

## **CORRESPONDENCE WITH HHC SINCE LAST MEETING 11/23/21**

12/15/21 Email from Tim Pease referencing the ILOC with additional information.

12/20/21 My email to Tim Pease with Planning Board revision to the ILOC.

12/20/21 Tim Pease email responding that he agreed with our revisions and would forward to the applicant.

12/22/21 Tom Emery email with his understanding that the town attorney is reviewing the ILOC and LOA directly with the planning board for comments and asking if those documents are ready for the Dec. 28, 2021 meeting.

12/22/21 I responded in email that on 12/20 the Planning Board sent revised language on the ILOC to Tim Pease and he was to send to the applicant. Also responded that we had not received any additional submittals on the ILOC (I should have stated LOA).

12/22/21 Tim Pease forwarded email originally sent 12/14/21 with his comments on the LOA.

12/22/21 My email to Tom Emery stating that the Planning Board would need from the applicant what they are proposing for the LOA.

12/23/21 Tom Emery email asking clarification on my previous email of the 22<sup>nd</sup> for the last paragraph and I corrected that reference should be LOA.

12/27/21 Tom Emery email checking if we had received legal documents and if on agenda.

12/27/21 My email response that we had not received a revised ILOC or LOA from the applicant and that they were on the agenda.

12/28/21 Email [10:11 am] from the applicant to table their application review until the first meeting in January.

12/28/21 I distributed copies [1:15 pm] of this email to the Town, CEO, Planning Board and Select Board

12/28

Attachment 1



DAVE

**BAR HARBOR BANK & TRUST  
IRREVOCABLE STANDBY LETTER OF CREDIT**

Credit No. \_\_\_\_\_

Date \_\_\_\_\_

To: Town of Palmyra, Maine  
4 Madawaska road  
Palmyra, Maine 04965

We hereby issue our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in your favor for the account of our customer, Sebasticook Family Doctors, for up to the aggregate amount of Two Hundred Fifty-eight Thousand Two Hundred Eighty-four and 00/100 Dollars (\$258,285.00). This amount is available upon presentation of your sight draft or drafts drawn on us and accompanied by this Letter of Credit and:

1. A statement signed by your authorized representative stating: that the amount, claimed hereunder, represent the amounts properly and legally due to the Town of Palmyra, Maine by Sebasticook Family Doctors, pursuant to certain local ordinances and the terms of the approved subdivision plan granted by the Town of Palmyra to Sebasticook Family Doctors relating to the development of a road within Friendly Acres Subdivision (the "Plan") as described in Exhibit A attached hereto, ~~and~~
2. A letter, stating that ~~Sebasticook~~ ~~Sebasitecook~~ Family Doctors has failed to complete the work required by the Plan approval by September 30, 2022 and detailing the cost of the work remaining to be completed.
3. Verification that the referenced completion of work, described in #2 above, has been completed will require Sebasticook Family Doctors providing inspection and test results from a third party inspection firm for the pavement and all gravel work beneath.

Bar Harbor Bank & Trust understands that Sebasticook Family Doctors will notify the Town of Palmyra, in writing, when the work as listed in Exhibit A has been completed for the Tractor Supply Drive and for the Tractor Supply Drive Extension. The Town of Palmyra will perform an inspection to verify completeness of those two (2) areas and if in agreement, will notify Sebasticook Family Doctors of that determination.

~~Unless extended in writing by the Bar Harbor Bank & Trust, this Letter of Credit expires on December 31, 2023.~~

All drafts drawn under this Letter of Credit must contain the following statement: "Drawn under Bar Harbor Banking and Trust Company irrevocable Letter of Credit No. \_\_\_\_\_, dated \_\_\_\_\_."

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All drafts so drawn and accompanied, under and in compliance with the terms of this Letter of Credit, will be duly honored if presented at our office at Bar Harbor, Maine, on or before the close of business on the expiration date hereof.

You may not assign any interest whatsoever in this Letter of Credit, whether the same be deemed a property interest under Maine law or not, and we will not recognize nor honor any such purported assignment.

