

**North Yarmouth Planning Board  
July 8, 2014 Meeting Minutes**

**Peter Lindsay (Chairman), Katryn Gabrielson (Alternate), Tom Hinman, Steve Morrison, Gary DiLisio (arrived at 7:03 pm) Absent with notification: Ande Smith, Paul Turina (Alternate)**

**1. Call to Order**

Peter indicated that Katryn Gabrielson will be a voting member at tonight's meeting.

**2. Organization of the Board (Chair, Secretary)**

Peter indicated that each committee was asked to have by-laws as part of the Charter change which requires that the first meeting requires this process.

Steve Morrison moved and Gary DiLisio seconded to nominate Peter Lindsay as Chair. **5 Yes - 0 No**

Gary DiLisio moved and Steve Morrison seconded to nominate Ande Smith as Secretary pending his acceptance. **5 Yes - 0 No**

**3. Minutes of May 13, 2014**

Steve Morrison moved and Gary DiLisio seconded to accept the May 13, 2014 minutes as presented. **5 Yes - 0 No**

Peter stated that the Stones Restaurant application process which was approved at the May meeting has pulled their request and will not be serving dinners. Gary asked about the fencing and signage issues that are not directly related to the dinner approval process and whether or not these issues need to be addressed. (i.e. Are they still compliant in the process). Either the Code Enforcement Officer or the Town Manager will find out for the group.

**4. Review - Contract Zoning - proposed amendment to zoning ordinance**

The town's attorney has reviewed this but given that the Town Manager believes that there are some substantive changes suggested that a future public hearing should be conducted once this has been reviewed.

Legal Counsel's issues/comments

**1. Deletion of a sentence in Subsection A. (Regarding public purpose or benefit.)**

Mark Girard commented that the inclusion of the public purpose and good (i.e. Findings of Fact) and written notice puts in place a set of review processes but if statute doesn't require adding this additional hurdle given that many people don't attend meetings then it could be removed. It doesn't bring anything additional to the table.

Peter Lindsay and Gary DiLisio commented that inclusion of this process does address public awareness (and public good). Mark indicated that there are restrictions based on current zoning. Members of the Board indicated that the Selectmen would have say in what would and would not be done and that public (purpose) awareness of a project is important.

**2. 500 foot radius for notice (Subsection D). Statute notices that only abutters are required. The Board indicated that the 500 foot radius is consistent with other sections in the town's ordinance.**

Town Manager Roy indicated that on occasion going outside state codes can pose future problems. But the contract zoning ordinance can be amended.

The Board did not see an issue with the 500 foot radius notification still being done.

Mark Girard stated that there no current projects with contract zoning requests but contract zoning allows more options and flexibility. Contract zoning allows changes to be made but doesn't change the ordinances and their use. Tom Hinman stated that this essentially lays out the process for contract zoning to exist.

The Board discussed keeping the public purpose and benefit phrase in as it puts the responsibility on the potential applicant to make the case. The group also discussed the word "rezoning" as possibly confusing and problematic. Overlay Districts/Zones were discussed.

Town Manager Roy reminded the group that they will need to conduct a public hearing which will give them a sense of the community's feelings. Regardless of the outcome in the process, there are many steps needed to address this.

Mark Girard indicated that contract zoning changes the rules but the process (i.e. Planning Board review process) still needs to be followed.

Gary DiLisio moved and Katryn Gabrielson seconded to send this item to a Public Hearing and add back the 500 foot radius wording in the agreement in paragraph 2. **4 Yes - 1 No (Morrison)**

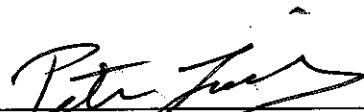
Peter Lindsay moved and Tom Hinman seconded to submit this recommendation to the Town Manager to share the recommendations with the Board of Selectmen as requested by the Planning Board. **5 Yes - 0 No**

**5. Any Other Business - None.**

**6. Adjourn -** Peter Lindsay moved and Steve Morrison seconded to adjourn the meeting. **5 Yes - 0 No**

Submitted by: Nancy Trottier, Recording Secretary


Planning Board

  
Peter Lindsay, Chairman

  
Tom Hinman

Steve Morrison

  
Gary DiLisio

  
Katryn Gabrielson  
Alternate - Designated Voting Member