

**Town of North Yarmouth
Planning Board
Meeting Minutes of August 8, 2023
Business Meeting**

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

Call to order: (19:50 – 19:57) Board Chair Paul Whitmarsh called the meeting to order at 6:35pm.

Board Chair Paul Whitmarsh, Board Secretary Trey Milam, Board Member Jeff Brown, Board Member Sanford Peabody, and Alternate Board Member Alexander Urquhart were all at the meeting.

Board Member Kimry Corrette was absent from the meeting.

Planner Ben Smith was at the meeting.

Minutes Approval: (19:57 – 20:50) Board Member Jeff Brown, seconded by Board Chair Paul Whitmarsh, motioned to approve the July 11th Planning Board meeting minutes. Vote 4 yes/0 no.

Public Hearing: (20:50 – 1:18:55) Board Chair Paul Whitmarsh explained the rules for the public hearing and advised the Board Members of the sensitive microphones.

Chris Byers, 8 Quarry Ridge Rd and owner of Boundary Line Solar, gave a summary of his project.

Chris Byers explained that he would be withdrawing all waivers for this project.

Alex Lord, 60 Browns Way, spoke in opposition to the project.

Craig Rawnsley, 24 Browns Way, spoke in opposition to the project.

Daniel Geary, 146 Doughty Rd, spoke in opposition to the project.

Paul Porada, 29 Browns Way, spoke in opposition to the project.

Jason Fetigan, 251 Greely Rd, spoke in opposition to the project.

Galen Eustis, 108 Doughty Rd, spoke in opposition to the project.

Chris Guadette, 8 Garden Gate Circle, spoke in opposition to the project.

Ann-Marie Taylor, 126 Doughty Rd, spoke in opposition to the project.

Tim Farnham, 14 Garden Gate Circle, spoke in opposition to the project.

John Napolitano, 88 Walnut Hill Rd, spoke in favor of the project.

Steve Geary, 146 Doughty Rd, spoke in opposition to the project.

Judy Potter, Walnut Hill Rd, spoke in opposition to the project.

Dale Knapp stated that he was an environmental consultant, a certified soil scientist, and a professional wetland scientist. He and Chris Byers addressed some of the concerns that were raised by the public.

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Steve Geary, 136 Doughty Rd, spoke in opposition to the project.

Board Secretary Trey Milam asked what the construction hours would be.

Chris Byers said that it would be normal construction hours that would conform to the ordinance.

Board Chair Paul Whitmarsh closed the public hearing at 7:33pm.

Old Business: (1:18:55 – 2:28:30) Board Chair Paul Whitmarsh discussed the site walk that took place on July 18th.

Board Chair Paul Whitmarsh discussed recusals.

Planner Ben Smith explained why and when a Board Member should be rescued.

Board Member Jeff Brown mentioned that his family used to own the sand pit, his cousin was heading up the opposition, and that he went to school with Steve Geary.

Alternate Board Member Alexander Urquhart said that he had worked with Chris Byers in the past.

Board Chair Paul Whitmarsh, seconded by Board Member Sanford Peabody, moved that Board Member Jeff Brown not recuse himself. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, moved that Alternate Board Member Alexander Urquhart not recuse himself. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh discussed the waiver and that it would need to be a condition of approval.

Planner Ben Smith went through the planner memo.

Board Member Jeff Brown discussed the wetlands that he saw during the site walk and said that he felt like it was not unreasonable for the wetland to be filled.

Board Secretary Trey Milam asked for an explanation for the exemption on section 10.3.E.2.

Chris Byers provided the Planning Board with an explanation for the exemption.

Planner Ben Smith said that the Planning Board could reasonably move forward with the exemption.

Board Secretary Trey Milam gave his interpretation.

Board Chair Paul Whitmarsh said that he wanted to be sure that the Planning Board did not leave space for an appeal and did everything correct.

Board Secretary Trey Milam asked if some of the panel infrastructure would be located within the setbacks.

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Chris Byers said that it would.

Board Members and Chris Byers discussed.

Planner Ben Smith asked if it would be appropriate for the Board Members to vote on the exemption.

Board Member Jeff Brown said that he got hung up on part of the solar panel being within the buffer.

Board Member Sanford Peabody made a comment regarding the term “utility.”

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, moved that the Planning Board find that the Boundary Line Solar project meets the exemption requirements as defined in the Land Use Ordinance section 10.3.E.2. Vote 0 yes/5 no.

Board Chair Paul Whitmarsh noted that he and Alternate Board Member Alexander Urquhart would be regular voting members.

Planner Ben Smith continued to read through the planner memo.

Board Chair Paul Whitmarsh summarized comments from the public hearing.

Board Chair Paul Whitmarsh spoke about the erosion of Doughty Road and the opinion that the Planning Board received from the road commissioner.

Board Member Jeff Brown noted that the Planning Board was bound to the Land Use Ordinance.

Board Chair Paul Whitmarsh, seconded by Board Secretary Trey Milam, motioned to approve the Boundary Line Solar project with the condition that they obtain the Army Corps of Engineers permit for filling in the low value wetland and that they obtain a variance/waiver for a buffer on the high value wetland within the limit of disturbance.

Planner Ben Smith asked if Board Chair Paul Whitmarsh was referencing that the waiver would have to go to a different board.

Board Chair Paul Whitmarsh and Planner Ben Smith discussed the email from Attorney Natalie Burns.

Alternate Board Member Alexander Urquhart asked what information would go to the Zoning Board of Appeals.

Board Chair Paul Whitmarsh said that it would only be the variance section.

Board Chair Paul Whitmarsh noted that the workshop on August 22nd could become a Special Business meeting and that they could get legal opinion in that time frame.

Chris Byers asked for clarification on what could happen at the August 22nd meeting.

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Board Chair Paul Whitmarsh provided Chris Byers with clarification.

Chris Byers said that he would like to keep the project at the Planning Board level and for them to not vote on the project tonight.

Ben Scipione, Code Enforcement Officer, said that he did not believe that the Planning Board would be restricted to a 30-day window.

Board Chair Paul Whitmarsh withdrew his motion.

Chris Byers said that he would keep the project as is and would like to be on the agenda for the August 22nd meeting.

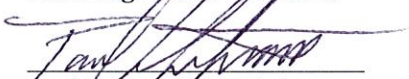
Board Members Jeff Brown noted the 14-day period for material to be considered.

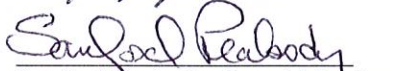
New Business: (2:28:30 – 2:29:53) Board Chair Paul Whitmarsh mentioned that there was a request for the workshop on August 22nd to be changed to a Special Business Meeting for the ZBA remand.

Adjournment: (2:29:53 – 2:30:04) Board Secretary Trey Milam, seconded by Board Member Sanford Peabody, motioned to adjourn the meeting at 8:45pm.

Recorded by Cassandra Bacon, Administrative Assistant to Code Enforcement Office

Planning Board Members

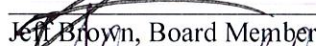

Paul Whitmarsh – Chair

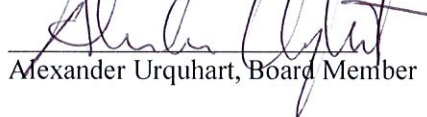

Sanford Peabody, Board Member

Kimry Corrette, Board Member

VACANCY


Trey Milam – Secretary


Jeff Brown, Board Member


Alexander Urquhart, Board Member