

**Town of North Yarmouth
Select Board
Meeting Minutes September 05, 2023, 6:30 PM**

Select Board Members

Amy Haile, Chairperson
Karl Cyr, Board Member

Andrea Berry, Vice Chairperson
Paul Hodgetts, Board Member

Katherine Maloney, Board Member

Call to Order (18:48-20:12)

Pledge of Allegiance.

Special Presentation (20:13-1:14:21)

Sidewalk Planning Presentation- By Mandy Holway, P. E. Olver Associates.

Presentation on future sidewalk planning and funding available. The Town will need feedback from the residents on what sidewalk projects they would like.



Sidewalk
Presentation 9.5.202

Public Comments

Mike Malory, Walnut Hill Road, stated he had great ideas on future sidewalk projects.

Mandy Holway, Olver Associates stated the presentation showed ideas for future sidewalk projects. Resident involvement is needed to determine what projects people want to work on next.

Maureen Lucey, Walnut Hill Road, questioned how we would deal with people who would lose value to their property if the trees and property had to go?

Mandy Holway, Olver Associates stated if things are in the right of way, we take them down. If there is enough money maybe, the town can put something back. It was hard for her to speak of specifics as there is no area identified for future sidewalk projects at this time.

LUO Audit-Next Steps- By Ben Smith, AICP, Principal, North Star Planning

As a follow-up to the Land Use Audit conducted by North Star Planning (NSP) in March 2023, The Town Manager asked NSP to prepare a work plan to address the highest priority technical changes needed in the Land Use Ordinance.



6.B North
Yarmouth_ordinance



6.B

NSP_NorthYarmouth

Chairperson Haile, Seconded by Selectperson Cyr moved to approve the LUO work plan submitted by NSP dated August 16, 2023, with a budget not to exceed \$15,000.00. Vote 5 Yes/0 No.

Paul Whitmarsh, Wild Turkey Lane, agreed that the changes need to be made. He hopes the Planning Board gets to work with them in the future.

Selectperson Hodgetts felt the Planning Board should be involved in the process.

Appointments (1:14:22-1:25:34)

EDSC-Appointments

The Economic Development & Sustainability Committee (EDSC) currently has two vacancies with terms expiring 6/30/2025. After going through an interview process, the EDSC is recommending that the Select Board appoint Grace Rote to fill the regular member position, and Julia Cabral to the alternate position.

Chairperson Haile, seconded by Selectperson Maloney moved to appoint Grace Rote as a regular member with a term expiring 06/30/2025. Vote 5 Yes/0 No.

Chairperson Haile, seconded by Selectperson Maloney moved to appoint Julia Cabral as an alternate member with a term expiring 06/25/2025. Vote 5 Yes/0 No.

Select Board Liaisons

Budget Committee- Andrea Berry

Shellfish Commission- Karl Cyr

Walnut Hill Parkway-SB Liaison-Katherine Maloney

Planning Board Appointment Process-Karl Cyr and Amy Haile will be the team to fill the vacant positions.

PML Board Appointment Process-Amy Haile will work with Paul Dexter to review the applicants.

New Business (1:25:35-2:49:33)

Personal Property Tax Write-Off

The 2023 personal property tax assessed to Reliv-Julie Waterman in the amount of \$3.62 plus \$.10 cents of accrued interest remains unpaid. We have unsuccessfully been able to locate this business and individual.

M.R.S. Title 36, Chapter 105 §760-A. Minor burdensome amounts allows the municipal officers to discharge collectors from any obligation to collect unpaid personal property taxes that the municipal officers determine are too small or too burdensome to collect economically and authorize the municipal

treasure to remove those taxes from the municipal books.

Chairperson Haile, seconded by Vice Chairperson Berry moved to authorize the Tax Collector to write-off personal property taxes assessed to Reliv-Julie Waterman in the amount of \$3.62 plus \$.10 cents in accrued interest. Vote 5 Yes/0 No.

Cart Purchase-Toter Bid

Falmouth, Windham, and North Yarmouth participated in a regional bidding process for the purchase of universal rollout waste containers for a fully automated waste collection system. All three communities were in agreement that the Toter brand best fits our needs.

The quote below is a good faith estimate of carts needed to begin the automated service. The price may increase if estimates are below the actual household counts.

Note: Toter will hold pricing with full payment by November 30, 2023. If resin increases more than \$.06 per pound or projects are delayed beyond April 2024, toter will reserve the right to adjust pricing.

Chairperson Haile, seconded by Selectperson Hodgetts moved to accept the Toter quote with an estimated amount of \$184,434.00 and authorize the Town Manager to sign the agreement. Vote 5 Yes/0 No.

Judy Potter, Walnut Hill Road, she asked if the Toter's would be delivered to the residence home or if they needed to be picked up?

Diane Barnes, Town Manager advised they will be delivered to the residence home.

Banking RFP Bid Award

The Town of North Yarmouth solicited competitive proposals for banking services that include depository, cash management, and checking services for a period of six (6) years and may be extended with mutual agreement between the Town and the Banking institution.

The decision as to which bank institution is recommended was based on the completeness of the responses provided from this RFP. All aspects of the institution were considered including financial costs along with support services.

The Town evaluated the information provided, including the findings of reference checks conducted, and rated each firm by the following:

- Banking Fees
- Cash Management (security features, on-line banking platform, remote deposit, and positive pay)
- Deposit Rate
- Lending Services
- Government Banking Experience
- Other Services (credit cards, online payments, trust)
- Courier Service

Chairperson Haile, seconded by Selectperson Cyr moved to award the bid for banking services to Northeast Bank with a target date of October 1, 2023, to go live. Vote 5 Yes/0 No.

