibit D. It was in there as a placeholder.

Provided

20 – This is part of the Commercial Development Review Application.

22 – County Soils Map- identified where it is found in the documentation.

24 – Costs have been provided. Cost of overhead illumination is not included. He did mention that there is a purchase order for Dollar Tree. Need to have a copy of the purchase order for the installation of this illumination. Mr. Emery said that this is being provided to the Code Enforcement Officer. Billy told him that it needs to be provided to the Planning Board as part of their submittal. Mr. Emery would like this to be a condition of approval since they have no control over this and are not in a position to enforce a preexisting condition (overhead light and striping). Billy said that per the purchase and sales agreement, they are taking the place of the subdivider. He suggested that someone get in touch with Dollar Tree and AutoZone and request a purchase order. Dave would like him to include a timeframe and performance guarantee (to make sure that it gets done). He thinks it is the responsibility of the applicant because of the new permit. Mr. Emery said he will follow up with the attorney, but would like this to be a condition of approval because it could take time. Dave would like to see date certain and time specific (for the illumination) and he would like to talk to the town attorney about making this a condition of approval. Billy said for completeness, the purchase order must be provided.

25 – DEP Site Location Permit is in progress

Line 2 – received - to be discussed under #52.

27 – Performance Guarantee – update from Mr. Emery: The insurer and lender said that it makes more sense for them to do a bank letter (instead of a performance guarantee) so they will be getting the letter from the bank. Billy – incomplete.

32 – This will be discussed last.

33 – Diane confirmed that the escrow funds had been received

40 – Hydrant installation confirmed

51 – Signed statement from their engineer has been submitted (May 4)

52 – Traffic Movement Permit–Billy noticed on page 2 of 3 (permit) it indicated that the site plan reviewed was C20-1 (March 9 2021 submission)—he has not seen that site plan and asked that it be provided. Mr. Emery will confirm that it is the same as C00-1.

Onsite mitigation (4 items listed):

A. Removal of existing entrance – that is on the plan

B. Revise existing entrance – noticed the plat drawing needs to be revised to match C001

C. Loop Road – design included

D. Extend the entrance driveway to connect with the parking lot for the new facility- design included.

Billy said that he has not seen any striping and paving markings.

Required confirmation from the state – design plan change at entrance to Tractor Supply – need written approval of the change in entrance plan. (Listed under 53)

53 – MDOT Traffic Movement Permit has been provided (detailed difference) – Mr. Emery explained that the change is 3” of gravel instead of 6”.

Dave asked if timing of road construction and address affirmative plan the inspection requirements for in next phase. Billy - yes

65 – pump station is not required because gravity fed.

93 – Long-term maintenance of the structures – clarified that is the responsibly of HHC – Billy did not understand “except for vegetative under drain soil filter 3, which will be the responsibility of all lot owners”. Mr. Emery explained that it is located at the bend in the loop road. The function of that drain is to serve the loop road and part of Fletcher Drive and will be part of the maintenance agreement and lot owners association.

99 - Received

32 – Billy – It has been stated that DT and AZ are responsible for Fletcher Drive. Mr. Emery said that what is in writing is that all lot owners are responsible. Currently, DT and AZ share the cost of Fletcher Drive. Mr. Emery explained that the cost for maintenance of Fletcher Drive is shared and they will need to work with the other entities to develop a homeowners association with a maintenance agreement.

Dave asked, “What constitutes a trigger for needing maintenance?” Mr. Emery said he did not have an answer tonight.

Billy said that he does not see a mention of pavement repair. Tractor Supply is the first easement that mentions a specific user agreement. In the easement, requirement of grantor (Hometown Healthcare) with providing grantee (Tractor Supply) written notice of all users, along with a copy of the executed user agreement. He would like to have this user agreement in place as well as insurance certificates that are required as part of the easement.

Dave said that there was a commitment earlier that the Fletchers lawyers were going to do an analysis on the current lot owner’s organization and make a statement about whether it complied with the ordinance. Mr. Fletcher said that under the advice of his lawyer, they are working with Hometown Healthcare. It would be time-consuming to have competing lawyer opinions at this point, so their agreement with Hometown Health is their lawyer is in consultation with Hometown Healthcare lawyer and they will agree with their position going forward.

Billy summation:

- 8. Revise Plat Plan to match the design at the entrance to Tractor Supply that is indicated on C00-1*
- 24. need purchase order with time frame for the illumination at the entrance to Fletcher Drive.*
- 25. DEP site location permit has not been received*
- 27. open*
- 32. Open—added: Planning Board noted the maintenance items listed on easement should include repair of the pavement surface.*
- 52. Applicant to provide the referenced plan (C20-1 dated 3/9/2021) and insure the Site Plan includes striping.*

53. 4th line down – confirmation of required approval of the design plan for highway drainage system – not received.

Dave said the application is still incomplete.

Mr. Emery said that he would like to have the lot owners association and maintenance agreement as a condition upon approval and to allow them to proceed with the public hearing. Compliance would be before final approval. Billy said that he would not see this as complete until this is in place. Mr. Emery said that in similar cases, draft forms are approved with conditions and the final approval happens after approval of the town attorney. Billy would like to see a draft form of this agreement. Dave wants our attorney to review the draft form.

Mr. Fletcher said that the other easements were approved by the Select board.

V. Announcements - none

VI. Reports

- Secretary's Report (04/27/2021) – Motion made by Gary to accept as written—seconded by Dave. All in favor.

VII. Old Business

- Appoint Officers (Chair and Vice Chair) – Billy nominated Dave for Chair. Seconded by Maurice. Billy and Maurice in favor.
Dave said that Gary would like to continue as Chair and he gives them a lot of latitude. Dave nominated Gary for Chair—seconded by Corey. Gary, Dave, and Corey in favor. Gary was appointed as Chair.

Billy nominated Dave as vice-chair. Seconded by Maurice. Gary, Maurice, Corey, and Billy in favor. Dave was appointed as vice-chair.

Dave said that the members make a good team and going forward, he would like to see some diversity. He likes to see the chairman let other members take the lead on the commercial applications. Maurice said that the load for the commercial applications will fall on Dave, Billy, and Corey because they are in familiar territory. If it becomes too much, the Code Enforcement Officer could do the routine applications. Gary said that a lot of progress has been made in the last year, and it is appreciated. They need a couple alternate members.

VIII. New Business - none

IX. Adjournment – Motion made by Gary to adjourn—seconded by Dave. All in favor. Meeting adjourned at 7:40 p.m.

*Respectfully Submitted
Diane White
Secretary*