

Palmyra Planning Board Meeting Minutes

Date: 11/23/2021

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: Herbert Bates

*Others present: Michael LePage, Dean and Deanne Cray, Ken and Mary Ellen Fletcher,
Tom Emery (for Hometown Health Center)*

III. Correspondence

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

IV. Process Land Use Permit Applications

a) Deanne Cray – Map 7, Lot 19 – new residential structure

Dave told Dean and Deanne that there are three issues on the application that need clarification.

- 1. Which lot on the deed will the home be located? Dean said that it is on parcel 3. The driveway is existing and he is not putting in a new one.*
- 2. Property is in farmland- the board requests a letter stating what he will be removing some from farmland. Dean showed the board the area, but he is not sure exactly how much will be removed (probably 7 or 8 acres).*
- 3. Formal plans – Dean said that he does not have formal plans (it will be a 40 x 40 building). Deanne told the board that she does not want her floor plan to be in the town records (for security reasons). She asked that the board consider this when defining “formal plans”. Billy suggested that he draw a simple plan that includes outside dimension and the elevation. Dean explained that the septic design includes the number of bathrooms and also has the location of the well and septic (there is at least 100’ between them). He questioned whether residential buildings have a height restriction. He agreed to draw up plans and bring it in.*

Motion made by Corey to accept as complete. Seconded by Dave. All in favor.

Motion to approve the application with two conditions made by Billy:

- 1) Applicant to provide documentation that the area has been removed from farmland;*
- 2) Applicant to provided first floor plan with outside dimensions and a front elevation.*

Seconded by Dave. All in favor. Passed

b) Hometown Health Center – Commercial Development Application

Billy wanted to clear up a few items (from 11/9 meeting):

- The letter from Maine DOT letter regarding paving on Route 2 was sent to Hometown Health Center.*
- He asked if a response was sent to Randall Barrows (DOT). Diane said that Mr. Barrows is already aware of the work to be done, so she did not contact him.*
- Billy explained that the applicant did submit what was required (application fee).*
- Diane will send a dated receipt of application sent by Hometown Healthcare Center.*

Commercial Development Review (Billy)

First item of the application review is consideration of waiver requests for submission of requirements and the applicant has provided none.

Article 6, Section 9 states that the Board may waive any submission requirements if it is not applicable to the proposal due to the size, circumstances, design, type, or unique features of the site.

Billy asked for an update of the open items for the amended subdivision application. An email was received and the lawyers are discussing the letter of credit and the lot owners association.

There are four items on completeness (subdivision amendment):

Item 1 - #24. Revise the scheduled for June and July to include drainage.

Item 2 - #25. DEP Site Location Development Permit (in progress). Mr. Emery said that this has been included in the site plan.

Item 3 – Two items on C00-1: 1 - change revision description to completeness review. In Billy's opinion, this is complete. 2 – Applicant to provide installation date of illumination at Fletcher Drive. Email states that base and conduit has been installed; just waiting for the light pole base. He would call this complete.

Item 4 – A3 on C50-1 – revise to require geotextile under the gravel base is included in the latest C50-1, therefore complete.

Billy asked Mr. Emery to provide documentation to back up those four items for completeness (for the next meeting).

Commercial Development Review – Billy reviewed

He asked the Planning Board to add at the bottom of the table of contents: Site Maintenance Plan (pg. 217) and DEP Permit for Tractor Supply (pg. 269).

Application fee (pg. 18) is blank – per Town of Palmyra email on November 10th, a check for the application has been received (\$3,293.60).

The applicant has provided comments to the checklist (attachment #2).

Completeness Review

Billy reviewed by line item

- 1. received*
- 2. received*
- 3. none*
- 4. not required with the application submission.*
- 5. received*
- 6. received*
- 7. Billy noted that lot 73 is now included in the second submission. Previous submission did not include this.*
- 8. on page 151*
- 9. change winter 2022 to 2021.*
- 10. provided*
- 11. pg. 81*
- 12. pg. 85*
- 13. pg. 137*
- 14. The description is incorrect on the application—it should be the Town Shoreland Zoning map showing the property if located in a shoreland zoning district (this one is not in shoreland). Not applicable.*