Except as otherwise required by any condition or term set forth herein, and as to matters not governed by the laws of the State of Maine, including without limitation Article 5-A of the Uniform Commercial Code as in effect in the State of Maine, this Letter of Credit is issued subject to the Uniform Customs and Practice for Documentary Credits, of the International Chamber of Commerce Publication No. 600, of Maine.

Very truly yours,

**BAR HARBOR BANK & TRUST**

By: \_\_\_\_\_

Its:



## **ZONING ORDINANCE CHANGES - TOWN OF PALMYRA 12/28/21**

### **PLANNING BOARD ORDINANCE 3/19/2005**

#### **No direction for amendments.**

1. IIIA [pg. 1]: Correct responsibilities of Secretary to coincide with how the Planning Board actually operates.
2. IVA [pg. 2]: Eliminated Planning Board requirement to prepare a Comprehensive Plan.

### **ZONING ORDINANCE 6/13/2017**

#### **ARTICLE IX Amendments 6/13/2017**

“Upon a recommendation of the Planning Board received in writing by the Selectmen and/or upon receipt of a petition by the Selectmen (said petition signed by 10% of the legal voters of the town who voted in the last gubernatorial election), the Selectmen shall call a special town meeting within 50 days to consider proposed amendment to this ordinance. An amendment to this ordinance may be enacted only with majority vote at a regular or special town meeting. No amendment to the map shall become effective until any required change on the official map has been made and attested to by the Town Clerk.”

1. ARTICLE III – SECTION 3-3 [pg. 1]: Clarified roadways are for both public and private.
2. ARTICLE III – SECTION 3-5 [pg. 3]: INDUSTRIAL DISTRICTS: Clarified PB Permit only needed for screening of wrecking, junk, demolition and scrap yards.
3. ARTICLE III – SECTION 3-6B [pg. 4]: Various changes for clarity.
4. ARTICLE III – SECTION 3-7 [pg. 5]: Application Procedures: made changes to the procedures to make it clearer to the public.
5. ARTICLE III – SECTION 3-11 [pg. 5]: Made changes to make it clearer to the public and to add Phosphorus Control Plan that should have been included.
6. ARTICLE V [pg. 6]: Put HOME OCCUPATION in this article number since the zoning ordinance did not number.
7. ARTICLE V [pg. 6]: Eliminated requirement for Short Form Business Renewal Permit to be annually renewed due to no benefit to the Town of Palmyra and the requirement for extensive monitoring if required.



8. ARTICLE VII – SECTION 7-2 PERMITS [pg. 8]: Revised to match the definition found in the Commercial Development Review Ordinance since it is more definitive.
9. ARTICLE XII POLE PERMITS [pg. 11]: Revised for how these are currently handled.

## **COMMERCIAL DEVELOPMENT REVIEW ORDINANCE 7/29/2020**

### **ARTICLE 1 – SECTION 6. AMENDMENTS**

“An amendment to this Ordinance may be initiated by a majority vote of the Selectmen, Planning Board, or by a written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board will hold a public hearing on all proposed amendments.

An amendment may only be adopted by a majority vote of the voters at a Town Meeting.”

1. ARTICLE 3 – SECTION 1 [pg. 5,6]: Changing this ordinance to require all commercial land use to be covered by this ordinance without regard to square footage. Currently the ordinance allows commercial land use under 2,500 square feet to be evaluated only by the minimal requirements of the Zoning Ordinance section. This does not protect the citizens of Palmyra from the impact of a commercial land use less than 2,500 square feet.
2. Changing the name of this ordinance to NONRESIDENTIAL LAND USE and all references within to make it easier for the public to understand which ordinance applies [residential or non-residential].
3. ARTICLE 4 - SECTION 6. Appeals [pg.8,9]: Deleted the reference to CEO since the PB makes the decisions that would be appealed.
4. ARTICLE 6: APPLICATION PROCEDURE:
  - a. Section 1 [pg. 11,12]: Changed how applications are actually handled by the Town; clarified C2 to include the requirement for compliance.
  - b. Section 8 [pg. 15]: Removed the public hearing comment since that is not correct and deleted the reference to when the escrow account is set



up to match the requirement that is stated in the beginning of this section.

