

Palmyra Planning Board Meeting Minutes

Date: 12/14/2021

Public Hearing

*Planning Board Members present: Gary Beem, David Leavitt, Corey Dow, Billy Boulter
Diane White, Secretary; Selectmen present: Herbert Bates
Others present: Dan Ready, Ken and Mary Ellen Fletcher, Zach Good (for Solar Farm)
Tom Emery and Robin Winslow (for Hometown Health Center)*

*Motion made by Dave to have Billy to run the public hearing—seconded by Corey. All in favor.
6:00 p.m. – Billy called the public hearing for Hometown Health Center order and noted there is a quorum.*

Billy told those present that Sebasticook Family Doctors (dba: Hometown Health Center) plans to construct a 49, 100 sq. ft., two story building behind Tractor Supply on Route 2. Commercial Development Review Application submitted on November 23, 2021 is complete enough for a public hearing.

Billy made a motion that the Planning Board has jurisdiction over this application based upon the Commercial Development Review Ordinance, Article 2, Section 1.A. Seconded by Dave. All in favor—approved.

Billy made a motion that the applicant has a right to appear based on the purchase and sales agreement submitted for lot 73 and 74 that was presented to the Planning Board on November 23rd. Seconded by Dave. All in favor.

Billy said that the applicant is present and those present will be allowed to ask questions/make comments. He asked that they address questions through the Chair. He asked that if they speak, they give their name and address.

Robin Winslow (Chief Executive Officer of Hometown Healthcare) gave an introduction: Hometown Health Center is a nonprofit organization. Their mission is to provide affordable healthcare including medical, dental, and medication assisted therapy for opioid addiction. They currently have facilities in Newport, Dexter, and provide services at RSU #19. They are running out of space, they want to have more providers, bring more to the community, and also have day classes. They want to offer services to the community at a reduced fee.

Tom Emery (Architect/Engineer for Harriman) presented with a site plan and pictures of what the completed facility will look like. He explained that parking is in the front and staff parking (and daycare drop off) is in the back. Daycare is for staff only. He explained that the entrance to Tractor Supply will be widened. They are also required to extend the road and connect the road to Tractor Supply to Fletcher Drive. This road will be built using heavy duty pavement. DEP permits have also been obtained for stormwater and wetlands. He discussed the drainage (three zones) and landscaping. Since they want visibility from Route 2, a variance of the screening requirement is requested.

Questions from the Public: Dan Ready (1468 Main Street)

- Does the plan include two lots? Billy told him it does include both lots.*
- How many acres? 35.*
- When would the project start and end. It will start in the spring of 2022 and end 18 month later (fall 2023).*
- What is the cost of the project? About 24 million.*
- Will the town collect tax money? Unknown.*

Billy explained that there are two steps to this process. First, the application must be reviewed for completeness and then compliance. Before the commercial development application is approved, they must

get approval for a subdivision amendment (which goes through the same completeness and compliance procedure). The building will be about 49,000 square feet (two stories).

Mr. Emery said that this is all paid by Hometown Health Center, including road construction (which will be built using heavy duty standards in terms of pavement thickness and gravel) and maintenance.

Billy asked if there were any other public comments and, hearing none, he closed the public hearing at 6:20 p.m.

Planning Board Meeting

I. Call to order and flag salute - Chairman Gary Beem called the meeting to order at 6:20 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: Dan Ready, Ken and Mary Ellen Fletcher, Zach Good (for Solar Farm)

Tom Emery and Robin Winslow (for Hometown Health Center)

III. Correspondence

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

IV. Process Land Use Permit Applications

a) Hometown Health Center – Commercial Development Application

AMENDED SUBDIVISION APPLICATION - COMPLETENESS

Billy said that information has been provided on December 9th for the amended subdivision application (for completeness). There were five incomplete items (as of November 23rd):

24 - Construction Schedule – update provided. Motion made by Billy that this item has been submitted as complete by the applicant and seconded by Corey. All in favor.

Bill said that according to the webinar he attended, it is valuable to vote on everything that is discussed.

25 - Received on 10/14- completed.

#50A – Escrow Account – not needed until after the public hearing.

#50B- Light pole base - Mr. Fletcher gave an update: The light pole is in and the light is on. Motion made by Billy that this item has been completed—seconded by Dave. All in favor.

53- Geotextile – This has been included on the plan. Motion by Billy that this item has been satisfied—seconded by Corey. All in favor.

Motion made by Billy that the subdivision amended application is complete. Dave asked about the two outstanding documents. Billy said they are complete because they have been submitted, but not yet compliant. The motion was seconded by Dave. All in favor.

