

**Town of North Yarmouth  
Select Board/Planning Board Special Meeting Minutes  
Tuesday, February 27, 2024, 6:30PM  
GPCOG LD 2003 Presentation  
Wescustogo Hall & North Yarmouth Community Center**

**Select Board Members**

Amy Haile, Chairperson  
Andrea Berry, Vice Chairperson  
Karl Cyr, Select Board Member  
Paul Hodgetts, Select Board Member  
Katherine Maloney, Select Board Member

**Planning Board Members**

Paul Whitmarsh, Chair/Alternate  
Trey Milam, Secretary  
Jeffrey Brown, Planning Board Member  
Jonathan Miller, Planning Board Member  
Sanford Peabody, Planning Board Member

**Role Call**

Amy Haile, Chairperson, Andrea Berry, Vice Chairperson, Karl Cyr, Board Member, Paul Hodgetts, Board Member, and Diane Barnes, Town Manager, in attendance. Katherine Maloney, Board Member, excused.

Jeffrey Brown, Planning Board Member, Jonathan Miller, Planning Board Member, Sanford Peabody, Planning Board Member, Ben Scipione, Code Enforcement Officer, and Casey Bacon, CEO Administrative Assistant, in attendance. Paul Whitmarsh, Chair/Alternate and Trey Milam, Secretary, excused.

**1. New Business (16:10 – 1:26:30)**

A. LD 2003 Presentation by GPCOG

Presented by Matthew Panfil, Planning Director and Christian Roadman, Senior Planner.

**Christian Roadman presented LD 2003 requirements (16:10 - 41:30):**

- Affects housing and property rights.
- Allows properties to be used in flexible ways.
- Includes a series of minimum requirements passed down by the state.
- Changes to current land use ordinances are necessary to make sure the North Yarmouth zoning code is in compliance.
- The largest and most specific changes will apply to the Village Center area.
- Any area with residential use must allow between 2 and 4 multiple dwelling units on lots.
- Standalone single-family zoning is no longer permitted.

<b>Existing Ordinance</b>	<b>LD 2003</b>
Current affordable housing density bonus only applies outside village center.	Requires a more generous bonus applicable within the village center.
Allows additional dwelling units (ADUs) in many situations. Exempt from some requirements meant to lessen administrative load.	Requires ADUs be allowed in any area for residential use with no additional parking requirement.
Currently Village Center has no minimum lot size but has allowable building types with maximum units.	Affordable housing density bonus multiplies the current allowable units by 2.5.

LD 2003 Practical implications

1. Affordable Housing Density Bonus (only applies to Village Center)

- North Yarmouth Comprehensive Plan labels the Village Center as a designated growth area.
- LD 2003 affordable housing density bonus multiplies the current allowable units by 2.5.

- Requirements still apply, including capacity and space for utilities, water, and wastewater, state minimum lot sizes for septic.
- Allows for parking requirements but caps the requirement at 2 spaces per 3 dwelling units.
- 2. Multiple Dwelling Units (all scenarios allow for attached or detached units)
  - Within the Village Center, up to 4 dwelling units must be allowed on an empty lot.
  - Within the Village Center, for lots with dwelling units already constructed, zoning must allow additional units.
  - Outside the Village Center, 2 dwelling units must be allowed on an empty lot.
  - Outside the Village Center, for lots with a dwelling unit already constructed, zoning must allow an additional unit.
  - Requirements still apply including utilities, lot size, parking, rate of growth, etc.
- 3. Accessory Dwelling Units (ADUs)
  - Any lot with a single-family home can have an ADU inside, attached or detached on the same lot.
  - Still have to meet wastewater and water requirements.
  - Still have to meet setback requirements.
  - Not subject to parking restrictions or rate of growth ordinance.

#### Municipal Options:

1. Municipalities may define ADUs within zoning laws.
2. Municipalities may limit combined Multiple Dwelling Unit and Accessory Dwelling Unit bonuses.
3. Municipalities may set a maximum ADU size (minimum is set at 190 sf).
4. Municipalities may set teardown exceptions.

#### Next Steps:

1. Drafting regulations (minimum recommendations have been drafted by GPCOG)
2. Public information sessions and education
3. Adopt changes to zoning ordinance at Town Meeting.

#### Other useful resources:

1. North Yarmouth Land Use Ordinance
2. DECD LD 2003 Guidance
3. Final Legal Rule

Amy Haile, Chairperson asked about requirements. Christian Roadman reiterated that applicable rules and regulations still apply, but LD 2003 dwelling unit minimums must be allowed when a lot meets the other requirements.

