

Town of North Yarmouth
Planning Board
Meeting Minutes of November 9, 2021
Business Meeting
(recording is available via [Town Hall Streams](#))

I. Call to Order

The meeting was called to order at 7:04 PM. Present: Audrey Lones (Chairperson), Chris Cabot (Secretary), Sandra Falsey (Board Member), Jeffrey Brown (Board Member), Kimry Corrette (Board Member), Paul Metevier (Alternate Board Member), & Ryan Keith (CEO)

Absent: Sanford Peabody (Alternate)

II. Minutes Approval

a. October 12, 2021 Meeting

Chris Cabot motioned to accept the minutes from the October 12, 2021 Planning Board meeting; Sandra Falsey seconded the motion. Discussion. Vote 4 YES / 0 NO

b. October, 20, 2021 Delwin Dr Minor Subdivision SiteWalk Minutes

The minutes were not ready and were tabled until the December Planning Board Meeting.

III. Public Hearing – Remote Participation Policy

Audrey Lones made a motion to open the Public Hearing for the Planning Board Remote Participation Policy; Chris Cabot seconded the motion. Vote 5 YES / 0 NO

Audrey Lones informed the group that the Remote Participation Policy being reviewed and discussed is similar to the one the Select Board already adopted, it has just been modified slightly to fit the Planning Board's needs. The policy refers to fact that if there is an extenuating circumstance for a Board member or applicant and they cannot be physically at the meeting but could participate remotely. This happens it would also allow the public to participate remotely. At this time, this hybrid option is not available but will be once the Town has the equipment in place.

Mike Mallory, Walnut Hill Rd, noted that in the Town of North Yarmouth's Committee Policy it states that no matters of decisions shall take place electronically. He asked if the proposed policy violates this existing policy. He also stated that there should be a need for this policy since the Charter states that the alternate may only vote in the absence of a regular member. He suggested that the committee consider what they are doing before they do it before the committee gets themselves into hot water.

Town of North Yarmouth
Planning Board
Meeting Minutes of November 9, 2021
Business Meeting
(recording is available via [Town Hall Streams](#))

Audrey Lones, Chairperson, asked if what the committee is proposing any different than what the Select Board as already adopted? Mike Mallory indicated that he hasn't seen the Select Board, he is just concentrating on this Planning Board meeting. Audrey Lones indicated that policy was prepared through legal guidance to which Mike Mallory stated that the Planning Board should check again because legal end of things can be wrong at times. He asked that if you can go on Zoom and have someone vote from home why have alternate board members? Audrey Lones clarified the specific reasons why board members can participate via zoom.

Paul Whitmarsh, Wild Turkey Lane, reiterated what Mike Mallory stated. He noted that the reason that the Select Board must do this is because they do not have alternates.

Kimry Corrette, Board Member, asked whether this policy was adopted from the Maine Municipal Association? Audrey Lones indicated yes, MMA have indicated that town boards and committees can adopt their policies as appropriate.

Draven Walker, Executive Assistant to Town Manager, clarified that the committee policy is governed by the Select Board. The allowance of going into a remote meeting is governed by State Statue. He explained the new law that the State created around remote meetings for all boards and committees to adopt.

Linc Merrill, 1572 North Rd, he indicated that he agrees with he comments that have been made so far but he also wanted to say he doesn't understand when the Town adopts these policies why there isn't there a provision in them that says if there are any Maine Statutory changes that those with will automatically be adopted and override what's in the statement. He indicated that the way the Town sets things up is as soon as there is a change, he feels the Town needs to have meeting and go through the process to adopt something that has been put into Statue. He doesn't understand why the Town does that. He stated that he feels the Charter has serious issues and the issue of alternates is certainly one and he doesn't understand why there are alternates because in his option alternates come and vote when the board members can attend so the Board has a quorum.

Audrey Lones, Chairperson, asked if any of the Board members had any comments. Chris Cabot asked if North Yarmouth's legal counsel looked at the Planning Board version of the policy? It was determined that they have not reviewed this version.