Jason Simcock, Northeast Bank, stated that the bank index's their rate to the Federal Funds Rate. The rate today is 5.33%. The rate is variable and will increase or decrease with the Federal Rate. If the rate drops to 0 you will earn .5%. There are no banking fees.

Fire Truck Financing Quote Award

The Town Manager reached out to several banking institutions to obtain quotes to finance the purchase of a new Fire Truck. Pending voter approval, the amount to finance will be \$750,000 or \$570,00 if voters allow the use of \$180,000 in TIF funds towards the purchase of the truck.

Quotes were received from:

| | <u>Amount</u> | <u>5-Yr</u> | <u>7-Yr</u> | <u>10-Yr</u> |
|--------------------|---------------|-------------|-------------|--------------|
| The First National | \$750,000 | 5.53% | 5.68% | 5.78% |
| | \$570,000 | 5.53% | 5.68% | 5.78% |
| Androscoggin Bank | \$750,000 | 6.24% | 6.26% | 6.27% |
| | \$570,000 | 6.24% | 6.26% | 6.27% |
| Norway Savings | \$750,000 | 5.69% | 5.69% | 5.69% |
| | \$570,000 | 5.69% | 5.69% | 5.69% |

Chairperson Haile, seconded by Selectperson Hodgetts moved to award the financing to The First National Bank for a term of 5 years if borrowing \$570,000 or \$750,000. Annual payments on \$570,000 =\$133,894.71 \$750,000 =\$176,177.24. Vote 5 Yes/0 No.

EDSC Charge-Community Resilience Grant-Climate Action Plan

The Town was awarded up to \$50,000 in Community Resilience Grant funds to upgrade to LED lighting in Town Buildings, install a heat pump in the mechanical room at the Community Center, and to contract with GPCOG to create a Climate Action Plan and Vulnerability Assessment for North Yarmouth. On August 25, 2022, prior to applying for Community Resilience Grant funds, the Town Manager and Kelly Rehberg, Sustainability Program Coordinator, GPCOG met with the EDSC to discuss the grant and Town obligations if the Town was successful in obtaining grant funds. During the meeting, the Town Manager stated that she would need assistance from EDSC to assist GPCOG in creating the Climate Action Plan and Vulnerability Assessment.

Chairperson Haile, seconded by Selectperson Maloney moved to Charge the EDSC with working with GPCOG on a Climate Action Plan for North Yarmouth that will be funded through the Community Resilience Grant.

Selectperson Maloney recommended a subcommittee within the committee because this will require more work than normal committee meetings.

Selectperson Hodgetts asked if the \$27,000 was a fee they charge every year?

Diane Barnes, Town Manager, advised this is a one-time charge. GPCOG can do the study. The study is needed to apply for future grant funds. There may be grant funds that we can apply for in the future after this study.

Vice Chairperson Berry advised that due to the changing weather effects on the Royal River she felt the Parks Committee and Waste Reduction Committee would be a good pair for the EDSC. She felt that 1-2 members from each committee should be part of this subcommittee.

Mike Malory, Walnut Hill Road, he asked where the \$48,000.00 went. He is concerned there is self-interest from GPCOG verses and independent Study?

Diane Barnes, Town Manager responded that the rest of the grant funds were spent on LED lighting upgrades and a heat pump for the community Center. The remaining \$27,000 will be used to fund the Climate Action Plan and Vulnerability Study for North Yarmouth.

Chairperson Haile asked how GPCOG would benefit?

Selectperson Maloney advised the State, advised us to start off with a plan. She advised the State developed the rules.

Chris Byers, Quarry Ridge, advised Freeport, Cumberland, and Cape Elizabeth all used GPCOG. He went to the Climate Action Plan meetings in Freeport. He did not like what GPCOG did as he found the steps not actionable. He stated talking to other towns may add more value and wants to get the best value for the \$27,000.00.

Maureen Lucey, Walnut Hill Road, stated the EDSC wants to be as true to their creation and as efficient as possible when they get a new charge. She is happy with the idea of a potential conglomeration of the committees.

Paul Whitmarsh, Wild Turkey Lane, stated it would be limiting to choosing 1-2 members from committees rather than opening it up to the town. He felt the new committee should be open to residence of the town.

Chairperson Haile agreed but due to the limited time they must choose between the volunteers they have.

Chairperson Haile withdrew the original motion.

Selectperson Maloney, seconded by Chairperson Haile moved to charge 1-2 members from the EDSC, Parks Committee, and Waste Reduction Committee by October 1, 2023, to with work with GPCOG on a Climate Action Plan for North Yarmouth that will be funded through the Community Resilience Grant. Vote 5 Yes/0 No.

Fire Station Roof Repair Bid Award

The Town solicited bids for the partial roof replacement of the North Yarmouth Fire and Rescue station. The work consists of replacing approximately 28 squares of standing seam metal roofing with a new PVC roof system.

The Town received bids ranging from \$134,000 to \$63,000. The apparent low bidder has submitted references to projects and has completed projects that Independent Roofing Servies has designed and is a contractor that they would be recommended for this job.

The FY 24 Public Safety Budget has \$91,900 allocated for this expense under Capital Projects.

Chairperson Haile, seconded by Vice Chairperson Berry moved to award the bid to LGR 1, Inc. in the amount of \$63,000 and authorize the Town Manager to execute the contract and other documents. Vote 5 Yes/0 No.

Diane Barnes, Town Manager stated mold was found in her office at the Town Hall.

Katherine Maloney, Selectboard asked if the mold was tested to make sure it was safe working there.

Diane Barnes, Town Manager advised she cannot deal with the mold until the roof is fixed.