Amy Haile, Chairperson asked if it was possible to set a legal zoning ordinance within the deadline and review and revise the ordinance later. Christian Roadman and Matthew Panfil agreed that would be a reasonable approach.

#### **Matthew Panfil discussed recommended changes to land use ordinance (LUO) (41:30 – 57:10):**

- He wrote the draft to allow minimal changes to the current North Yarmouth zoning ordinance.
- The tear down exception in the draft does not allow for additional units if a current structure is demolished. This is the least development friendly option.
- Accessory dwelling units still must meet zoning requirements, lot size, utilities, setbacks, etc.
- Shoreland zoning still applies.
- Depending on the lot, many natural limitations may still prevent development.
- Without sewer, a lot must have 20,000 square feet per unit, which translates to 2 dwelling units per acre.
- The draft does not change existing density, just changes 'units' to 'dwellings'. Current LUO

allows 1 dwelling per 3 acres.

- The draft avoids subdivision law but doesn't change density. If someone holds 15 acres, they can construct 5 dwellings.

Andrea Berry, Vice Chair Select Board, asked to clarify if the new law affected current LUO lot parameters.

- The 15 acres doesn't get divided under LD 2003 requirements. LD 2003 allows the owner to build accessory dwellings or extra principal dwellings depending on current LUO lot restrictions.
- To be considered affordable housing development, 51% of units must be at 80% for rental area median income. It's hard to imagine what an affordable housing unit would look like in Village Center, with the current lot requirements for septic.

Paul Hodgetts, Select Board Member, unless it's Deacon Hayes down the road. It's not spread out with 36 bedrooms on 2 acres of land.

Jeff Brown, Planning Board Member, asked about Section 11.1.B.7.

- Section 11.1.B.7 is unclear and will be revised. State minimum will apply unless Technical Building Code and Standards Board requirements are different.
- North Yarmouth is unique in the current zoning limits of one bedroom per accessory dwelling unit. That remains unchanged in the draft.
- Table 7.2 Space and Dimensional Requirements
  - Changed to minimum lot area per unit instead of min and max units per lot.
  - Village residential still requires 1 acre per dwelling unit. ADUs still have to be within 30% lot coverage requirement.

Jeff Brown, Planning Board Member, asked about Section 11.2.1.B. Minimum Lot Size Requirements. Currently there are no lot size requirements for Village Center. The footnote states that without sewer the 20,000 sq ft. requirement remains for septic. In the new rules, can we build 2 units per half acre?

- Section 11.2.1.B. Minimum Lot Size Requirements
  - All lots must comply with 12 M.R.S. §4807-A. Minimum lot size required.
  - 20,000 sq ft lot size per unit. Multi-unit apartment buildings use a different formula.

Paul Hodgetts, Select Board Member, asked if people can build on a half-acre or sell a half-acre lot.

- Yes, within Village Center half acre lots would be acceptable. Septic requirement is still 20,000 sq ft per unit. Village Center has no minimum lot size, but elsewhere there are lot minimums requiring 1 to 3 acres per unit.

Jeff Brown, Planning Board Member, asked if someone has 3 acres in Farm/Forest can they build an extra Dwelling unit on the lot?

- No, due to lot size requirements they still need three more acres to add a principal dwelling unit. Lot size requirements still apply to principal dwelling units. An accessory dwelling unit could be added.
- If they have a single-family dwelling on 6 acres, they can add another principal dwelling unit without question.
- 10.4.1 'Lots with Existing Dwelling: All Zoning Districts: 3 additional units' changed to 'Lots with Existing Dwelling: All Zoning Districts: 2 additional units' during the meeting.

#### **Chair of Planning Board emailed questions (57:10 – 1:05:20):**

1. Is the state redefining affordable housing overall or just for the purposes of LD 2003? Are they eliminating affordable housing for low and moderate income?
  - US HUD requirements are 120 for ownership, 80 for rental. This is what Maine Housing uses to fund a project.
2. Proposed section 11.2.1 references the state statute but not land use ordinance table 7.2 footnote 4. Should it reference both? Is the requirement for the type of septic system for reduced acreage, okay?
  - That is in the definition of comparable sewer system. The reference to subsurface wastewater disposal systems will specify the type that is acceptable.
3. Proposed section 11.2.1 removes review and approval from the planning board. Should this

have been removed?