5. ARTICLE 8 – SECTION 11D2 [pg. 28]: Change title of ordinance.
6. ARTICLE 9 – SECTION 2A: Change title of ordinance.
7. ARTICLE 9 – SECTION 6: MEDIUM AND LARGE SOLAR ENERGY SYSTEMS [pg. 36]: Added privacy fabric for chain link fencing for any part of the system that is exposed to the public.

### **FLOODPLAIN MANAGEMENT ORDINANCE 3/10/2012**

#### **No direction for amendments.**

1. In general, deleted reference to the Code Enforcement Officer being responsible for issuing permits and placing responsibility on the Planning Board.
2. ARTICLE III – APPLICATION FOR PERMIT [pg. 2]: Changed submission to the Town office rather than the Code Enforcement Officer.
3. ARTICLE IV [pg. 4]: Changed the wording of the requirement for additional studies to match the definition in the Fee Schedule.
4. ARTICLE V (G) [pg. 5]: Changed to the Town Office maintaining the permanent record.

### **ROAD STANDARDS FOR SUBDIVISIONS TOWN OF PALMYRA 3/19/2005**

#### **No direction for amendments.**

1. [II] LOT OWNERS ORGANIZATION [pg. 3]:
  - a. Deleted “common area” and replaced with “public improvements” to make it clear what is required for maintenance and care.
  - b. Added definition of “public improvements” found in the Subdivision Ordinance and added “parking lots” as also included in the definition listed in Article 7 – Section 12b [pg. 19].

### **SHORELAND ZONING ORDINANCE OF PALMYRA, ME 3/10/2012**

#### **8. AMENDMENTS**

“This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to

the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.”

1. 12. C (3) [pg. 5]: changed permit obtained from Code Enforcement Officer to the Planning Board.
2. TABLE 1 [pg. 10]: changed responsibility from the CEO to PB for various Land Uses.
3. 16. C (3) [pg. 27]: changed applications submitted to the Town Office rather than CEO or PB.

## **SUBDIVISION ORDINANCE 3/14/2020**

### **ARTICLE 1 – SECTION 10. AMENDMENTS**

“Amendment to this Ordinance may be initiated by a majority vote of the Select Board, Planning Board, or by a written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board will hold a public hearing on all proposed amendments. The public shall be notified of the time, date, and place of the hearing at least fourteen (14) days prior to the date of the hearing.

An amendment may only be adopted by a majority vote of the voters at a Palmyra Town Meeting.”

1. ARTICLE 3 – SECTION 4. ADDITIONAL STUDIES [pg. 6]: Revised the reference to additional studies to include language in the Fee Schedule.
2. ARTICLE 4 [pg. 7]: Deleted the words “sketch plan” and capitalized Pre-Application Meeting to emphasize.
3. ARTICLE 5 – SECTION 3d [pg. 10-11]:
  - a. [d]: Clarified that documents should be in a binder, three hole punched and numbered consecutively.
  - b. [i]: Deleted reference to one (1) copy since need seven (7).



- c. [iii]: Removed reference to one copy needed for stormwater management plan since we need seven(7) copies like all the rest.
  - d. [x]: Delete one (1) copy.
  - e. [e]: Deleted single copy since need seven (7).
  - f. [f]: Deleted because this information is covered in Article 3 – Section 4.
4. ARTICLE 6:
- a. Section 2b [pg. 14]: Changing reference from developer to applicant.
  - b. Section 3a4 [pg. 15]: Clarified irrevocable letter of credit for “public improvements” to match description in Road Standards for Subdivisions.
  - c. Section 3ac [pg. 15]: Added requirement for independent third party inspection.
  - d. Section 4 [pg. 15-16]: Made revisions to assist in providing specific requirements for the applicant, rather than making the CEO responsible for conducting inspections.
5. ARTICLE 7 – SECTION 12a [pg. 20]: Grammatical changes should be in blue.
6. ARTICLE 8 – DEFINITIONS [pg. 25]: Revised Public Improvements to match language in Article 7 – Section 12b.