15. pg. 141
16. pg.88
- 17 – 29 details are shown on the plan except 28 because there are no monitoring wells.
30. none. He asked the applicant to change “water” to “sewer”.
32. open (subdivision amendment application is pending)
33. submitted on C30-1
34. submitted on C30-1
35. submitted on C30-1
36. pg. 181 (Traffic Study)
37. none proposed for public use
38. included with drawings
39. N/A
40. provided
41. N/A
42. Billy said that there are nonconformities that they are requesting that need to be listed: He noted Art. 8, Section 9 parking: b.3.a. -handicap parking spaces proposed is a variance from what the ordinance states; handicap striping/symbol is not shown on C20-1; proposing a change from the required number of parking spaces (per the ordinance); Art. 8, Section 10 – screening of structures, parking lots, and other commercial uses - landscape plan indicates a landscaping design that is a variance with the requirement of a buffer strip that is in the ordinance.
43. pg 147 & 167
44. pg. 149
45. C40-1
- 46 & 47 are not in the commercial development review ordinance, but the applicant has provided information on both.
48. pg. 165- 180
49. N/A
- 61 – 80 - reference to the solar energy project. N/A

(Billy’s notes - attachment #3)

Dave said he had a couple issues to discuss:

1. He asked if there was any interest in pursuing some or all of the \$60,000 escrow in this section. Billy said that the ordinance states that this be done after the public hearing and this is not part of the completeness review process. Dave said that the \$2500 already received has probably been expended for legal advice/meetings and he sees potential for town exposure.
2. Completeness of the subdivision for completeness. Will they roll into compliance and voted complete? Billy suggested that the applicant provided comments on completeness items (for the next meeting).

Motion made by Billy that Hometown Healthcare Commercial Development Application is complete for the purpose of scheduling a public hearing with checklist items 4, 9, 30, and 42 being revised and 32 completed prior to final completeness acceptance.

1. Checklist Item #4: An escrow account is not required with the application but will be determined after the public hearing.
2. Checklist Item #9: Construction schedule to be as stated on the application.
3. Checklist Item #30: Change “water” to “sewer”.
4. Checklist Item #32: Statement on the checklist is correct – The Amended Subdivision Application has not been approved.
5. Checklist Item #40: Applicant will revise to include reference to requesting variances from Article 8, Section 9 and Article 8, Section 10.

Dave seconded. All in favor—passed.

A public hearing will be scheduled for the next meeting (December 14); then the board will move onto compliance (for the Commercial Development Application).

It was agreed that Mr. Emery can provide the information requested a week before the December 14th meeting.

Per Dave – Part 2 is complete but not compliant. Part 1 is complete with the exception of a few items that the lawyers are working on. He asked Billy if it is his intention to call part 2 compliant. Billy said that the amended subdivision application has to be approved first.

Since he has heard no feedback from the lawyer, Dave asked Mr. Emery about the lot owner's agreement. Mr. Emery told him that they are working on "plan B".

V. Announcements

- *Gary said that there are some 55 gallon drums filled with oil at the garage at Ell Hill (Defiance Diesel) that need to be taken care of (business closed or relocated). Dave asked if they should consider a surety for businesses to dispose of tires, vehicles, motor oil, etc. so if the businesses were to leave, the town would have recourse.*
- *Gary said that some land by Millennium (Oxbow Road) had been cleared. What they plan to do with the property is unknown.*
- *Billy suggested scheduling a workshop for December 7th to discuss businesses (and other items). Meeting scheduled to December 7th and 6 p.m.*

VI. Reports

- a) *Secretary's Report (11/09/2021) – Motion made by Gary to accept as written. Seconded by Dave. All in favor.*

VII. Old Business

- a) *Solar Farm Deliverables Matrix - Zach Good (Head of Construction for BNRG) – Zach Good was not present. No update from the Code Enforcement Officer.*
- b) *List of businesses in town – status of Community Cellular, Miranda Doherty, and Trundy – drop this from the agenda.*
- c) *Follow up - Conditions List – Code Enforcement Officer is working on this.*
- d) *Land Use Application*
 - 1) *Special Amusement (Entertainment) Revision 3 – Billy said that the revised copy looks good.*
 - 2) *Commercial Development Application Revision –Ordinance Revisions*
 - *Minor revision of the Road Standards for Subdivision Ordinance—corrected typographical error and added footer.*
 - *Commercial Review Ordinance – Dave is working on getting a copy that can be revised.*

VIII. New Business – None

IX. Adjournment – 7:15 - Motion made by Gary to adjourn—seconded by Dave. All in favor.

Respectfully Submitted
Diane White

NEXT MEETING - 12/14/2021