- This doesn't exempt the planning board from site plan review, but the wastewater and water would have to meet standards in the referenced sections.
4. Additional units can be added, either attached or detached or both. Are these additional units restricted in size to no greater than 40% of the primary structure?
    - There is nuance here that needs to be considered. If someone has one principal dwelling unit on a lot that is big enough for more principal dwelling units and decides to build 2 more principal dwelling units on their lot, each could be eligible for accessory dwelling units. The wording of the final ordinance will determine if accessory units are allowed after more principal units are built.
  5. In the Village Center, on a lot of 1 acre or more with an existing structure, does this allow for the current structure to be demolished to allow for subdivision and more units.
    - The way the proposed ordinance is written doesn't allow for additional ADUs after demolition of an existing structure.
  6. Are you working with NorthStar on this? The numbering sequence differs from the current LUO.
    - No. Matthew just worked within our current LUO to create recommendations for compliance with LD 2003. Tried to integrate with current ordinance as much as possible.

GPCOG will put together a list of FAQs based on questions and emails received after this meeting. They will come back to the next meeting with enhanced visuals as well.

#### **Public Comment/Questions (1:05:20 – 1:26:30)**

1. Richard Parenteau, 52 Pine Ridge Road - Current land use ordinance uses affordable housing density bonus. It also uses affordable housing designation as an exemption to our housing cap. Will your proposed changes define affordable housing to be a consistent definition for both of those.
  - Matt will double check current affordable housing language but believes the changes he proposed will be applicable across the board. What you can no longer do is count additional dwelling units as defined in the building cap.
2. Richard Parenteau, 52 Pine Ridge Road - What is the deadline for these changes to take effect?
3. Richard Parenteau, 52 Pine Ridge Road - The current proposal doesn't allow for both the addition of principal dwelling units and additional dwelling units added to each principal dwelling. How is that addressed within the proposed changes to LUO? The speaker advocates for just having one or the other.
  - Matt will double check exact wording and add to FAQs. The proposed language states that you can only add an accessory unit to a lot with an existing single-family dwelling. Without the existing dwelling you wouldn't be able to add an ADU.
4. Richard Parenteau, 52 Pine Ridge Road - The way the edits are currently drafted, structures torn down will count as one dwelling.
  - Current edits are written with the most restrictive language, but this is an area the town has some liberty to adjust.
5. Richard Parenteau, 52 Pine Ridge Road - In the example of the 15-acre lot in Farm/Forest that allows for 5 principal dwelling units to be built, how does frontage factor in?
  - Traditionally you would factor frontage into the subdivision of that lot. LD 2003 changes do not require subdivision of that lot before building. It simply allows a person with a 15-acre lot to build up to 5 principal dwelling units and maybe allows for each unit to have an, attached or detached, additional dwelling unit, depending on the wording of the ordinance. Without the subdivision, setbacks and frontage requirements apply to the full 15-acre parcel, not the individual units. The same would apply in the less restrictive Village Center. Building additional units does not require additional frontage.
6. Lincoln Merril, 1572 North Road – Current 2-acre lot with dwelling is no longer conforming to Farm/Forest standards after the change to the 3-acre minimum. Does LD 2003 allow for building another dwelling on this lot?

