

**Town of North Yarmouth
Planning Board Minutes
Tuesday, May 12, 2015
7:00 PM @ Town Office Meeting Room**

Gary DiLisio, Steve Morrison, Ande Smith, Ryan Keith (Code Enforcement Officer), Peter Lindsay (Chairman) (arrived at 7:25pm)

Absent: Katryn Gabrielson, Tom Hinman

I. Approval Previous Minutes

- April 14, 2015

Steve Morrison moved and Gary DiLisio seconded to approve the April 14, 2015 minutes as presented.

Vote: 3-Yes 0-No 1-abstention (Smith as he was not at this meeting.)

II. Revisit of Site Plan Application for “The Purple House a Wood Fired Bakery” proposal to re-occupy 378 Walnut Hill Road property; previously Vacationland Video.

Krista Desjarlais presented some sample drawings of the lighting and that additional items that were requested by the Board at the previous meeting have been submitted.

There was a discussion on the updated parking on the property. Steve Morrison asked if the fencing on the Route 9 side would be removed. Krista stated the forsythias would remain and that there would be additional natural evergreen buffering. To the left of the property, there would be a split rail fence and additional plantings for privacy for the abutter. The Board liked her suggested combinations as it is in line with the ordinance.

Gary DiLisio moved and Steve Morrison seconded to deem the application as complete.

Vote: 3-Yes 0-No 1-abstention (Smith, as he was not at the last meeting and missed this discussion.)

There was no public comment.

Proposed Findings of Fact:

1. The Planning Board agreed that the application is complete.
2. The submitted site plan (dated May, 2015) addressed all additional deficiencies discussed at the April 14, 2015 Planning Board meeting.
3. The application is an allowed use with Site Plan review.
4. There is no proposed change to the existing footprint of the building and garage.

Gary DiLisio moved and Steve Morrison seconded to accept the Findings of Fact from the May 12, 2015 Planning Board meeting.

Vote: 3-Yes 0-No 1-abstention (Smith)

Peter Lindsay moved and Gary DiLisio seconded to approve as presented the site plan at 348 Walnut Hill Rd known as the Purple House Wood Fired Bakery.

Vote: 3-Yes 0-No 1-absention (Smith).

III. Review Site Plan Application

- New single family dwelling within 500' of the Royal River for Duncan and Marlene Potter (009-063).

Gary DiLisio stated that he is an abutter, but does not know the sellers nor owners and doesn't see any issue to recuse himself from this discussion. The Board members present agreed.

Ryan Keith gave an overview. The main issue is the 500' of Chandler Brook which brings it to site plan review by the Planning Board. It is a single family home to be located approximately 300-400' from the river but does meet the setbacks. The application submitted appears complete.

There was a review of the application checklist items and a discussion on the permit timeline based on the site plan review criteria. Given that this is a single family dwelling and not a large plan, this may be non-applicable rather than waived. There was a discussion on the visual impact to the river by the home. Given that the river bank in the area is rather high, buffers may not be needed. There are no wetland issues and drainage on the lot appears to be fine. There was a discussion on the easement for the driveway which would be off the town's easement.

Gary DiLisio moved and Steve Morrison seconded to deem the application complete.

Vote: 3-Yes 0-No

Gary DiLisio asked about the interpretation placement of a secondary residence on the same piece of property. Ryan Keith stated that the language of the ordinance and creating sufficient lot sizes/standards and that with proper setbacks, should they wish to divide the lot in the future this would minimize any variance requests. There was a discussion on how the lots could be divided to become conforming lots. Gary asked about the Royal River Overlay guidelines about placing another dwelling within the overlay. Ryan stated that site plan review would take this into consideration and impose requirements. The Board did not see any issues.

Steve asked about the dimensions are from a surveyor. Ryan stated that the dimensions were provided by the owner via software but conditions about their accuracy can be a part of the conditions. Ryan stated that he went to the site and reviews measurements via Google Earth. Ande stated that it appears that Royal River Overlay dimensions are from Dick Sweet.

Peter Lindsay asked to recuse himself for the remainder of this discussion as he arrived late for this item.

A letter from Kathryn Dion/John David Kennedy dated May 7, 2015 opposing this proposal was read.

Duncan Potter presented a survey from Dick Sweet to substantiate his dimensions in his plan. There decision to purchase is contingent upon the Planning Board. Steve Morrison asked if the dwelling's location is his preference or not possible. Duncan stated that a couple of other possible locations are due to extensive drainage swales and too near abutting properties.

Andrew Hayward, an abutter asked about the criteria within the 500' of the Royal River. He doesn't object, but would like to understand the criteria.

Proposed Findings of Fact:

1. The Planning Board deemed the application complete.
2. This proposal is an allowed use within the ordinance.
3. The proposal meets the dimensional standards to allow a secondary dwelling on the property.
4. The building envelope as presented meets the drainage and sedimentation control criteria and best practice management of Chandler Brook and the Royal River.
5. The placement of the home on the site is not inconsistent with the objectives of the Royal River Overlay for the river's protection based on Section 9.3 A of the ordinance.

Gary DiLisio moved and Steve Morrison seconded to accept the Findings of Fact as accurate.
Vote: 3-yes 0-no 1-absention (Lindsay)

Steve Morrison moved to approve the application as presented with the condition that at no time shall the structure be closer to Chandler Brook than the site plan presented. Ande Smith seconded the motion.

Vote: 3-Yes 0-No 1-absention (Lindsay)

IV. Any other items as the chair may deem appropriate

The site walk for the Meehan application will be rescheduled as the survey was not complete.

There is still one opening on the Planning Board and asked for any recommendations.

V. Adjournment

Peter Lindsay moved and Steve Morrison seconded to adjourn the meeting.

Vote: 4 Yes 0-No.

The meeting ended at 8:18 pm.

The Planning Board will not take up agenda items after 10:30 PM and will conclude the meeting by 11:00 PM