Select Board Approval of 9/30/2023 Special Town Meeting Warrant

At the August 15, 2023, Select Board meeting, the Select Board scheduled a Special Town Meeting on September 30, 2023, beginning at 9am at Wescustogo Hall and North Yarmouth Community Center for voters to approve bonding or lease purchase for the acquisition of a new Fire Truck and to authorize the use of TIF funds to lower the amount needed to borrow.

Chairperson Haile, seconded by Vice Chairperson Berry moved to approve the Special Town Meeting Warrant as presented. Vote 5 Yes/0 No.

The board took a 5-minute break.

Advanced Wastewater Systems Ordinance-Next Steps Discussion

Vice Chairperson Berry stated The Advanced Wastewater System Ordinance that the board voted on to move forward with pending North Star and Legal review, came back with a lot of edits from legal and questions from North Star. It is not ready to be sent back to the Planning Board for a Public Hearing. Chairperson Haile advised the Select Board will schedule a joint meeting with the Planning Board, North Star Planning and Attorney to discuss it further.

Old Business (2:49:34-2:57:12)

Select Board Goals

Chairperson Haile, Seconded by Selectperson Maloney moved to approve the Select Board goals as presented and to schedule a goal workshop on September 20, 2023, at 6:00 PM. Vote 5 Yes/0 No.

Legal Fees Analysis

Vice Chairperson Berry completed an analysis of the legal fees and due to limited time, she will present at the next meeting.

Senior Tax Program Update

Chairperson Haile advised Diane Barnes, Town Manager, reached out to Cumberland and obtained their formula. They are now waiting to see what the State is going to do.

Consent Agenda (200:53-20:01:27)

Payroll Warrants

#13 \$ 41,992.76

Municipal Accounts Payable Warrants

#12 \$ 9,426.01

#14 \$ 10,077.70

#15 \$ 57,324.55

Vice Chairperson Berry, seconded by Selectperson Maloney moved to approve the consent agenda as presented. Vote 5 Yes/0 No.

Public Comment – Non-Agenda Items (2:57:12-3:02:51)

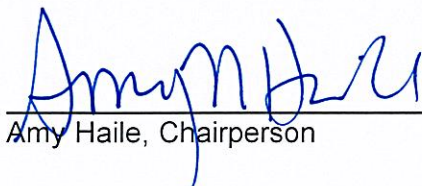
Michele Atkins, Haywood Lane, stated she was concerned that seniors are struggling with higher taxes. Covid devastated the long-term care and assisted living facilities, and many are closing forcing the elderly to live in place. Seniors can't afford taxes and may lose their homes. In her household she describes it as things "nice to have," or "need to have". With this economy they cannot afford to have "nice to have's". She thinks we can do better. She did write an email to Chairperson Haile about protection for the board members. She did respond and has copies for anyone interested in viewing it. She would like the board to consider setting up an ethics committee to address these issues.

Judy Potter, Walnut Hill Road, wanted to remind the board that they are elected by the people and should work for all the people. No one should have a personal agenda. The board should support what has been done, like the building cap. She is seeing campaigns to keep the growth going in the center when people voted that they did not like that look. It went up so fast and big and because of it our taxes are out of control. Talk to everyone. They are who you represent. Find common ground and compromise.

Adjournment

Chairperson Haile, seconded by Selectperson Hodgetts moved to adjourn at 9:27 PM. Vote 5 Yes/0 No.

Karen Casale, Recording Secretary



Amy Haile, Chairperson

Select Board



Andrea Berry, Vice Chairperson

Paul Hodgetts



Karl Cyr



Katherine Maloney



Town of North Yarmouth Pedestrian Walkways Planning

Mandy Holway, P.E.
Olver Associates Inc.
September 5, 2023

DISCUSSION TOPICS:

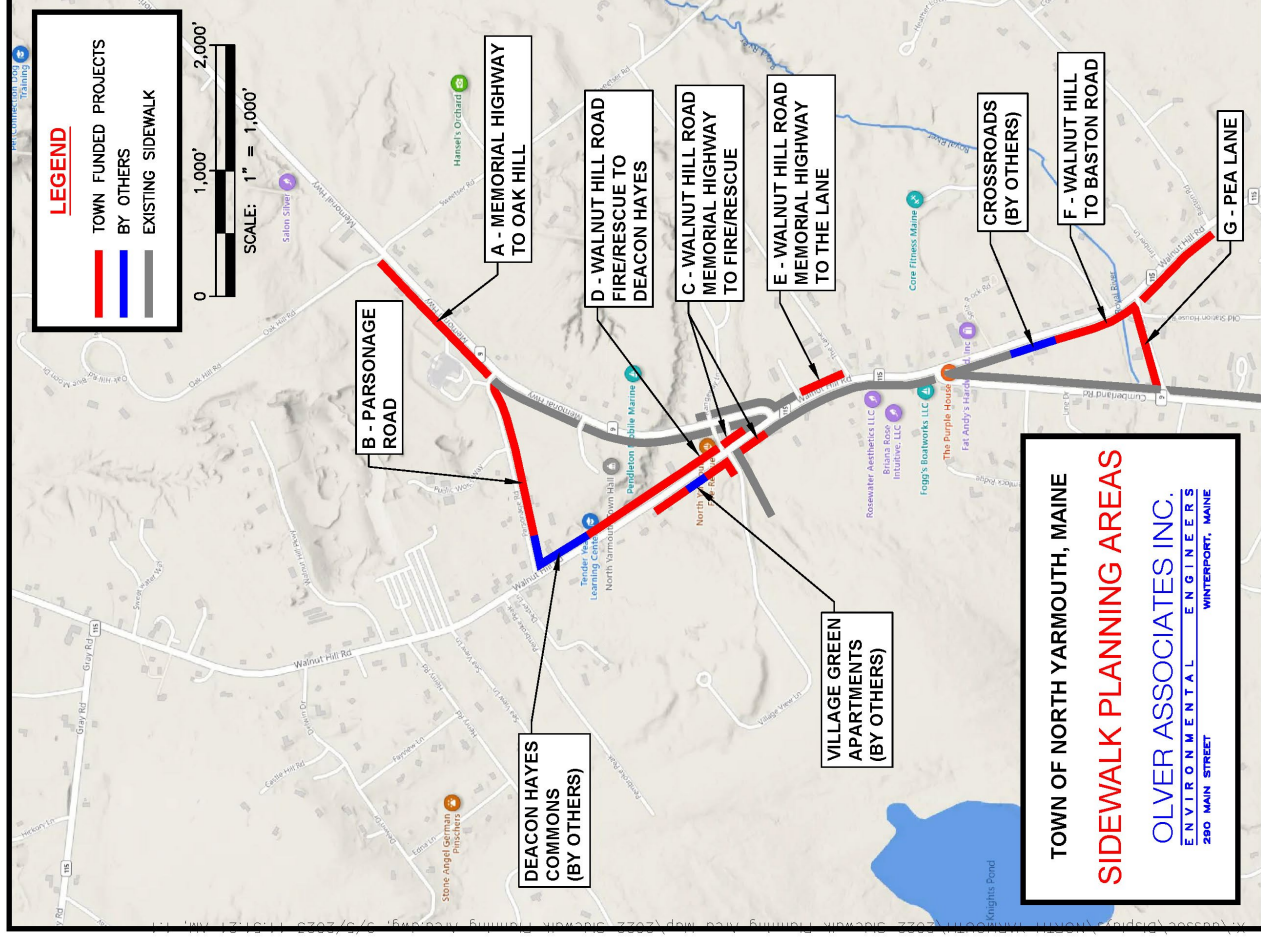
- What does the Town want to focus on as priorities for sidewalk improvements?
- How does the process for planning and construction look for North Yarmouth? Public participation is important in the planning process.
- What funding is available to help the Town achieve these goals while minimizing taxpayer contributions?