- An ADU would be allowed, but not another principal dwelling structure. An additional dwelling unit, either attached or detached to the original structure would be allowed. To add another principal dwelling unit, 4 more acres would be required.
7. Lincoln Merrill, 1572 North Road – Another parcel of land has 52 acres. Would 2 units be allowed per 3 acres on this parcel?
    - No. One principal dwelling unit per 3 acres of land without needing to go through subdivision process. In the current proposed language, further development of additional dwelling units for each principal unit wouldn't be allowed.
  8. Lincoln Merrill, 1572 North Road – There wouldn't be any extra frontage requirements for that lot? I could create a family compound on 52 acres with 17 principal dwelling units on it.
    - In this case, because you aren't subdividing the lot, that lot would be able to have X number of units within the current ordinance. Cannot say what the ownership structure would be in that case. If people wanted their own lot, you might be able to create a tax split? 3 units would still be considered a minor subdivision, but 5 structures or more would be a major subdivision and subject to the subdivision process.
  9. Lincoln Merrill, 1572 North Road – What is the definition of a lot for these purposes? My 52 acres is not currently defined into lots. Is this lots that a developer would come in and set up for a subdivision? Can people make con-conforming lots?
    - The lot is the lot as registered at the Cumberland County Registry of Deeds. You still cannot subdivide into non-conforming lots. Lot size in the land use ordinance still applies.
    - Jeff Brown followed up to ask if creating multiple dwellings on a lot with an existing dwelling still required subdivision review? If you build another dwelling on a lot, doesn't that constitute creating another lot?
    - Matthew will get more clarification on this and get back to the group. 3 units would be considered a minor subdivision, but 5 structures or more would be a major subdivision and subject to the subdivision process.
  10. Mike Mallory, 551 Walnut Hill Road – This change doesn't require you to build a certain way on your land? If I only want to build one dwelling on my land, I don't have to confine the building to a corner of the land to allow for future development?
    - No, LD 2003 does not make the owner use the land in a specific way. It allows for the development of additional units on lots that meet all other requirements.
  11. Mike Mallory, 551 Walnut Hill Road – How does this mesh with the current variance process? If applying for a variance under ordinance or state law, does LD 2003 change that process?
    - This should not affect how variances are granted or change the process, but that may change on a case-by-case basis. DEP permits will still go through the state, board of appeals would only look at the variance after the applicable approval from the state.
  12. Rachael Whitmarsh, 110 Wild Turkey Lane – Is it going to fall on the Code Enforcement office to make sure this is all being implemented correctly? These things would currently go through site plan review, or the planning board would have oversight and work with the code office.
    - Bigger projects will still go through the planning board, but there will be a lot of calls from individuals wanting to build another dwelling on their lots. FAQ documents will be developed and help with the day-to-day, but this will be an added administrative burden on the CEO. Check with legal counsel before rejecting the changes.
  13. Andrea Berry, Vice Chairperson – If we reject the changes, won't state law simply supersede ordinance?
    - That would be up to the courts, but it will be the argument of the plaintiff.
  14. Amy Haile, Chairperson – We are being invited to follow the rules here, correct? There really isn't a choice.
    - Matthew has given the Town recommendations based on minimum requirements for compliance. A starting point, from which the Town can review and go further if desired.
  15. Amy Haile, Chairperson – Where are we now? The ordinance changes suggested seem reasonable and the Planning Board will be relied upon for thoughts and insights. Where do we

go from here?

- Collect questions, make revisions that have already been requested. There is another meeting on March 27<sup>th</sup> for a final follow up with GPCOG. GPCOG has no legal standing by which to change the ordinance. The changes will be reviewed by legal, and the Planning Board will have a Public Hearing. The final ordinance changes will be brought to the Town Meeting to be voted into ordinance.
16. Diane Barnes, Town Manager – Can the changes be redlined within the current ordinance to be brought to legal?
- GPCOG will redline a copy of the current ordinance for final approval.
17. Amy Haile, Chairperson – NorthStar is also looking over the land use ordinance, could these changes be coordinated into those changes?
- Diane Barnes stated that NorthStar would be meeting with the Town on the 12<sup>th</sup>. Matthew Panfil stated that he would be happy to coordinate with NorthStar. The draft will be submitted as
18. Judy Potter, 551 Walnut Hill Road – Are you saying that the Planning Board's public hearing will be before this next public forum?
- No. The schedule is as follows.
    - 2/27/2024 - 1<sup>st</sup> public forum.
    - 3/12/2024 - NorthStar meeting with Select and Planning Boards.
    - 3/27/2024 - GPCOG public forum
    - April - Planning Board will set a date and publish notice for the public hearing.
    - May - Public Hearing date and time TBA.
    - 6/17/2024 – 6:30 pm Town Meeting. The public will vote to codify changes to land use ordinance.

Any further comments or questions can be directed to:

GPCOG Senior Planner Christian Roadman: [croadman@gpcog.org](mailto:croadman@gpcog.org)

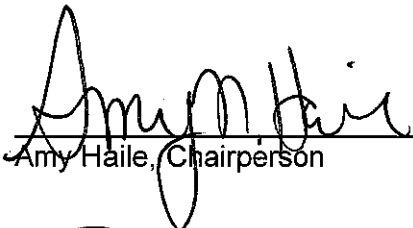
GPCOG Planning Director Matthew Panfil: [mpanfil@gpcog.org](mailto:mpanfil@gpcog.org)

Diane Barnes, North Yarmouth Town Manager: [dbarnes@northyarmouth.org](mailto:dbarnes@northyarmouth.org)

2. **Adjournment – (1:26:30)**

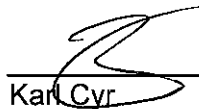
Motion to adjourn by Amy Haile, seconded by Andrea Berry, motion passed 4-0.

Select Board

  
Amy Haile, Chairperson

  
Andrea Berry, Vice Chairperson

  
Paul Hodgetts

  
Karl Cyr

Katherine Maloney