AMENDED SUBDIVISION APPLICATION – COMPLIANCE

Two open issues: Letter of Credit (LOC) and Lot Owners Agreement (LOA). Dave said that the town lawyer had emailed information today (attachments 2 and 3). This addresses the LOA. Dave said that it looks like the lawyer is saying that the applicant has suggested a sentence in lieu of a signed LOA and it is up to the Town as to whether to accept it. Mr. Emery said that he has not seen the document, but had talked to Adrian Kimball (lawyer for Hometown Health Center). He believes that both documents are imminent—it is now a matter of drafting the final documents and getting both parties to sign. Billy suggested that this discussion take place at the next meeting (after the revised documents have been submitted). Dave suggested that he and Billy talk to the town lawyer about the documents. The LOA is still outstanding.

Letter of Credit (LOC). Document received from the town lawyer—the lawyers have reviewed and are in agreement to what is stated. Billy said that he does not see a statement of the scope of the \$258,285. Mr. Emery said all the items will be incorporated in the cost estimate for the road widening and construction of the loop road and the stormwater improvements that will facilitate the drawdown. Dave asked about the timeline for completion of the documents by the applicant. Robin Winslow said that the lawyer will probably work on this tomorrow or the next day, so it should be done by the end of the week. Both items remain open.

Billy said that there should be a procedure to follow for the release of monies, and it should be stated in the LOC.

Dave asked for a recap of open items:

Item 24 and 32

24. Performance guarantee (LOC) – need language on monies, inspection, and scope.

32. Long term maintenance (LOA) – Dave- still waiting to sign off.

COMMERCIAL DEVELOPMENT REVIEW – COMPLETENESS – (Billy reviewed)

Five (5) items are open and the applicant has addressed each item.

#4 - Escrow – It was suggested that this be addressed during compliance. Billy made a motion – not required at this time—seconded by Dave. All in favor.

#9 - Construction Schedule – This has been provided. Billy made a motion to accept item #9 as provided—seconded by Corey. All in favor.

#30 –Change “water” to “sewer”. Change made on application. Billy made a motion that checklist item #30 is complete—seconded by Corey. All in favor.

#32- The amended subdivision application has not been approved so this item is open.

#40 –Variances are stated in the application.

Handicap parking - per Billy responded correctly (met ADA requirements)

Handicap parking spaces – responded with logic (why reduced).

Variance requested for screening at the street - information provided

Motion made by Billy - item 40 is complete—seconded by Dave. All in favor.

COMMERCIAL DEVELOPMENT REVIEW – COMPLIANCE (Billy reviewed)

According to the ordinance, requirements of two articles have to be met: Article 5 and 8.

Information is in Hometown Health Center Application.

Article 8

- 1. Air quality – applicant has provided a statement. Motion made by Billy that the criteria has been met—seconded by Corey. All in favor. Article has been approved based upon information provided by the applicants in their application (pg. 187).*
- 2. Access to public streets – MDOT Traffic Movement Permit addresses this. Changes to Tractor Supply made as requested. Motion made by Billy – this is in agreement with our ordinance based upon the information provided on pg. 187 of the Commercial Development Application. Seconded by Corey. All in favor.*
- 3. Erosion control – DEP/State Agencies has reviewed this application and has received DEP Site Law Wetland National Resource Protection Permits. Motion made by Billy that the applicant has met the requirement as provided on pg. 189 and 190 of the Commercial Development Application. Seconded by Dave. All in favor.*
- 4. Historical and Archeological Resources – Applicant states that this does not apply. Motion made by Billy that the applicant has demonstrated conformance based upon information provided on pg. 190 of the Commercial Development Application. Seconded by Corey. All in favor.*
- 5. Material Storage – This is not applicable. Motion made by Billy that the applicant has met the requirement as provided on pg. 190. Seconded by Corey. All in favor.*
- 6. Natural Resource Protection – Note: this project is served by public water (not wells). Motion made by Billy that the applicant has met the requirement as provided on pg. 191 of the Commercial Development Application. Seconded by Corey. All in favor.*

