

Palmyra Planning Board Meeting Minutes

Date: 10/26/2021

I. Call to order and flag salute - *Chairman Gary Beem called the meeting to order at 6 p.m. – flag salute.*

II. Roll call

*Planning Board Members present: Gary Beem, David Leavitt, Corey Dow, Billy Boulter
Diane White, Secretary*

Selectmen present: Vondell Dunphy, Herbert Bates

Others present: Michael LePage, Heidi Boivin (for M Room)

Changes to the Entertainment Permit/Application per Billy: Three places on the permit/application states “Entertainment License or Permit”. Change all to “Special Amusement Permit”. Motion to make the changes made by Billy and seconded by Dave. All in favor.

Billy has another suggested change—he will send it to Diane.

PUBLIC HEARING – M ROOM Entertainment License

Public Hearing opened at 6:04 p.m.

Chairman Beem asked if anyone had any testimony.

Motion made by Billy the Planning Board has jurisdiction over this application—seconded by Corey. All in favor.

Motion made by Billy that the Heidi Boivin has the right to appear before the Board with this application—seconded by Dave. All in favor.

Billy asked if a state liquor license or a special amusement permit has been denied or revoked. Heidi told the board that it has not.

Motion made by Gary and seconded by Dave to approve the permit—permit approved.

III. Correspondence

- Billy – Hometown Healthcare correspondence –Billy reviewed correspondence with Hometown Health Center (attachment 1).

IV. Process Land Use Permit Applications

- Boivin Development LLC – Entertainment License at the M Room – Discussed at Public Hearing.
- Deanne Cray – Map 7, Lot 19 – new residential structure –Billy asked if Right, Title, or Interest had been proven. She has a note from her father (Dean Cray) giving her permission to build on that lot, but this may not be sufficient.

Motion made by Dave to deny the application—seconded by Corey. All in favor.

Missing/incomplete information:

1. Subsurface wastewater disposal system application approval
2. Right, Title or Interest – add Dean Cray’s name on the application
3. Zoning District not completed

4. *The property is currently in farmland*
5. *Put the driveway on the drawing*

- **Yummy China (formerly Dragon Sea Chinese Food) Map 5, Lot 67**

Travis (CEO) reviewed this and he had no issues.

Billy did not see anything in the ordinance where there are requirements for a business/home occupation. The application is created based on the ordinance. What gives the Planning Board the right to require this document (business/home occupation) if it is not in the ordinance? Dave asked if there was information at the end (or an addendum) to the Zoning Ordinance.

Dave will look at the ordinance. Diane will ask Travis about this situation.

Billy questioned the construction permit (received October 2006) from the Fire Marshalls Office. Mike LePage said that if nothing in the building has changed, the permit is probably still valid.

Right, Title or Interest Motion made by Billy that right, title or interest has been proven—seconded by Dave. All in favor.

Completeness – Motion made and seconded by Corey that the application is complete. All in favor.

Compliance – Motion made by Dave that the application is compliant—seconded by Corey. All in favor.

Motion made by Dave to grant the permit—seconded by Gary. All in favor.

- **Hometown Health Center**

Billy asked Diane to send the minutes of the October 12th meeting to the applicant.

There was a meeting on October 14th with the Town Administrative Assistant, Select Board Members Brian Barrows and Vondell Dunphy, Town Attorney Tim Pease, and Planning Board members Billy Boulrier and Dave Leavitt. Billy requested that a record be made of that meeting and asked for a copy of the minutes. Dave said that this may be privileged information.

Items discussed: (update by Dave)

1. *Communications outside meetings (ex parte communications): what has been going on is deemed appropriate by the lawyer. Billy has communicated everything in writing and sent copies to everyone with an interest. Dave said that he is uncomfortable proofing Bill's minutes and prefers to do that here (this was not discussed at the meeting with the lawyer).*
2. *Ordinance changes – if minor (typo's, spelling errors, etc.) the Planning Board can make the changes. Dave will get a list of minor changes. Major changes require a public hearing and then a vote at town meeting. The deadline to get the proposed changes to the Select Board is January 26. The public hearing would be held in February.*
3. *Irrevocable Letter of Credit – letter from Tim Pease (attachment 2). The applicant gave us a line of credit. Letter from our lawyer state changes that have to be made to make it satisfactory. Diane will send this letter to the applicant.*
4. *Lot Owners Organization – The town lawyer will discuss with the applicants lawyer.*
5. *Billy said that the DEP Permit states that the applicant is responsible for maintenance of all common facilities, including stormwater management system. Diane will ask Priscilla Jones (Administrative Assistant) to forward this permit to the town lawyer.*

Three items in the DEP Permit:

- *Prior to starting construction, the applicant shall submit final cost estimates and evidence that it has been granted a line of credit or loan from a financial institution authorized to do business in this state, or evidence of any other form of financial assurance determined to be adequate. This will be dealt with during the commercial application review.*
- *Stormwater management system: Within 30 days of completion of the entire stormwater management system, as built plan shall be submitted to DEP.*
- *Road Inspection: Dave asked Billy to suggest and amendment to something he can support regarding the requirement that the CEO (or designee) oversee the road construction. Billy said he would do a post review suggest they send copies of third party testing to the town for our records.*

V. Announcements

Gary said that there are changes happening. Traffic is heavy—at certain times, you cannot get on Route 7. He said that we have to be aware of the changes.

VI. Reports

- *Secretary's Report (Public Hearing 10/04/2021) – Revision to the draft was made by Billy Motion made by Billy to accept the revised minutes—seconded by Corey. All in favor.*
- *Secretary's Report (10/12/2021) – Motion made by Dave to accept as written—seconded by Billy. All in favor.*

VII. Old Business

- *Solar Farm Deliverables Matrix – No update. Trees are not planted and the fence is incomplete. Billy asked why they have not gotten a report from Travis (CEO). Vondell will ask Travis.*
- *List of businesses in town – status of Community Cellular, Miranda Doherty, and Trundy – no new information. Corey will contact the business owners about the status of the applications. No application received from Trundy. CEO will be asked to take an application to Trundy.*
- *Gary Beem – condition of application approved 09/14/2021 (documentation –the camper will not be placed in the farmland area) – correct map distributed. He has successfully demonstrated that the property for the application is not in farmland.*
- *Follow up - Conditions List – Billy said that there has been no response from the Select Board about the request for follow-up by the CEO.*
- *Maurice Temple resignation –accepted by the Board of Selectmen on October 13th*
- *Land Use Applications for businesses (which forms are to be given to applicants) – Corey will work with Diane to revise the applications.*

VIII. New Business

- *Revision of Ordinance – Billy is recording requested changes. Minor revisions will be sent to Diane for correction. Major changes will be presented to the Select Board and the citizens.*

IX. Adjournment – Motion made by Gary to adjourn—seconded by Dave. All in favor. Meeting adjourned at 7:20.

NEXT MEETING
11/9/2021

Respectfully Submitted
Diane White