

Town of North Yarmouth
Planning Board
Meeting Minutes of April 12, 2022
Business Meeting

(recording is available via [Town Hall Streams](#))

I. Call to Order

The meeting was called to order at 7:03 PM. Present: Audrey Lones, (Chairperson), Chris Cabot (Secretary), Sandra Falsey (Board Member), Jeffrey Brown (Board Member), Kimry Corrette (Board Member), Sanford Peabody (Alternate Board Member) and Ryan Keith (CEO)

Absent without notice: Paul Metevier (Alternate Board Member)

II. Public Hearing – Proposed Land Use Ordinance Changes

The Public Hearing was opened at 7:05 AM

Audrey Lones reviewed the process for which the public hearing will be held in order to keep it organized.

Section IV – Site Plan Review and Conditional Use Procedures

Audrey Lones reviewed the changes to this section, she indicated most of them have to do with wording, consolidating & being consistent. Audrey Lones asked the audience if there were any comments or question about Section IV. Chris Cabot indicted he felt that language that lawyer added regarding the notices to the direct abutters that may be incorrectly labeled, or notices not received for what ever reason means that Public hearing is still valid and it is a requirement that the applicant shows proof that they mailed it.

Sandy Falsey motioned to accept the changes in Section IV – Site Plan Review and Conditional Use Procedures as proposed; Jeff Brown seconded the motion.

Discussion. VOTE: 5 Yes 0 No

Section V – Subdivision Review Procedures and Criteria

Audrey Lones reviewed the suggested changes to this section, she indicated most of them have to do with wording, consolidating & being consistent. Audrey Lones asked the audience if there were any comments or question about Section V.

Rich Parenteau, no address noted – Stated that abutters list is incorrect. Audrey Lones indicated that we have put language into the ordinance stating that the applicant needs to contact the Code Enforcement office for the abutters list, Ryan Keith confirmed the procedure.

Mike Mallory, Walnut Hill Rd – Questioned whether the applicants should be also providing proof that they were received rather than just proof of mailing.

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Chris Cabot motioned to accept the changes in Section V – Subdivision Review Procedures and Criteria as proposed; Kimry Corrette seconded the motion.
Discussion. VOTE: 5 Yes 0 No

Section VII – Zoning District Regulations

Audrey Lones reviewed the changes to this section, she indicated a couple of suggested changes to the 7.1 Use Table, a foot note was added requiring applicant to go to definitions section, suggested changed to discharge of commercial or industrial wastewater and to Table 7.2. Audrey Lones asked the audience if there were any comments or question about Section IV.

David Reed, 9 Country Creek – He inquired about changing the front and side set backs in Village Center District to eliminate the MAX set back to a MIN set back.

Rich Parenteau, Pine Ridge Rd – He stated that he agreed with David Reed's Statement and a Zero min seems extreme.

Judy Potter, Walnut Hill Rd – She asked what situations would the Planning Board not elect to hold a Public hearing on a project.

Audrey Lones reviewed and discussed with Planning Board the comments by the Town Attorney.

Jeff Brown motioned to change Village Center front and side setback to a 10 ft min in Table 7.2 of the Land Use Ordinance; Kimry Corrette seconded the motion; Discussion. Vote 1 Yes / 3 No

Jeff Brown motioned to amend original motions to amend line one of Land Use Ordinance Table 7.2 regarding Village Center to a minimum 10 ft setbacks to the front; No second was given; the amendment was null.

Ryan Keith, Code Enforcement Officer – provided an explanation on why the current setbacks were put into place for the Village Center and how making the proposed changes would affect the certain building types that are offered within the currently Land Use Ordinance.

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David Reed, No address given – indicated that as on the four selectboard, he suggested that there were at least a couple of the selectboard that would like to see what Jeff Brown is proposing brought before the Board and he would ask to give the public that option to vote on that at the town meeting.

Rich Parenteau, No address given – provided his option about the setbacks.

Ben Smith, Northstar Planning – discussed specific situations and helped to clarify the options available if the ordinance would change.

Chris Cabot, Board Member – suggested that any proposed changes to the setbacks need to have further discussion along with allowing a time for public input. It is important to have an in-depth review to ensure that we are making the correct change.

David Reed, No Address given – indicated that he was going state this as little more forcefully, that he feels that it would be very good to see the option of setback changes before the town meeting. He feels this change has been discussed for over a year and he indicated that he has tried to be extremely polite throughout this process but because it is just changing a single number and he doesn't feel that it is rock science. It could easily be presented and why it is in its current form and the rationale behind it.

Jeff Brown, Board Member – stated that he has suspensions that if this issue is not fixed at Town meeting that we will see another one of those citizen referendums.

The Board members discussed sending suggested changes to Town Meeting and how the "number" for the change would be decided, whether picking a number without further discussion due to the threat of a citizen petition. They discussed the importance of having community forums to sure all voices are heard and include professionals that can help the Board determine the best possible outcome for the Town. The Board agreed to discuss a strategic plan regarding the setbacks the April 26 Planning Board Workshop.

Kimry Corrette motioned to accept the changes in Section VII – District Zoning Regulations as proposed with the addition to adding "on one side" to Village Center Side setback; Sandy Falsey seconded the motion. Discussion. VOTE: 5 Yes 0 No

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Section X – Performance and Design Standards for Site Plan Review and Subdivision Review

Audrey Lones reviewed the changes to this section, the additions to Section 10.17.2 regarding Brewery, Distillery and Winery requirements and additions to Section 10.23 defining and clarifying open space requirements.

Paul Whitmarsh, Wild Turkey Ln – provided his option about the open space amendments.