Town of North Yarmouth
Planning Board
Meeting Minutes of November 9, 2021
Business Meeting
(recording is available via [Town Hall Streams](#))

Ryan Keith, Code Enforcement Officer, explained the reason why the Planning Board is looking to adopt this policy. He indicated that over the past (6) six years that he has been employed, there were several times that the Planning Board struggled to have enough members on the Board. This policy is being put in place to avoid an alternate, this is to simply say, if we only have (4) four members on the Board it is to give us an opportunity to allow that member that is out of town or has an emergency to be in the meeting and let the applications continue, it was not meant to be something that it is not. Right now, we have a full membership but there were a lot of years that we were coming in an hour before the meeting asking Board members whether they can make it or not. He indicated that we would have legal review the Planning Board version.

Jeff Brown, Board Member, made a motion to table the Remote Participation Policy until the legal team can review the Planning Board version; Kimry Corrette seconded the motion. Discussion. Vote 5 YES / 0 NO

IV. Old Business

V. New Business

a. Preliminary Meeting – Learning Loft Preschool Site Plan Review

Jeff Read from Sevee and Maher Engineering, who represents Miles and Danielle Hunt, reviewed the proposed site plan review for the relocation of the Learning Loft Preschool to Map 001 Lot 062 located in the Village Residential zoning district. The applicants currently own and operate a preschool in the Town of Cumberland. The Preschool will be located in an accessory unit next to their new home. He indicated that the preschool is an approved use in the zone, there are not requested waivers.

Sandra Falsey, Board Member, asked where the parking will be for the preschool. Jeff indicated that there will be two other employees besides Danielle, but no location has been determined at this time. Jeff indicated the col de sack is intended to provide sufficient queuing for parent drop off and pick up.

Chris Cabot, Secretary, wanted to ensure that the applicant has documentation of the right of ways in the right title interest section of the application. He also asked why the deviation from the existing grave driveway to his new configuration. Jeff responded to Chris questions.

Town of North Yarmouth
Planning Board
Meeting Minutes of November 9, 2021
Business Meeting
(recording is available via [Town Hall Streams](#))

Kimry Corrette, Board Member, asked for clarification on the right of way that appears to be crossing two of other adjacent properties. Jeff and Miles Hunt, (Owner) provided clarification on the changes to the road and the new proposed lot lines. Jeff indicated that when they return it will be clearer. Kimry asked if the proposed right of way going to be two lanes? Jeff indicated that the road will be developed to meet the Road Ordinance which requires two lanes.

Audrey Lones, Chairperson, reviewed the Town Department Head review with Jeff, who indicated he is working them to address any concerns they have.

- b. Preliminary Application – Crossroad’s Senior Neighborhood Major Subdivision
Charlie Burnham, Atlantic Resource Consultants, representing Ben Grover, Walnut Hill Investments reviewed the proposed 13 lot major subdivision between Rt 9 and Rt 115 for a Senior Housing Neighborhood 55 years or older with the Planning Board.

Audrey Lones, Chairperson, indicated that because this application will be coming back to the Board for consideration, the Board will allow the applicant to submit their complete application within 14 days of the next Planning Board meeting.

The final application must include the following missing documents:

- DOT Permit Application
- Waiver & N/A form
- Architectural Drawings
- New Checklist
- Copy of Abutters list and notice
- Change to the Septic Maintenance agreement from Biannually to Annually
- Landscape plan
- Stormwater Management Plan
- Hydrogeological Report
- High Intensity Soils Test Results

Town of North Yarmouth
Planning Board
Meeting Minutes of November 9, 2021
Business Meeting
(recording is available via [Town Hall Streams](#))

VI. Administrative Business

a. Review of Previous Year's Applications

Ryan Keith, Code Enforcement Officer, reviewed the status of the two applications that were heard before the Board last year: the Yarmouth Water District Pumping Station and the Deer Brook Apartment Phase II projects.

b. October Workshop Date Change

The November Workshop is scheduled for November 18, 2021, at 6:30 PM.

VII. Any other Business

VIII. Adjournment

Meeting was adjourned 8:20 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~~