

**North Yarmouth
Planning Board - Minutes
Tuesday, September 9, 2014**

1. Call to Order

Peter Lindsay (Chair), Tom Hinman, Katryn Gabrielson, Gary DiLisio (arrived at 7:05pm)
Absent: Steve Morrison Paul Turina
Ryan Keith, CEO

2. Public Hearing - Contract Zoning - Proposed Amendment To Zoning Ordinance

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

Peter gave an overview of the process thus far and that they are conducting a Public Hearing to gather information and answer questions. Following, they will have Board discussion regarding recommendations to the Selectmen. If a Contract Zone amendment would be approved by the Selectmen, then an applicant could apply under this criterion but application items would still require the Planning Board process.

Selectmen Mark Girard stated that this option allows opportunities for a thorough process for potential applications. There are a number of surrounding communities that have this option and has been successful.

He commented on paragraph 2 of the authorization regarding land use objectives and the public welfare element and urged caution on this incorporation. Legal counsel indicated that its inclusion is not necessary and could cause potential litigation issues. He agreed with legal council's recommendations and cited some potential project examples. There could be a number of situations that could cause conflict. The competing interests by the applicant and the public welfare would be vetted and discussed in the application and approval process.

Selectmen Girard indicated that the reference of the Comprehensive Plan that may or may not be updated or changed at the time of a potential application could be problematic. He urged that this reference be stricken.

Mary Byrd asked about for a general definition of the term contract zoning. Selectmen Girard indicated that it is a process whereby they can make a specific zoning change request for a specific piece of property, for a specific project at a specific time. It could include items such as set-back adjustments and the like. Variances should not be a mechanism for change but that contract zoning would allow a negotiated arrangement between an applicant and the town. Peter added that this process considers potential benefits to the town which would be negotiated.

Peter commented on Selectmen Girard's comment regarding public purpose. He indicated that other towns use this language and that he believes that contract zoning has this purpose and believes that the language should remain. While legal counsel indicated that it's not

required, there is no comment against it. Gary DiLisio agreed with Peter and that the language uses “a public purpose...” which can mean someone (entity and the like) could benefit.

Katryn Gabrielson agreed with Peter and Gary and that the town’s attorney did not indicate that using the language would give rise to potential litigation. Tom Hinman supports the inclusion of the Comprehensive Plan language as a starting point in this process is important and reminds everyone that the document should regularly be updated.

Peter stated that the Planning Board needs to make a motion regarding their recommendation.

Peter Lindsay moved to recommend to the BOS the proposed amendment as written and ask the BOS to place on a warrant at an upcoming Town Meeting. Gary DiLisio seconded the motion.

4 -Yes/ 0 –No.

3. Minutes of July 8, 2014

Katryn Gabrielson moved to approve the minutes of July 8, 2014 as presented. Gary DiLisio seconded the motion.

4-Yes/ 0-No.

4. New Business - Recognition of New Code Enforcement Officer-

Ryan Keith, new CEO gave an overview of his background. He discussed the changes in the uniform building code standards and his goals for its application and use. North Yarmouth has embraced these new standards and looks forward to working with the community.

5. Any Other Business as deemed appropriate by the Chairman

None.

6. Adjournment -

Katryn Gabrielson moved to adjourn the meeting. Gary DiLisio seconded the motion.

4 -Yes / 0-No

The meeting ended at 7:37pm