Chris Cabot motioned to accept the changes in Section X – Performance and Design Standards for Site Plan Review and Subdivision Review as proposed; Kimry Corrette seconded the motion. Discussion. VOTE: 5 Yes 0 No

Section XII – Definitions

Audrey Lones reviewed the suggested changes to this section.

Paul Whitmarsh, Wild Turkey Ln – Asked for clarification on the definition that the Board will be using verses the suggested change from the Attorney.

Chris Cabot motioned to change Table 7.1 from Community Scale Ground Mount Solar Energy System to Large Scale Solar System and to approve the definitions as presented with the change of Domestic Wastewater adding “Ordinary Live” in two places & Section XII – Definitions with the suggested definition for Large Scale Solar System; Kimry Corrette seconded the motion. Discussion. VOTE: 5 Yes 0 No

Audrey Lones motioned to forward the proposed Land Use Amendments with the suggest changes to the Select Board for a request to put them on the Town Meeting Warrant; Kimry Corrette seconded the motion. Discussion. VOTE: 5 Yes 0 No

III. Minutes Approval

- a. March 8, 2022, March 22, 2022 & March 28, 2022 Meeting Minutes

Audrey Lones motioned to accept the minutes from the March 8, 22 & 28, 2022 Planning Board meetings as presented; Chris Cabot seconded the motion.
Discussion. Vote 5 Yes / 0 No

IV. Old Business

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V. New Business

a. Pre-Application Sketch Plan Review – Kenney Commons Major Subdivision

Steve Roberg, SJR Engineering, reviewed the proposed Major Subdivision for 527, LLC on Parsonage Rd and Walnut Hill Rd. They are proposing 4 townhouse style buildings with 3 units in each building for a total of 12 units. Access into the development will be off Parsonage Rd and they are proposing a thirty (30) car parking lot.

Eric Gagnon, Yarmouth Water District, stated that he will need to know how the developer would like to have the units metered, if each unit has its own meter it will need to be stated in the HOA they are responsible for the water bill, he mentioned that there will probably be a fire service required so there would be a separate fire service charge for each building, he would need to have peak flow requirements in order to determine the size of the meters & the service lines and a sprinkler service company would design the size of the fire sprinkler service. He noted that there is a test well close to Parsonage Rd which will need to be protected. He mentioned that he was happy about the parking lot to help prevent any leaks going into the ground water overlay however, he asked they do not use salt in the winter, just sand. He discussed the location of the hydrant.

A few of the residents asked questions and concerns.

b. Site Plan Review and Conditional Use Permit Application – Water Line Solar Project

Ben Smith reviewed the Planners Report for this proposed project.

Chris Byers presented a brief overview of the proposed Solar farm project and the stages of development that would happen. The project is proposed to be off Sweetser Road owned by the Yarmouth Water District. They will be installing single axis trackers. They are proposing to have an Agricultural Style Perimeter Fence rather than a chain link fence.

The project has requested a waiver for the buffer requirement for the high value wetland. Chris Cabot asked why they felt they needed a waiver. The applicant reviewed the plan and explained to the board the reason for the waiver request. There is only 13,000 ft of wetland impact of the panels over the wetland. Chris explained that they are just changing the type of wetland from a forested wetland to a meadow wetland.

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Audrey Lones opened the floor up to the residents if they have any questions or concerns about the project.

Alan Bakutis, 200 Sweetser Rd - He noted that his property abutters the property where the proposed project will be located. After doing some research he asked about the electromagnetic radiation from solar farms which are not good for people, he did find that the risk is low but asked if Chris had any details or comments on that. Chris Byers spoke on where that type may come from which is located on the equipment pad which is not located anywhere near the abutters property as well as explained about electromagnetic fields.

Kimry Corrette, Board Member – Asked the applicant what the schedule will be for the proposed project. Chris Byers indicated he didn't expect the project to begin until the second quarter of 2023 due to CMP.

Chris Cabot motioned to find the North Yarmouth Solar Site Plan application complete based on the submission requirements; Kimry Corrette seconded the motion. Discussion. Vote 5 Yes / 0 No

Audrey Lones inquires if any of the Board members finds this waiver to be an unreasonable request. It was discussed that the Board will discuss the definition of the high value wetland definition should be discussed at the next meeting.

The board determined that not site walk was needed for this project.

Audrey Lones motioned to set a public hearing for the Water Line Solar Project on the Yarmouth Water District Property at the next meeting on May 10, 2022. Discussion. Vote 5 yes / 0 No

VI. Any other Business

a. Administrative Business

- April 26 workshop

May 10, 2022 is our next meeting

The May 24 workshop is still in question, it will depend on whether or not the candidates night is held on that night or not. If it is held, the topic will be the solar ordinance.

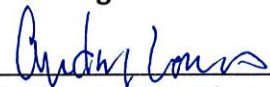
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VI. Adjournment

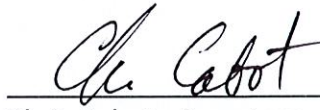
Meeting was adjourned 9:45 PM.

Recorded by Tracey Cox, Executive Assistant to CEO/Assessor

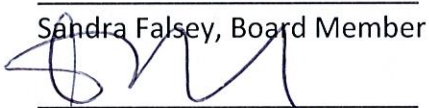
Planning Board Members

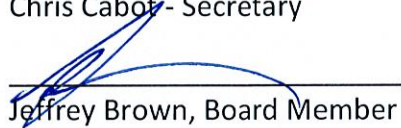


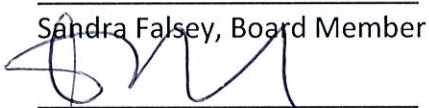
Audrey Lones - Chair



Chris Cabot - Secretary


Sandra Falsey, Board Member


Jeffrey Brown, Board Member


Kimry Corrette, Board Member


Paul Metevier, Alternate Member


Sanford Peabody, Alternate Member