

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, April 19, 2022  
Wescustogo Hall & North Yarmouth Community Center

**Call to Order (24:16)** – Brian Sites, James Moulton, David Reed, and Paul Hodgetts were present. The Town Manager was also present. Chairperson Sites called the meeting to order at 7:19 PM. Chairperson Sites read the history minute provided by the North Yarmouth Historical Society.

**Public Hearing – Tax Acquire Property Ordinance (28:13):**

**Audience Participation:**

Rich Parenteau, Pine Ridge Road, asked if the Town foreclosed on a property. The Town Manager responded in the negative.

Judy Potter, Walnut Hill Road, inquired how a realtor would be chosen to sell the property. The Town Manager responded that the Board would have to follow the RFP process.

Chairperson Sites closed the public hearing.

**Consent Agenda (33:57)** – Selectperson Moulton moved that the Select Board approve the Consent Agenda, as presented. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

**Public Comment - Non-Agenda Items (35:02):**

Paul Whitmarsh, Wild Turkey Lane, commented on the charges of two (2) committees who are looking at the Town's Comprehensive Plan as well as documentation that was referenced in a previous discussion by the Planning Board Chair that he was not able to locate on the Town's website. Mr. Whitmarsh requested copies of all documentation being discussed be made available ahead of the Planning Boards meetings. Chairperson Sites responded that he was aware of the Economic Development & Sustainability Committee's charge and would inquire more about the Planning Board's plans to discuss the Comprehensive Plan.

Diane Morrison, Browndog Drive, inquired about the status of the Sharp's Field Agreement. Selectperson Moulton stated that he has reached out to the Superintendent of Schools. Selectperson Reed stated that he wanted the field to stay a field. Selectperson Reed asked if he could explore finding a third party to lease Sharp's Field with. Selectperson Reed, Chairperson Sites, and Selectperson Reed had more discussion on the topic. No action was taken.

Katie Murphey, President of the North Yarmouth Historical Society, commented on the status of the Old Town House project. Selectperson Hodgetts asked when the old site located at the Old Town House Park would be cleaned up. Katie Murphey responded that the Town owns the property and is responsible for it's maintenance.

**Management Reports & Communications (45:56):**

**Town Manager's Report:** The Town Manager responded that she has been asked to be appointed to the Rail Trail Corridor Advisory Council. The Town Manager also updated the Board on her work with collecting the delinquent taxes.

**Old Business:**

**Candidate's Night (43:23)** – Selectperson Hodgetts moved that May 9<sup>th</sup> be available for Candidate's Night at the Wescustogo Hall & North Yarmouth Community Center. Selectperson Moulton seconded the motion. Discussion: the Town Manager suggested that the start time be at 6:00 PM. **Vote: 4 Yes – 0 No.**

*Public Recognition*

Kate Perrin, New Gloucester Road, asked when the planning for the event would be known. Rob Wood, Milliken Road, commented that some planning should be worked out prior to the event.

Maureen Lacy, Walnut Hill Road, asked if the event would be recorded. Selectperson Hodgetts responded in the affirmative.

**New Business:**

Memorandum of Understanding (MOU) – Regional Waste Collection (53:32) – Selectperson Reed moved that the Town Manager sign the Memorandum of Understanding which shall confirm North Yarmouth's commitment to negotiate in good faith and work towards the mutual good of a regional waste collection program. Selectperson Hodgetts seconded the motion. Discussion: Rob Wood, EcoMaine Representative, explained to the Board that the memorandum was to pursue a contract for municipalities to collaborate to provide a more efficient process for waste collection in their communities. **Vote: 4 Yes – 0 No.**

*Public Recognition*

Paul Whitmarsh, Wild Turkey Lane, stated that the Board should be conscious of the effect of bringing trash to the curb from long private driveways.