WHAT ARE THE OBJECTIVES?

- Pedestrian safety and connections to village features.
- Slow down traffic, especially on Walnut Hill Road coming into Village area.
- Add parking?
- Accommodate bicycles?
- Facilitate business growth
- What else?

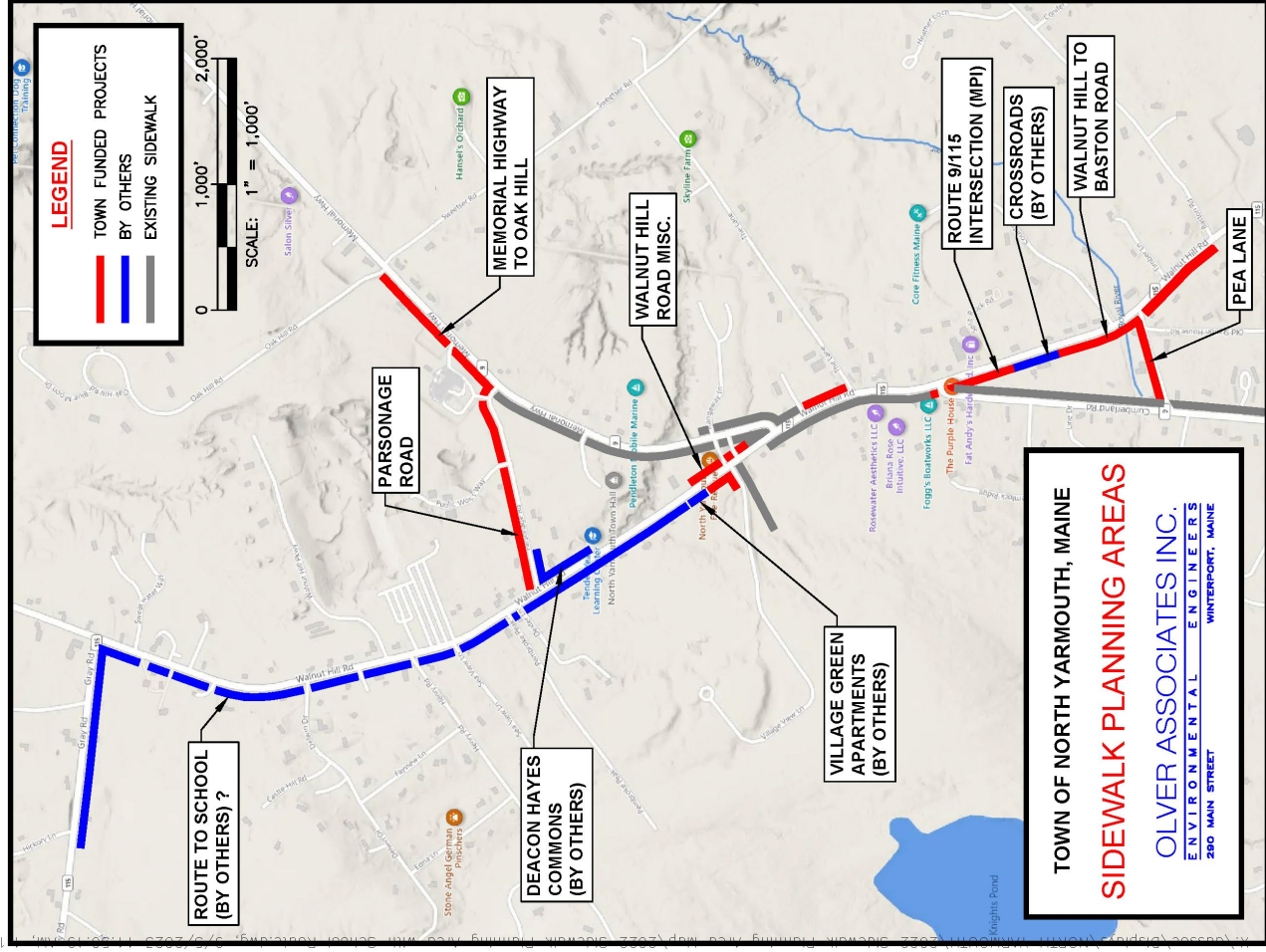
VILLAGE AREA SIDEWALK MASTER PLANNING

- What are the limits that the Town wants to evaluate?