7. Noise – The only noise generated will be during construction. Motion made by Billy that the applicant has met the conditions as provided on pg. 191 of the Commercial Development Application. Seconded by Corey. All in favor.
8. Outdoor Lighting - Motion made by Billy that the applicant has met the requirement as provided on pg. 192 of the Commercial Development Application. Seconded by Corey. All in favor
9. Parking – Information on variance provided and the applicant has met ADA requirements for handicap parking and number of handicap parking spaces. Motion made by Billy that the applicant has met the standards for parking. Seconded by Corey. All in favor.
10. Screening of Structures and Parking Lots – Variance from the ordinance requested. Mr. Emery had explained this in his presentation at the Public Hearing. Motion made by Billy that the applicant has met the requirement as provided on December 9th submission on pg. 3 of 4. Seconded by Dave. All in favor.
11. Signs – Project sign located by the main entrance. Motion made by Billy that the applicant has met the requirement based on information provided on pg. 197. Seconded by Corey. All in favor.
12. Stormwater Management – DEP Permits have been provided and has the stormwater design. Motion made by Billy that the applicant has met the requirement as provided on pg. 199. Seconded by Corey. All in favor.
13. Waste – Waste will be removed by a private company. Motion made by Billy that the applicant has demonstrated that they have met the requirement based upon information provided on pg. 199. Seconded by Corey. All in favor.

COMMERCIAL DEVELOPMENT REVIEW – COMPLIANCE (Billy reviewed)

Article 5- Section 1 (Commercial Development Review Ordinance)suggested that the Code Enforcement Officer (CEO) check on this. Motion made by Dave to ask the Sele
The applicant has provided a response to each of these items (beginning on pg. 25 of their application).

- A. Complete Application and fee - Motion made by Billy – this is not complete because the Amended Subdivision Application has not been approved. Seconded by Dave. All in favor.
- B. Conforms to the Ordinance - Motion made by Billy that the application has met the review criteria of this article based on the review of article 8. Seconded by Corey. All in favor.
- C. Soil Erosion – Refer to DEP Site Law Permits. Motion made by Billy that the applicant has met this requirement based upon information on pg. 25 of the Commercial Development Application. Seconded by Corey. All in favor.
- D. Impact on freshwater wetlands – Refer to C above. Motion made by Billy that the application has met this requirement. Seconded by Corey. All in favor.
- E. Impact on any waterbody - Motion made by Billy that the application has met this requirement. Seconded by Corey. All in favor.
- F. Storm water management - Motion made by Billy that the applicant has met requirements for C, D, E, and F based upon on pg. 25 of the Commercial Development Application. Seconded by Corey. . Seconded by Corey. All in favor.
- G. Sewage disposal - Motion made by Billy that the application has met this requirement based upon information found on pg. 25. Seconded by Corey. All in favor.
- H. Floodplains – Not applicable. Billy made a motion that the applicant has met the requirements based upon information on pg. 25. Seconded by Corey. All in favor.
- I. Air or water pollution. Motion made by Billy that the applicant has demonstrated that they have met this requirement based on information provided on pg. 26. Seconded by Corey. All in favor.
- J. Sufficient Water - Motion made by Billy that the application has complied with this requirement based on information on information provided on pg. 26. Seconded by Corey. All in favor.
- K. Groundwater – Served by Newport Water District. Motion made by Billy that the applicant has demonstrated compliance with this requirement based on information provided on pg. 26. Seconded by Corey. All in favor.
- L. Solid Waste - Motion made by Billy that the applicant has demonstrated compliance based on information provided on pg. 26. Seconded by Corey. All in favor.
- M. Effect on Adjacent properties (Waste, Noise, Glare, Fumes, Dust, etc.) – DEP Site Law addresses this. Motion made by Billy that the application has demonstrated they will comply with this article based upon information on pg. 26. Seconded by Corey. All in favor.

- N. *Public road congestion - Motion made by Billy that the applicant had demonstrated that they have met the condition of this requirement based upon information found on pg. 26. Seconded by Corey. All in favor.*
- O. *Scenic or natural beauty – DEP Site Review Law specifically addressed each of these points. Motion made by Billy that the application has demonstrative compliance with the requirement based upon information provided on pg. 26. Seconded by Corey. All in favor.*
- P. *Shoreland Zoning and local ordinances –Shoreland Zoning does not apply. Local ordinances were addressed in article 8. Motion made by Billy that the applicant has demonstrated compliance with this requirement based upon information found on pg. 27. Seconded by Corey. All in favor.*
- Q. *Great pond phosphorus concentration - Not applicable. Motion made by Billy that article does not have to be met because it is not applicable since the development is not within the watershed of a great pond. Seconded by Corey. All in favor.*
- R. *Fire and rescue – The building will have sprinklers and there is a fire hydrant on site. Motion made by Billy that the application has met this requirement based upon information found on pg. 27. Seconded by Corey. All in favor.*
- S. *State requirements – State Fire Marshall has to review the plans. Motion made by Billy that the applicant has met this requirement based upon information found on pg. 27. Seconded by Corey. All in favor.*

Based upon this review, there is one item that is not compliant. The Subdivision Amendment application is incomplete. Motion made by Bill that the Commercial Development Review for Hometown Health Center has one remaining item for compliance(to meet the review criteria)—the completion of article 5, section 1, part a. Seconded by Corey. All in favor.

