

February 11, 2014 Planning Board Minutes

Posted 3/12/2014 @ 11:12 AM

North Yarmouth Planning Board

Tuesday, February 11, 2014

Meeting Minutes

7:00 PM @ Downstairs Meeting Room, Municipal Building

Ande Smith, Gary Dilisio, Steve Morrison, Peter Lindsay (Chairman), Tom Hinman (Alternate)

Absent: John Carpenter, Barbara Skelton (Code Enforcement Officer), Paul Turina

1. Minutes of January 14, 2014

Ande Smith moved and Steve Morrison seconded to approve the minutes as presented.

The vote was 5 Yes.

2. Public Hearing-Review proposed amendments to the Land Use Ordinance as follows:

1. Article III. Administration and Enforcement, Section 3-3 Building/Land Use Permits, Paragraph C Action on Applications to allow denial of permits administered by the Code Enforcement Officer if known violations exist on property.

Peter gave an overview of the proposed change and indicated that the Planning Board suggested including notice that a violation exists.

Peter opened the public hearing.

No public comment.

Peter closed the public hearing.

Peter stated that now that there has been a public hearing they can take action to move this forward to the Selectmen.

Gary DiLisio moved and Steve Morrison seconded to accept the recommendation as presented and to submit this article change to the Selectmen for the Warrant Article.

The vote was 4 Yes / 1 No (Smith)

1. Article III. Administration and Enforcement, Section 3-10 Legal Action and Violations, Paragraph B Notice to allow violation notices to be filed at the County Registry of Deeds.

Peter stated that the addition is the notification of violation to be filed at the County of Registry of Deeds

Peter opened the public hearing.

Marnie Diffin of Sligo Rd stated that in the current wording, it states "Administrative Assistant" but should now read "Town Manager" based on the current Town Charter changes. She supports this

change as a mechanism to address enforcement.

Peter closed the public hearing.

Peter Lindsay moved and Steve Morrison seconded to approve with the recommended change to move this article change to the Selectmen for the Warrant Article.

The vote was 4 Yes/ 1 No (Smith)

3. Review and adopt bylaws.

Peter commented that the Charter states that there are 5 members and 2 alternates but doesn't talk about voting number. As written, it requires a majority number of votes of regular members for approval. (Cited Voting section of the proposed by-laws).

Ande stated that it was intentionally written in this manner to address any potential Board make-up in the future.

Peter commented on the use of the phrase "associate member" and that for consistency, it should read "alternate member."

Gary asked about potential information gathering process and suggested guidelines for an absent Board member who may vote on an issue that has been discussed at a number of meetings. It was suggested that it read "no member shall.." instead of "no regular member."

Ande stated that the language was written as such regarding a member keeping up to date by reviewing minutes and meeting video would help clarify that the absent member has sufficiently reviewed the application in order to vote and that the Board member would publically state that he/she is prepared to vote.

There was a discussion on some other language options to clarify this process. Gary asked if the Board member would discuss an aspect of the issue they did not understand with the Board Chair or Code Enforcement Officer. Ande also suggested that if there were a substantive question, it would be more appropriate for him/her to ask at the Board meeting. There was a discussion on the importance of site walks in the application/decision making process, yet there is no recording of that process.

Marnie suggested that the Board needs to determine what a Board member can and cannot miss in order to be able to vote. Peter stated that, as Chairman, the clearer the by-laws are, the better the process for him. Ande stated that, as currently written, it allows the Board Chair more flexibility to determine what more should be done by the members to be informed to help their decision making process.

Ande stated that the phrase regarding public hearing should remain as written as it was a legal decision. The consensus was to remove.

Tom stated that these are guidelines on how the Board should conduct itself in gathering all the information in order for them to best decide on an application. Gary asked if a Board member should let the Chairman or Code Enforcement Officer know that they don't feel qualified to vote. Peter stated that a member can abstain from vote.

Peter Lindsay moved and Steve Morrison seconded to approve the draft bylaws with the following changes: the wording "associate" to read "alternate" (5th paragraph) and to take out "regular" member in (6th paragraph).

There was a discussion on whether or not this required a public hearing. A public hearing was considered but it was determined that the Selectmen would like approval and that subsequent amendments would require a public hearing.

The vote was 5 Yes.

4. Any other items as the Chair may deem appropriate.

Peter stated that all Planning Board Public Hearings will require attendance by the interim Town Manager.

There was a brief discussion on the enforcement check-list from Code Enforcement. Peter suggested some clarification on the acronyms.

Ande Smith moved and Gary DiLisio seconded to adjourn the meeting.

The vote was 5 Yes.

The meeting ended at 7:50 pm.