VILLAGE AREA SIDEWALK MASTER PLANNING

- What are the limits that the Town wants to evaluate?
- Or beyond?



PROJECT CONSIDERATIONS

- WHERE ARE THE PRIORITIES?
- WHAT WILL BE THE PHASING?
- WHAT CAN BE DONE IN HOUSE BY PUBLIC WORKS?
- DOES THE TOWN WANT TO PURSUE OUTSIDE FUNDING FOR PLANNING A LARGER PROJECT?

PRELIMINARY PLANNING LEVEL COSTS DEVELOPMENT

We were asked to develop preliminary cost estimates for phased implementation of sidewalk construction for discussion and budgeting purposes. Actual costs would need to be based on designed elements selected by the Town.

The differing sidewalk configurations are associated with varying levels of cost:

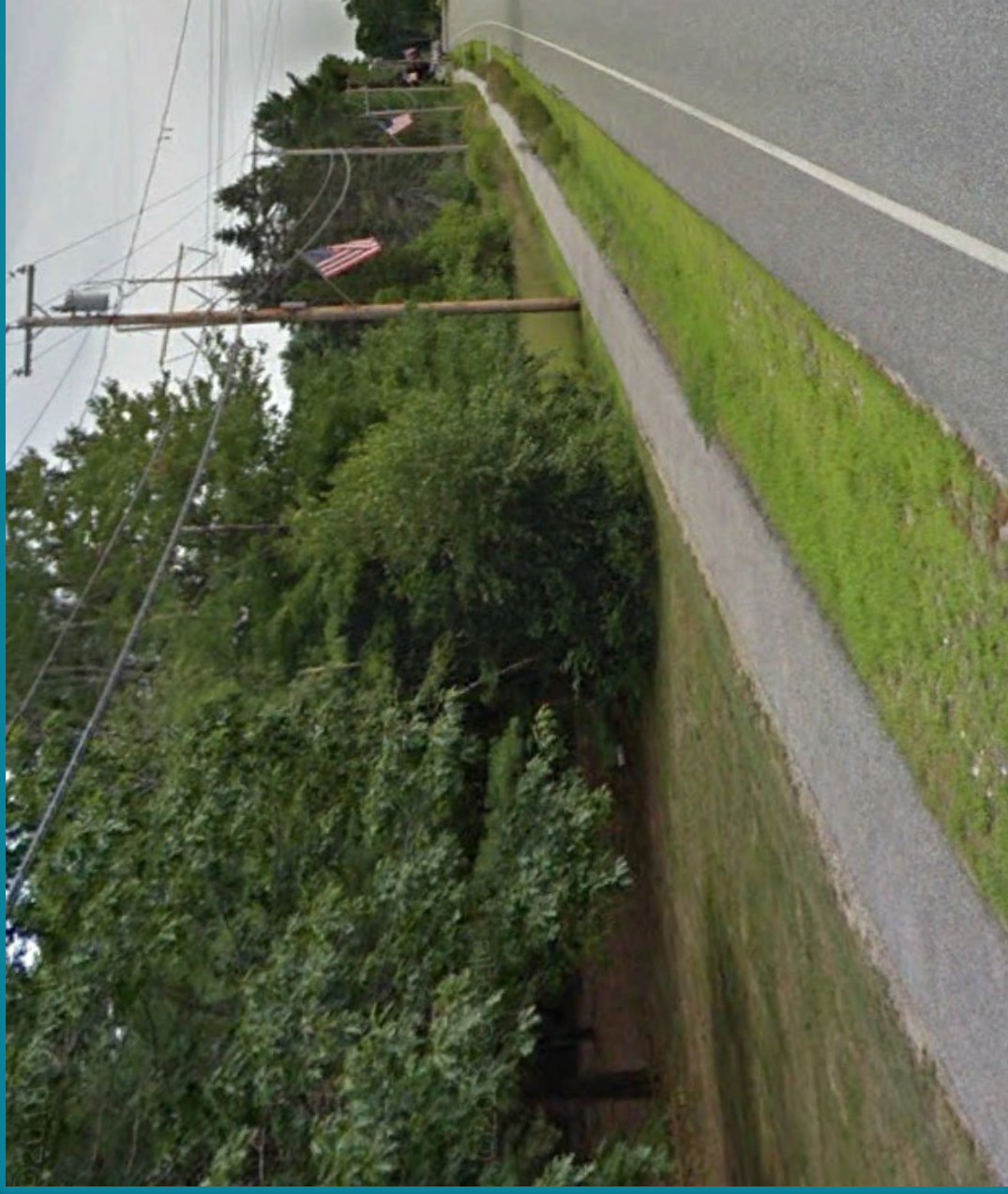
- **BASIC**-A simple paved 5 foot wide pathway with 12" of gravel and 2" pavement.
- **INTERMEDIATE**-Some drainage culverts/ditching and ADA features are added to the basic. Might include some curb.
- **FULL**-Curbed with drainage, ADA features. Would be used in more densely developed areas.

POSSIBLE SIDEWALK CONFIGURATIONS-FULL

- Sidewalk directly adjacent to traveled way-would typically have some closed drainage required.