Dave asked about taxes to the town. The question about taxes was asked by a member of the public at the public hearing. Billy asked Robin Winslow if she had information on this. She said that they are a 501 C3 (nonprofit) and has to go through the application process in every town where they are located. Sometimes they pay and sometimes they don't. She will report back. Dave explained that the Planning Board does not have a position on this since the ordinance does not address taxes.

OLD BUSINESS – SOLAR FARM

Chairman Beem agreed to move Zach Good (Solar Farm) ahead per Dave's request.

Mr. Good gave an update to the Solar Farm Deliverable Matrix.

Well testing – they had reached out to the abutters and received two responses (the wells were tested). The results should be available next week. Dave suggested that the results be sent to the Code Enforcement Officer (CEO) and the abutters. Mr. Good agreed. Wells were tested about a month ago and will be tested annually (each new year). A question was asked about which wells were tested. He will find out. Billy said that the wells were to be tested before construction began. The testing was done while the panels were being installed.

Mr. Good said that 288 trees will be delivered on April 1, 2022 and power to the grid is targeted for January 29, 2022.

*List of items on the follow-up items (answered by Mr. Good):
(attachment #4)*

- 1. The deed has been sent to the Town. Diane has not seen this. Dave asked Mr. Good to provide the name of who it was sent to.*
- 2. Electrical schematic done*
- 3. Training on system: He will email the CEO on scheduled training*
- 4. Lockbox – this will be done by the final inspection.*
- 5. Change of ownership – not applicable*
- 6. Decommissioning estimate – Mr. Good requested that they agree on a logical date. Agreement made that this is done by the end of the year.*
- 7. Noise survey - to be done after start up.*
- 8. Decommissioning surety – This should be sent to the CEO and he should consult with the Planning Board and the Select Board. This will take some time.*

9. *Baseline water quality survey: Mr. Good said this will be done by December 31st.*
10. *Water quality – discussed earlier*
11. *Fencing – Mr. Good said that the contractor will be back tomorrow to put the screen up on the Smith Road. Billy asked that privacy screening be installed on the east side. Mr. Good agreed.*

V. Announcements - none

VI. Report

- a) *Secretary's Report (11/23/2021) – Motion made by Dave to approve as written—seconded by Billy. All in favor.*
- b) *Secretary's Report (12/07/2021 Workshop) - Motion made by Dave to approve as written—seconded. Dave, Corey and Billy in favor.*

VII. Old Business

- a) *Solar Farm Deliverables Matrix - Zach Good (Head of Construction for BNRG) – Discussed earlier*
- b) *Follow up - Conditions List - no update*
- c) *Ordinance Revisions – The Zoning Ordinance, Nonresidential Land Use Ordinance (previously Commercial Development Review Ordinance) distributed along with the fee schedule with Billy's proposed revisions in red.*

Discussion on the fee schedule - Special Amusement Permit: Corey questioned the permit costs—we may want to increase. Diane explained that the cost of advertisings and notifying abutters would cost about \$65. Motion made by Dave to increase this to \$100—seconded. All in favor.

Dave suggested that some members of the Planning Board meet with the Select Board to discuss the proposed revisions. Billy said that he would send an email by the end of the month to summarize the proposed changes. Members of the Planning Board would like to meet with the Select Board at their first meeting in January. He will differentiate between administrative and substantial changes by color.

- d) *Deanne Cray – Map 7, Lot 19 conditions – Deanne had brought in a copy of the plans including elevation (as per the condition of the permit). Motion by Dave that the condition has been met. Seconded by Billy. All in favor.*

VIII. New Business

- a) *Chris Cookson Subdivision Phase 2 Status*
Dave said that there is now an entrance on the other side of the subdivision (Oxbow Road) on the turn. This may be in violation of the ordinance. Billy ct Board to have him check this—seconded by Billy. All in favor.
- b) *Billy had attended a webinar.*
 - *Freedom of Access Training. He explained that all members are required to have training. The certificate is kept at the Town Office. He encouraged the other members to register with Maine Municipal Association (MMA) for access to services.*
 - *no discussion of permits outside of the meeting*
 - *It is recommended that members do not do site visits.*
 - *Findings of facts (sample distributed) (attachment #5) - When doing land use permits for residential applications, they should be doing a "findings of facts" that should be kept as part of the application.*

Adjournment - 8:26 p.m. – *motion made by Gary to adjourn. Seconded by Corey. All in favor. Meeting adjourned.*

Respectfully Submitted
Diane White

NEXT MEETING - 12/28/2021