

Town of North Yarmouth
Planning Board
Meeting Minutes of April 10, 2024
Special Business Meeting
(recording is available via [Town Hall Streams](#))

Call to Order (20:59 – 21:27) Board Chair Paul Whitmarsh called the meeting to order at 6:36pm.

Board Chair Paul Whitmarsh, Board Secretary Trey Milam, and Board Member Jonathan Miller were at the meeting.

Board Member Sanford Peabody was not at the meeting.

Ben Smith, North Star Planning, was at the meeting.

Meeting Minutes (21:27 – 22:00) Board Secretary Trey Milam, seconded by Board Member Jonathan Miller, motioned to approve the March 12th meeting minutes as written. Vote 3 yes/0 no.

New Business (22:00 – 2:19:28) Board Member Jonathan Miller motioned to recuse himself from the Deer Brook Apartments Phase I Easement Amendment.

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, motioned to take the new business out of order until Board Member Jeff Brown was able to attend the meeting. Vote 3 yes/0 no.

Board Member Jeff Brown joined the meeting.

Board Chair Paul Whitmarsh announced that the Planning Board would now hear the Deer Brook Apartments Phase I Easement Amendment.

Board Member Jeff Brown, seconded by Board Secretary Trey Milam, motioned to recuse Board Member Jonathan Miller from the Deer Brook Apartments Phase I Easement Amendment discussion based on him having an interest in the project. Vote 3 yes/ 0 no.

Tara Mullen, Colliers Engineering & Design, introduced the Deer Brook Apartments Phase I Easement Amendment.

Board Chair Paul Whitmarsh asked if the proposed easement was the same as the invalid easement.

Tara Mullen said that it was a very similar easement.

Board Secretary Trey Milam and Board Member Jeff Brown asked clarifying questions.

Board Chair Paul Whitmarsh asked if it would be the same owner.

Tara Mullen said that it would be.

Ben Smith, North Star Planning, discussed the nature of this project.

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Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, motioned to approve with the conditions of Deerbrook Apartments Amended Subdivision Plan located at Tax Map 15 Lot 28 based on the Findings of Fact and Conclusions from the Planner memo dated April 2, 2024 with the condition of approval that this plan shall be recorded in the Cumberland County Registry of Deeds within 90 days of the date of the planning board approval. If the plan is not recorded within this time, the approval of the planning board shall be null and void. Vote 3 yes/0 no.

Board Member Jonthan Miller rejoined the meeting.

Board Chair Paul Whitmarsh discussed the next items.

Board Member Jeff Brown, seconded by Board Member Jonathan Miller, motioned to accept Sections 3.3.A.5.c. and 3.8.K. as written. Vote 4 yes/0 no.

Ben Smith discussed the order of the proposed changes.

Board Member Jeff Brown, seconded by Board Member Johnathan Miller, motioned to accept Section 10.4.B. 1, 2, 3, 4, 5, 8, and 10 as written. Vote 4 yes/0 no.

Board Secretary Trey Milam pointed out a spelling error/typo in the definitions.

Board Member Jeff Brown asked a question about the Comparable Sewer System definition.

Board Member Jeff Brown, seconded by Board Chair Paul Whitmarsh, motioned to accept the new definitions and changes to the definitions included in Section 12, Accessory Dwelling Unit, Affordable Housing - Village Center District, Affordable Housing - Village Residential, Farm and Forest, and Residential Shoreland Districts, Area Median Income, Attached, Certificate of Occupancy, Comparable Sewer System, Comprehensive Plan, Density, Base, Designated Growth Area, Dimensional Requirements, Dwelling - Multifamily (or Multifamily Dwelling), Dwelling - Single-Family Detached, Dwelling Unit - Existing (or Existing Dwelling Unit), Housing, Land Use Ordinance, Lot, Potable, Principal Structure, Centrally Managed Water System, Restrictive Covenant, Setback, and Structure as written with the typo corrections. Vote 4 yes/0 no.