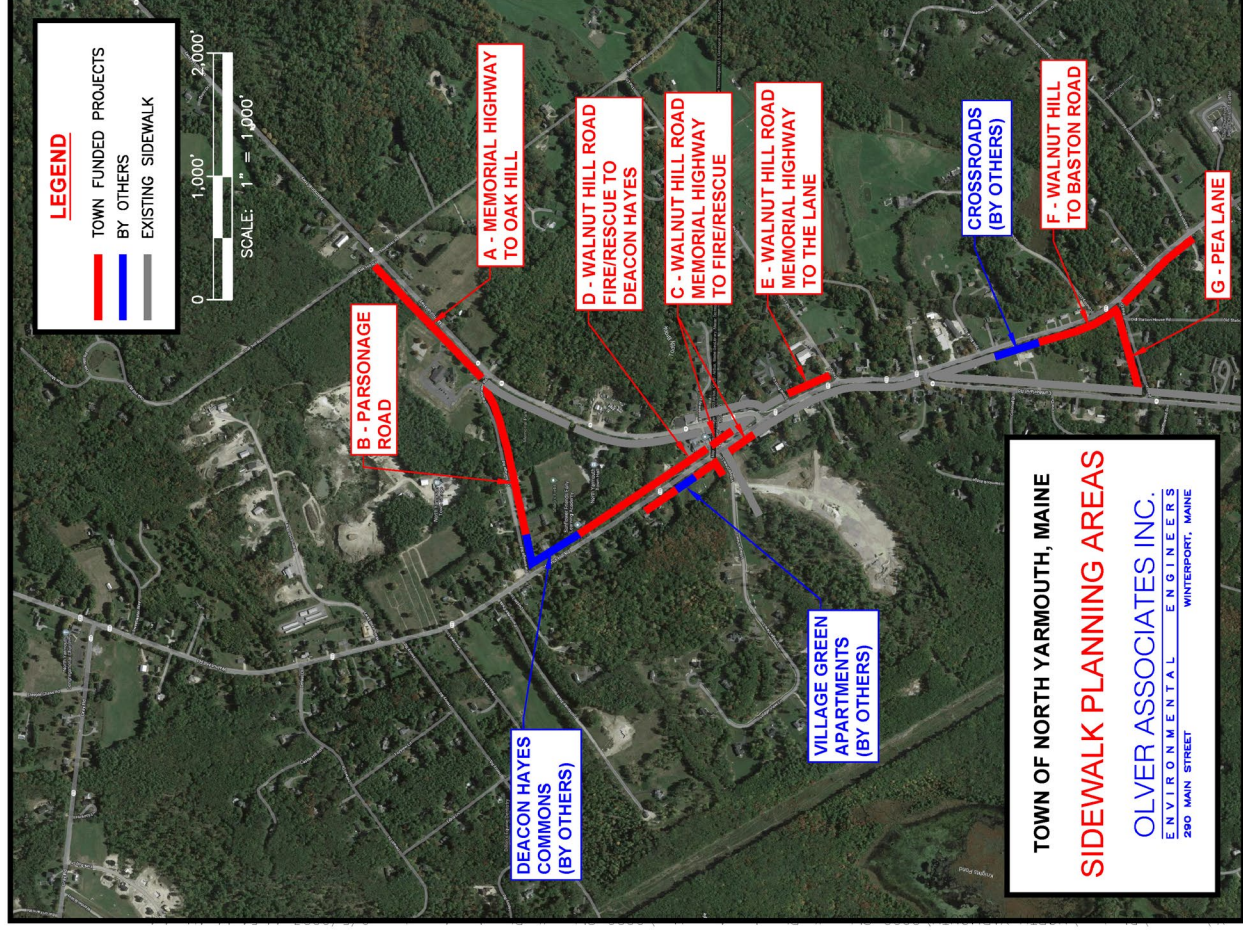


POSSIBLE SIDEWALK CONFIGURATIONS-BASIC-INTERMEDIATE



- Sidewalk with shallow drainage ditch between walkway and travel surface

POSSIBLE PHASING OF PROJECT AREAS



PRELIMINARY COSTS PER SECTION

TABLE 1 : PRELIMINARY OPINION OF COSTS FOR BUDGETING SIDEWALK IMPROVEMENTS

| Section | Project Description | Sidewalk Length (feet) | Treatment Type | Budget Estimate |
|---------|--------------------------------------------------------------------------|---------------------------|-------------------|--------------------|
| A | Memorial Highway Parsonage to Oak Hill | 1300 | Basic | \$105,000 |
| B | Parsonage Road | 1500 | Basic | \$120,000 |
| C | Walnut Hill Memorial Highway to Fire-Rescue Building (Both Sides) | 600 | Full | \$240,000 |
| D | Fire Rescue to Deacon Hayes (at Parsonage) | 1500 | Intermediate | \$200,000 |
| E | Walnut Hill Road From Memorial Highway to The Lane | 700 | Full | \$280,000 |
| F | Walnut Hill Road from End of Proposed Crossroads Sidewalk to Baston Road | 800 | Intermediate | \$100,000 |
| G | Pea Lane | 815 | Intermediate | \$100,000 |

POSSIBLE FUNDING PROGRAMS- MAINE DEPT OF TRANSPORTATION

- MUNICIPAL PLANNING INITIATIVE - Same funding you are using for the current project 50-50 dollar match, obtain funds through PACTS. PACTS boundary would limit work to Walnut Hill Road South of its intersection with Cumberland Road.
- VILLAGE PLANNING INITIATIVE - Can fund projects in the Village area to implement an 'agreed upon local vision' for the community that incorporates balanced use and safety of all village patrons whether in vehicles, on bicycles, or walking. Also a 50-50 match.
- BICYCLE AND PEDESTRIAN PROGRAM FUNDING - Goal is to improve transportation and safety while improving livability and vitality of local communities. There is an annual application process and the Town would need to commit a 20% match. DOT is accepting applications for projects to be constructed 3 years out.

