

**Town of North Yarmouth
Planning Board
Meeting Minutes of May 10, 2022
Business Meeting**

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

I. Call to Order

The meeting was called to order at 7:01 PM. Present: Audrey Lones, (Chairperson), Chris Cabot (Secretary), Sandra Falsey (Board Member), Jeffrey Brown (Board Member), Sanford Peabody (Alternate Board Member), Paul Metevier (Alternate Board Member) and Ryan Keith (CEO)

Absent with notice: Kimry Corrette (Board Member)

II. Public Hearing – Water Line Solar Project

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.

Chris Byers, Branch Renewable Energy, reviewed the proposed project Solar project.

Eric Gagnon, Yarmouth Water District - reiterated what Chris brought up about protecting the resource. He indicated that reached out to the water program and the geologist at the State to ensure any concerns they had were addressed.

Public hearing closed 7:40 PM

Audrey Lones opened the floor to board members questions.

Chris Cabot inquired about the waiver for the high value wetland buffer requirements. Chris noted that applicant submitted an additional document describing the wetlands and he also provided the Department of Environmental Protection (DEP) permit.

Chris Chabot motioned to accept the waiver request for the buffer in the high valued wetlands; Sandra Falsey seconded the motion. Discussion.

Vote 4 Yes / 0 No

Chris Chabot motioned to approve the North Yarmouth Solar Site Plan located on Map 005 Lot 002 based on the finding of facts and conclusion in the Planner Memo dated April 29, 2022; Sandra Falsey seconded the motion. Discussion.

Vote 4 Yes / No

III. Minutes Approval

Tabled

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IV. Old Business

V. New Business

a. Deacon Hayes Commons - Major Subdivision Application

Audrey Lones reviewed the procedure of how the application review will be conducted. She discussed there were a few letters/emails from abutters about the project and she also noted that the applicant notified the abutters already and there were a few abutter addresses that weren't correct however, they have been corrected and the applicant has been given corrected address list.

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. The development will have public water and septic disposal systems and underground utilities with overhead to get across the street.

The plan was updated to include an esplanade on the sidewalk that goes between Walnut Hill Road and Parsonage Rd. Name of the project has changed to Deacon Hayes Commons due to the history of the property. The preformed a storm water study.

Steve Roberg also reviewed some of the items in the Planner report.

Ben Smith, Town Planner, discussed the details of the proposed project and his reports he provided to the Board. He noted that over all the waiver requests are not from the performance standards, they are all from the submission requirements. So they want to meet the standards any other project would have to meet but they are requesting the board doesn't need the submission requirements in order to meet those findings on the standard. He feels they need to discuss what the board need in order to make those findings of standards. (Ground water quality, traffic etc.)

The Board reviewed the waiver requests with feedback from the applicant, the Code Enforcement Officer and Eric Gagnon from Yarmouth Water District.

The Code Enforcement Officer noted that the septic design should be reviewed closest to the man-made pond to ensure that it means the setback requirements or a Variance from the state will be necessary.

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Audrey Lones made a motion to not to grant the waiver for the Hydrogeological Assessment to demonstration nitrate levels at the property line will meet safe drinking water standards; Chris Cabot seconded the motion. Discussion. Vote 4 Yes / 0 No

Jeff Brown made a motion to approve the waiver of the Maine Department of Transportation permitting requirement for peak hour daily traffic; Sandra Falsey seconded the motion. Discussion. Vote 4 Yes / 0 No

Chris Cabot made a motion to approve the wavier for the Ground water protection and pollution preventive measures Section 4.5.B.2.C; Jeffrey Brown seconded the motion. Discussion. Vote 4 Yes / 0 No

Audrey Lones made a motion to approve the waiver for the Spill Prevention Plan Section 4.5.B.2.D; Sandra Falsey seconded the motion. Discussion. Vote 4 Yes / 0 No

Laurie Bachelder informed the Board she is planning to build 20% of the project being under the Affordable Housing program outlined in the Land Use Ordinance.

Ryan Keith stated that the Affordable Housing details are very specific, it is good that the Board is aware, however, they are part of the building permit process. The requirement for this program is the living space can't be over 1500 sq ft, the affordable housing is a set rate by the State, and you have to fall in the percentage. The Land Use Ordinance is very specific and Affordable Housing is not apart to the building cap, the Town has contacted our attorney and they has provided us with those figures for the year in which need to be followed for either sales or rental of the units.

Ben Smith stated that there is nothing in the site plan or subdivision section of the Land Use Ordinance that would impact the completeness of the application. If an applicant is going to be utilizing the additional standards, it should be discussed as a part of the project.

Audrey Lones informed the applicant that it would be helpful to have a narrative explaining how you were going to do the Affordable Housing even though it is under the Code Enforcement purview.

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Jeff Brown motioned to hold a public hearing for the Deacon Hayes Commons Project; Audrey Lones seconded the motion. Discussion. Vote 4 Yes / 0 No

- b. Pre-Application/Sketch Plan Review – Well & Good Brewing Company
Byron Kern reviewed is proposed brewery & tasting room at 173 Cumberland Rd. He would like to give back to the community by highlighting a couple different organizations each month and make the giving back an interactive concept. The brewing would be located in the garage with 5 barrels/150 gals and the house would be converted into a tasting area with approximately 40 seats inside and out. The changes to the property would be to make a formal parking area on the north side of the property, behind the building an outdoor seating will be created, and the driveway would need to be expanded. The business will be open Wednesday – Sunday from 12:00-8:00 PM. The detached garage will be converted into an event space in the future but at the beginning will just be storage. He is proposing to install a holding tank for the brewing wastewater and have it pumped.

- c. Pre-Application/Sketch Plan Review – Lady Slipper Hill Minor Subdivision
Wayne Wood presented details on the proposed minor subdivision off Lufkin Rd owned by Steve Woodward and Marie Burns. Ben Smith, Town Planner, indicated that after his review the proposed subdivision was straightforward and the applicant should provide the environmental inventories such as wetlands, sensitive plants, etc. The Planning Board decided a site walk was not necessary.

VI. Any other Business

- a. Review of Previous Years Applications
Ryan Keith reviewed and provide an updated on the previous year's applications.

- b. Administrative Business
 - The May 24 workshop is still in question, it will depend on whether or not the candidate's 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 9:40 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~~