Amending Employee Holiday Schedule (59:58) – Selectperson Reed moved that the Select Board amend the Personnel Policy to add June 19<sup>th</sup>, as a recognized holiday for full-time employees. Selectperson Moulton seconded the motion. Discussion: Selectperson Reed inquired what holidays the Town currently takes off. Selectperson Reed provided historical background of how the holiday became recognized by the federal government. **Vote: 4 Yes – 0 No.**

Application for Catering Permit – Rachel's on the Green (1:02:34) – Selectperson Reed moved to approve and sign the Application for a Catering Permit for Rachel's on the Green. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Hodgetts inquired what type of insurance the organization had. The Town Manager responded that Rachel's On the Green was required to file insurance with the State. **Vote: 4 Yes – 0 No.**

Management of Tax Acquired Property Ordinance – Certification to the Clerk – Annual Town Meeting (1:04:38) – Selectperson Moulton moved that the Select Board approve and certify the proposed amendments to the Management of Tax Acquired Ordinance to be placed before the townspeople at the April 30, 2022, Annual Town Meeting. Selectperson Hodgetts seconded the motion. Discussion: There was a slight amendment to include the word "than" to clarify the sentence structure. This was acknowledged by the Board. **Vote: 4 Yes – 0 No.**

Land Use Ordinance – Certification to the Clerk – Annual Town Meeting (1:04:37):

*Board Discussion prior to the Motion*

Audrey Lones, Planning Board Chairperson, explained the changes to the Land Use Ordinance the Planning Board was recommending. (Copies of the changes can be found on the Town's website or at the Town Office. A summary of the changes presented by the Planning Board and written by Chairperson Lones is also available):

*(Below is a summary of the topics that Select Board members engaged with. Full details of each section can be found on the Town's website or at the Town Office):*

Section 4 – Chairperson Lones gave a brief presentation on the section's changes.

Section 5 – Chairperson Lones gave a brief presentation on the section's changes. Selectperson Moulton asked for clarification on the number of days that will be required prior to the Planning Board holding a public hearing. Chairperson Lones responded that the changes provided more notice than what was previously required.

Section 7 – Chairperson Lones gave a brief presentation on the section's changes. Selectperson Reed asked Chairperson Lones when the Planning Board explored the issues in table 7.1, Land Uses by Zoning Districts.

Selectperson Reed inquired if public comment was allowed at the meetings. Chairperson Lones responded in the affirmative. Selectperson Moulton made a clarification regarding how the Select Board conducts public comment versus the Planning Board. Chairperson Lones requested that the Select Board strike "0 MIN" from the front and side column of Table 7.2.

Section 10 – Chairperson Lones gave a brief presentation on the section's changes. Selectperson Reed inquired why space between houses in the Village Center District was required. Chairperson Lones responded that there was no requirement. There was a discussion between Selectperson Reed and Chairperson Lones regarding the open space requirements.

Section 12 – Chairperson Lones gave a brief presentation on the section's changes. Selectperson Reed commented that a brewery could be classified as a non-domestic water source, which could deter potential breweries coming to North Yarmouth since non-domestic water sources are not allowed in North Yarmouth. Chairperson Lones responded that legal interpretations stated otherwise and stated that she would include those explanations in the supporting materials for the Town Meeting. There was a discussion about the documentation that would be available at Town Meeting.

Chairperson Sites inquired about having descriptions ready for Town Meeting.

#### *Motions & Discussion*

*(Below are seven (7) motions made by the Select Board with most not having any action come from them. In summary, the sixth (6<sup>th</sup>) and seventh (7<sup>th</sup>) motion passed with the Land Use related Warrant Articles less the "0 MIN" language in Table 7.2, being forwarded to the Town Meeting Warrant. The seventh (7<sup>th</sup>) motion was a housekeeping item.)*