MEMORANDUM

TO: Diane Barnes, Town Manager

From: Ben Smith, AICP, Principal, North Star Planning *BS*

CC: Ben Scipione, Code Enforcement Officer

RE: Ordinance Work Plan, 2023-2024

Date: August 16, 2023

Following up on the Land Use Audit conducted by North Star Planning (NSP) in March 2023, the Town Manager has asked NSP to prepare a work plan to address the highest priority technical changes needed in the Land Use Ordinance. As directed, this work should be done with the goals of 1) making submission requirements and the review process easier to understand, 2) addressing requirements that are not linked to review criteria, and 3) removing or amending standards that go beyond state requirements, or those of surrounding communities.

As currently envisioned, these changes are likely to be of a technical nature, to clarify existing process or establish process consistent with best practices. The work to identify and address ordinance issues will be carried out by NSP staff in consultation with town staff. This work will not touch on larger policy issues such as zoning district boundaries, and will not require dedicated committee work or a broader public process, other than routine progress updates requested by staff or the Select Board.

This work is not a recodification or reorganization of the existing Land Use Ordinance overall, but potential ordinance suggestions will likely result in targeted reorganization certain ordinance elements.

Work Plan

The work plan items below come from our experience using the ordinance and the recommendations in the Land Use Audit. The items below are listed in priority order. The fee for this work shall not exceed the budgeted \$15,000. If time and budget allow, NSP can add additional update work to the work plan below.

The updates below will be carried out with an expectation of appearing on the Spring Town Meeting warrant. Draft updates will be presented to the Select Board in March 2024 to be ready for a Town Meeting anticipated in June 2024.

- Development Review Process
 - Update and clarify Site Plan and Subdivision submission requirements and review process.
 - Examples include standardize waivers, public hearing requirements, submission deadlines across Site Plan and Subdivision, requirements for Amended plans.
 - Separate and relocate elements from Section 10 to the either Site Plan Review or Subdivision Review, as appropriate.
 - Update standards that aren't related to findings
- Table 7.1 and Table 7.2 formatting and footnote updates
 - Footnotes should be clarified and checked to ensure they have a valid reference to the corresponding table.
 - Footnotes that include definitions or standards should be moved to relevant sections of the ordinance.
- Standards Review
 - Combine standards for duplicated local requirements (i.e. Sections 11.4, Home Occupations and 11.10, Home Based Occupation)
 - For standards that duplicate state regulations, revise to reference relevant state law.
 - Review standards for hidden definitions and submission requirements.
- Definitions
 - All permitted and conditional uses in the ordinance should be defined in the ordinance.
- Relocate Special District Standards in Section 9 to the relevant subsections of Zoning District Regulations in Section 7.

North Yarmouth Land Use Ordinance Audit



Prepared By
North Star Planning
March 22, 2023

NORTH**STAR**
PLANNING



Project Summary

North Star Planning (NSP) was engaged to undertake an audit of North Yarmouth's Land Use Ordinance (LUO) in the fall of 2022. The purpose of the audit was to identify ordinance issues related to the organization, clarity, and consistency of existing standards, to identify inconsistencies or confusing language, and to identify areas where new definitions or standards could be useful.

This work sets the foundation for a potential reorganization of the existing ordinance language and community discussions on new policy or changes to existing standards. No changes or additions to the ordinance were made as part of this work.

Recommendations

Based on the audit findings, NSP proposes the following steps to address the issues and recommendations identified.

1. Beginning as soon as possible, complete recommended usability and process improvements (see Audit, section C), including new checklists for site plan and subdivision review, and formalize staff review processes. Depending on staff capacity, this can be completed by town staff or by North Star Planning with input from town staff and the Planning Board.
2. Complete a full recodification of the LUO to enact the proposed ordinance reorganization (see Audit, section A) and incorporate audit recommendations (see Audit, section B). Recodification is typically completed by planning consultants.
 - a. General clean-up (see Audit, section C) should be incorporated in this process, or follow immediately after.
3. Develop a 2-year work plan to address policy issues identified in this audit (see section D), along with other policy issues noted by Select Board and Planning Board. The recodification effort will likely also bring forward additional policy issues.

Note: As part of this discussion, the Town should consider how to carry out policy review. In many communities, the elected officials (Select Board or Town Council) identify policy priorities with town staff and send those priorities to an appointed committee for review, development, and recommendations.

In some places the appointed committee is the Planning Board, and in others it is a newly formed ad-hoc committee. Whether that new group is called an Ordinance Update Committee, Comp Plan Implementation Committee, or a Future Land Use Committee, the idea is that this

group works in a policy advisory and development role. This serves the dual purpose of allowing the Planning Board to focus solely on its core mission as a quasi-judicial board reviewing applications, and to avoid over burdening Planning Board volunteers with additional work and meetings.

Suggested Implementation Timeline

Recommendation 1 - 2023:

Staff and North Star Planning complete initial usability and process improvements (new site plan/subdivision forms and checklists for current ordinance, staff process improvements)

Time to Complete: 2 months

Work completed by: NSP, with input from Code Enforcement Officer (CEO) and Planning Board

Estimated Time: 40 hours total

Estimated Cost: \$4,000

Recommendation 2 - 2023 – 2024:

Recodification completed by North Star Planning; recodified ordinance (with no policy changes) ready for town meeting 2024.

Time to Complete: 7-9 months

Work completed by: NSP. Input from staff and residents through regularly scheduled meetings with Planning Board, Select Board, and CEO.