Board Members and Ben Smith discussed changes in Section 4.

Board Chair Paul Whitmarsh, seconded by Board Member Jeff Brown, motioned to accept the changes provided by North Star Planning for Section 4 as written in the clean copy drafted April 2024 with additional changes that were added, which include some typos. Vote 4 yes/0 no.

Mike Mallory, Walnut Hill Rd, asked why the monitoring of wells is in section 4.7.D. and not in another section.

Board Chair Paul Whitmarsh clarified that the Planning Board was not making any policy changes.

Board Members discussed changes in Section 5.

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Board Chair Paul Whitmarsh, seconded by Board Member Jonathan Miller, motioned to accept the North Star Audit changes to Section 5 of the Land Use Ordinance with the corrected change to 5.8.c. that was accomplished and any spelling changes that may need to be done. Vote 4 yes/0 no.

Board Members discussed changes in Section 7.

Board Chair Paul Whitmarsh, seconded by Board Member Jeff Brown, motioned to accept the LUO Audit changes from North Star Planning for Section 7 as presented in the April 2024 draft edition of the LUO changes. Vote 4 yes/0 no.

Ben Smith said that up to this point, every change was in numerical order but now the Planning Board would be discussing the changes by topic instead of section.

Board Members discussed how they would vote and decided to discuss changes by topic but to continue to vote based on sections.

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, motioned to accept Section 8 as proposed from the North Star LUO Audit. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh, seconded by Board Member Jonathan Miller, motioned to accept Section 9 as presented in the North Star LUO Audit. Vote 4 yes/0 no.

Board Chair Whitmarsh, seconded by Board Member Jeff Brown, motioned to accept Section 10 portions as presented in the LUO Audit from the North Star with the minor change as discussed to Section 10.18. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, motioned to adopt the Section 11 portion of the LUO Audit recommended changes from the North Star as presented. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh, seconded by Board Member Jeff Brown, motioned to accept Section 11 from the GPCOG LD2003 changes as presented. Vote 4 yes/0 no.

Board Members and Ben Smith discussed how to put the changes on the warrant for the town meeting.

Board Member Jeff Brown, seconded by Board Chair Paul Whitmarsh, motioned to hold a public hearing on May 14th at the regular business for the proposed Land Use Ordinance changes. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh began the discussion on the proposed sign ordinance change.

Board members discussed.

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Board Chair Paul Whitmarsh, seconded by Board Member Jeff Brown, motioned to accept proposed Land Use Ordinance change to Section 10.18. Signs to read C. Site Plan Review Standards 1. Municipal and Public Safety signs that do not comply with Town Ordinances require Site Plan Review approval by the Planning Board. a. The Planning Board may waive requirements in section 8.7 (A) & (B) of this ordinance during the Site Plan Review. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, motioned to hold a public hearing for the LUO change for section 10.18. at the May 14th meeting after the public hearing that was already voted on. Vote 4 yes/0 no.

Any Other Business (2:19:28 – 2:27:43) Board Chair Paul Whitmarsh discussed the request for the Planning Board to hold a Special Business Meeting on April 22nd.

Board Members discussed.

Ben Smith noted that it was a renewal request and would not have any new material.

Board Member Jeff Brown, seconded by Board Chair Paul Whitmarsh, motioned to hold a Special Business Meeting at the beginning of the April 22nd Workshop to discuss extending the solar project by six months. Vote 4 yes/0 no.

Adjournment (2:27:43-2:27:57) Board Member Jeff Brown, seconded by Board Secretary Trey Milam, motioned to adjourn the meeting at 8:43pm.

Recorded by Cassandra Bacon, Administrative Assistant to Code Enforcement Officer.

Planning Board Members


Paul Whitmarsh – Chair


Sanford Peabody, Board Member

Jonathan Miller - Board Member

VACANCY


Trey Milam – Secretary


Jeff Brown, Board Member

VACANCY