

# September 10, 2013 Planning Board Minutes

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North Yarmouth Planning Board

Tuesday, September 10, 2013

## Meeting Minutes

7:00 PM @ Downstairs Meeting Room, Municipal Building

Peter Lindsay (Chairman), Steve Morrison, Ande Smith, John Carpenter, Evan Haynes (Alternate), Barbara Skelton (Code Enforcement Officer)

### 1. Minutes of July 9, 2013

Peter reminded people that there was no August meeting. Steve Morrison moved and Evan Haynes seconded to accept the minutes as presented. The vote was 4 Yes/ 1 Abstention (Ande Smith).

1. Review – Harry W. and Carolyn S. Ruggles seeking final approval of a revision to a minor subdivision at 22 Lufkin Road on Property Map 10 Lot 14 in the Village Residential District.

Harry Ruggles gave an overview of the project. His request is for a revision to the minor subdivision. They are requesting a 1 acre lot be taken from the 6 acres. Peter stated that the revised ordinances now allow a 1 acre lot but because this was previously approved under the old ordinances it requires an approval now.

Harry stated that there are a number of 1 acre lots on Lufkin Rd so this would not be unusual. He outlined the materials he has provided to the Planning Board. He stated that the drainage is not an issue and new wells have been installed in recent years.

John asked if anything was missing or unusual about the lot as this request seems straightforward. Peter reviewed the application checklist. The applicant has requested a waiver (g.ii. of the checklist) regarding a letter on ground water supply and quality. Given that he doesn't intend to do anything on the lot, it would not be required.

Evan asked about the frontage figures for this lot. Barbara Skelton stated that the Village

Residential Zone doesn't require more than 100 feet.

Steve Morrison moved and seconded by John Carpenter moved to approve the request for Harry W. and Carolyn S. Ruggles a revision to a minor subdivision at 22 Lufkin Road on Property Map 10 Lot 14 in the Village Residential District as presented with waivers requested on the application checklist.

The vote was 5 Yes.

1. Review – Katie & Chuck Vento, owners of North Corner Automotive, seeking amendment to site plan permit for a privacy fence at 1280 North Road on Property Map 9 Lot 51 in the Farm and Forest / Royal River Corridor Overlay Districts.

Katie Vento indicated that they are requesting a privacy fence for the residential portion of their property. Barbara gave an overview of the fence request. Katie stated that the purpose of the fence will also be to screen the dumpster for their business and cut back road noise now that the large trees have been removed and to allow a bit more privacy. It would be a standard 6 ft tall stockade-type fence. John asked if there is any prohibition to doing this. Barbara stated that there are none but as an amendment to the site plan request she suggested that it should come before the Planning Board. Peter also commented that there hasn't been much success with the tree buffering. Katie agreed and stated that they will be trying to plant other varieties that would be better suited to that location. He believes that the fencing would be an improvement.

John Carpenter moved and seconded by Evan Haynes to adopt the findings of fact and conditions of approval for the amendment to the site plan to permit a privacy fence at 1280 North Road on Property Map 9 Lot 51 in the Farm and Forest / Royal River Corridor Overlay Districts.

The vote was 5 Yes.

Katie asked about landscaping and would that require a return to the Board. Barbara stated that only the replacement trees would be something she would work with Katie on.

1. Review land use ordinance definitions and sections for potential amendment at the next town meeting.

Peter reminded the group that the minor changes (grammatical and the like) will be able to be handled directly by code enforcement given the changes in the Charter.

On the list thus far:

## 1. Use of terms for street, roads, access ways

Barbara stated that there are some issues around some construction projects etc and that there is an ongoing conversation and a draft document regarding this to help protect the town.

John suggested that giving precise meanings or definitions to each might be more complicated but focusing on the standards as they apply would work better. There was a discussion regarding the best applications and uses. John asked if the issue of town roads being damaged is a separate one. Barbara stated that it is applicable and yet not necessarily. She suggested including this topic based on a previous application. (Deer Brook Apartments) John stated that he can support a road ordinance in general but to have the Planning Board create it is not the right thing. Perhaps reworking or clarifying existing ordinances might better and creating an exception to a not so great rule can be appropriate. Ande suggested that any ordinance wording should be complimentary to other existing ones. Ambiguity can be advantageous in solving issues.

The group agreed to take this off the list.

## 1. Discuss the concept of contract zoning

Barbara stated that she is unsure if the Planning Board should be involved in this. John stated that he believes that this is a policy decision on the part of the Board of Selectmen and not an implementation process. Often, they seek input from the Planning Board but not necessarily.

Barbara gave a general definition of contract zoning and stated that the economic development group working on the downtown area is part of the reason that this has been brought up.

The group agreed that this topic falls under the Board of Selectmen's domain. Barbara stated that it's likely that the economic development group would want a workshop with the Planning Board in the future.

Peter stated that it is premature that their development ideas fit with contract zoning since it is unknown what someone wants to do. Steve stated that there are a lot of ideas but there are not conversations regarding soils and water (aquifer) and no plan to address the possibility for the future. John stated that the aquifer has high importance in the Comprehensive Plan.

Peter stated that the feedback to the Board of Selectmen is that this is a policy decision for them to make and that they will need to consider the aquifer outlined in the Comprehensive Plan in their development/contract zoning ideas.

1. Discuss comprehensive plan review process.

Barbara stated that she included this on the list based on documentation from the state and needs review every 10 years. The last comprehensive plan was done in 2004. It is a Board of Selectmen task. Also, given the new charter, ordinance work and applications are being reviewed. Peter stated that the last comprehensive plan work was a thorough review and had substantive changes and created a major shift in how the town is structured. He stated that a general review would be good but it is unnecessary to start anew. He believes that the Board of Selectmen should find out the requirements from the state. There was a discussion on the Land Use Ordinance.

The consensus of the group was that a general review would be appropriate but not to create a new plan.

1. Any other items as the Chair may deem appropriate

Tom Hinman introduced himself and expressed interest in participating on the Planning Board. Evan Haynes will be stepping down from the Board at the November meeting.

Peter Lindsay moved and Steve Morrison seconded to adjourn meeting. The vote was 5 Yes.

The meeting ended at 8:19 pm.

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