- 1) Selectperson Moulton moved that the Select Board approve and certify the proposed amendments to the Land Use Ordinance with the exception of those outlined in section 7.2 to be placed before the townspeople at the April 30, 2022, Annual Town Meeting. Chairperson Sites seconded the motion. Discussion: Chairperson Lones made a clarification on Table 7.2 which would only remove "0 MIN" and keep "On One Side". Chairperson Sites withdrew his second later in the discussion. **No action taken.**
- 2) Selectperson Hodgetts moved to amend the motion to change Table 7.2, Space and Dimensional Requirements, to remove "20' MAX" under column "Front" and "25' Max" under column "Side" on the first row of the table, "Village Center". Selectperson Reed seconded the motion. Discussion: Chairperson Sites stated that the Board would need to have the Planning Board to have a public hearing. Selectperson Moulton stated that if the majority of the Board disagreed, then the changes could be sent to the Planning Board. Selectperson Reed stated that changes may need to be brought forth at a future special town meeting. **No action taken.**
- 3) Selectperson Reed moved to amend the motion to make each item itemized rather than submitted as a whole packet. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Reed further requested that the Board go article by article. Chairperson Sites stated that he disagreed. Selectperson Hodgetts withdrew his second to the amended motion. Selectperson Reed withdrew his motion. **No action taken.**
- 4) Selectperson Reed moved to approve Warrant Article 5, as presented on pages 12-13. Chairperson Sites stated that a motion was already on the floor. Selectperson Moulton asked for clarification. No second was made. **No action taken.**
- 5) Selectperson Reed moved to amend the original motion by removing articles 7, 8, and 9 from the warrant that those changes listed in those warrant articles be sent back to the Planning Board for further review with the Select Board providing written direction on specified changes to the Planning Board. Selectperson Hodgetts seconded the motion. Selectperson Moulton inquired if the Board would provide a written recommendation to the Planning Board. Selectperson Reed withdrew his motion. **No action taken.**

- 6) Chairperson Sites moved that the Select Board approve and certify the proposed amendments to the Land Use Ordinance with the exception in Table 7.2 striking the "0 MIN" on the front and side to be placed before the townspeople at the April 30, 2022, Annual Town Meeting. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Moulton made comments that the Board would be back. **Vote: 3 Yes – 0 No – 1 Abstain (Selectperson Reed).**
- 7) Selectperson Moulton moved to certify the proposed amendments to the Land Use Ordinance and send them to the Town Clerk. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

*Public Recognition*

Rich Parenteau, Pine Ridge Road, recommended that the Board go item by item.

Paul Whitemarsh, Wild Turkey Lane, made comments against removing three (3) warrant articles from the warrant but instead to choose specific items to remove.

Peter Lindsay, Mountfort Road, made comments supporting that the full packet provided be approved for Town Meeting.

Bill Young, Sweetser Road, made comments favoring the changes to the Land Use Ordinance, table 7.1.

Linc Merrill, North Road, stated his support for the five (5) articles.

Kate Perrin, New Gloucester Road, inquired about the Board's process.

Judy Potter, Walnut Hill Road, inquired what the process would be to change the Land Use Ordinance to change table 7.2 and made comments regarding how the proposed changes effect residential units.

Rob Wood, Milliken Road, stated that he supported Mr. Merrill's comments.

Jay Fulton, New Gloucester Road, made comments that the Board move the warrant forward.

Authorization of Annual Town Meeting Warrant – Selectperson Reed moved that the Select Board endorse the Annual Town Meeting Warrant for April 30, 2022, as presented. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

*Public Recognition* – Linc Merrill, North Road, inquired on which article included the overlay article would be. The Town Manager clarified where the article was located on the warrant.

Any Other Business (2:32:07) – Selectperson Hodgetts asked that the parking be addressed at the Purple House. The Town Manager responded that she would speak to the Fire Rescue Chief and the Public Works Director.

Adjournment (2:34:12) – Selectperson Reed moved to adjourn at 9:29 PM. Chairperson Sites seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

  
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Brian Sites, Chair

  
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David Reed

  
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James Moulton, Vice Chair

  
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Paul Hodgetts