Estimated Time: 150 hours from NSP

Estimated Cost: \$16,000 - \$18,000

Recommendation 2a – 2023-2024:

Fix typos, bad references, and cross references. Additional usability updates, including a guide to using the ordinance, completed by North Star Planning to accompany recodified ordinance. This project can be completed as part of the full recodification, or as a separate standalone project in advance of a recode.

Time to Complete: 2 months

Work completed by: NSP, input from CEO and Planning Board

Estimated Time: 40 hours from NSP

Estimated Cost: \$4,000

Recommendation 3 - 2024 – ongoing:

Policy review, policy development, and ordinance content updates

Time to Complete: This could either be an ongoing standing committee work, or an ad hoc committee formed to tackle a specific work plan.

Work completed by: Select Board, Planning Board, and/or a new ordinance review committee, with contracted input from NSP

Estimated Cost: 4-8 hours/week from NSP for the duration of the committee and policy work.

Land Use Ordinance Audit

A. Proposed Ordinance Reorganization

The single best first step in creating a more usable and clear Land Use Ordinance is reorganizing the ordinance so that like elements are located together in the ordinance. In part, this means getting all submission requirements for given application types in one place, moving all zoning requirements for zones and overlay zones into a single section, and disentangling definitions and performances standards from each other.

A reorganized ordinance will have immediate usability benefits, but it will also serve the purpose of “resetting” the ordinance in a form that would create a stable foundation for future policy updates and additions.

What follows below is a first take on how existing ordinance provisions, standards, and requirements might be reorganized around a more intuitive structure. Numbers in parenthesis indicate the section where these topics are currently located in the LUO.

Section 100: General

- 101: Title (1.1)
- 102: Authority (1.2)
- 103: Purpose (1.3)
- 104: Conflict with other ordinances (1.4)
- 105: Separability (1.5)
- 106: Effective date (1.6)
- 107: Amendments to this Ordinance (1.7)
- 108: Contract zoning (1.8)

Section 200: Administration

- 201: Administrative Bodies and Personnel (3.1, 6.1)
- 202: Permits (3.2 and 3.3)
 - Procedures (3.3)
 - Permit applications and fees (3.7)
 - Expiration of Permits (3.4)
 - Transfer of Permits (3.5)
- 203: Certificate of Occupancy (3.6)
- 204: Enforcement Procedure (3.10)
- 205: Appeals (6.2, 6.3)
- 206: Administrative Appeals Procedure (6.3)

207: Variance Appeals Procedure (6.3)

208: Conditional Use Permits (4.6, conditional use part of table 7-1)

Section 300: Nonconforming Provisions

301: General Provisions (2.1, 2.2, 2.6)

302: Nonconforming Structures (2.3)

303: Nonconforming Uses (2.4)

304: Nonconforming Lots (2.5)

Section 400: Definitions

(Current Section 12)

Section 500: Zoning Districts

501: Establishment of Zoning Districts (7.1)

502: Establishment of an Official Zoning Map (7.2)

503: Zoning Districts (7.3)

A) Village Center District

B) Village Residential District

C) Farm & Forest District

D) Natural Resource Protection District (7.3, 9.1)

a. Description

b. Special exception for single-family homes (7.5)

Table 503: Land Use by Zoning District (7.4, Table 7-1)

504: Shoreland District (7.3, 9.1)

Description

Land Use Restrictions (prohibited uses)

505: Royal River Corridor Overlay District (7.3, 9.3)

Description

Land Use Restrictions (prohibited uses)

506: Groundwater Protection Overlay District (4.5, 7.3, 9.2)

Description

Land Use Restrictions (prohibited uses)

507: Space and Dimensional Requirements (7.6)

Table 507: Dimensional Table (Table 7.2)

508: Additional Building Standards for the Village Center District (10.4)

Section 600: Performance Standards

(Current Section 8, 10, 11)

Section 700: Site Plan Review

- 701: Purpose (4.1)
- 702: Applicability (4.2)
- 703: Review and Approval Authority (4.3)
- 704: Procedures (part of 4.4)
- 705: Submission Requirements (part of 4.4)
 - Include additional submission requirements for GPO (4.5, 9.2)
- 706: Fees (part of 4.4)
- 706: Review and Performance Standards (site plan parts of Section 10)
- 707: Waivers
- 708: Post-Approval Activities
 - Expiration of Approval (new language)
 - Minor Changes to Approved Plans (4.4 F)
 - Amendments (4.4 G)
 - Inspection and Enforcement
 - Performance guarantees (3.8)

Section 800: Subdivision

- 801: Purpose (5.1)
- 802: Authority and Administration (5.2)
- 803: Review procedures for minor subdivision (combine 5.3, 5.4, 5.5)
- 804: Review procedures for major subdivision (combine 5.3, 5.4, 5.6, 5.7)
- 805: Submission Requirements (combine from 5.3, 5.4, 5.5, 5.6, 5.7)
- 806: Performance and Design Standards (5.12, subdivision parts of Section 10)
- 807: Waivers (5.11)
- 808: Final Approval and Filing (5.8)
- 809: Post-Approval Activities
 - Revisions to Approved Plans (5.9)
 - Expiration of Approval (5.8F)
 - Inspection and Enforcement (5.10)
 - Performance Guarantees (3.8)

Section 900: Signs

(current section 8.7, parts of section 9, 10.18)

B. Audit Recommendations by Ordinance Section

Amendments

(Current section 1.7, proposed section 107)

- Expand and clarify process to amend ordinance in more detail

Administration

(Current section 3, proposed section 200)

- Site plan, subdivision, conditional use application information (3.2) should be in their sections, not here
- Variance information (3.2) should not be with permits, should be in variance section
- Review building permit process and submission requirements (3.3) for clarity and consistency

Zoning & Land Use

(Current Section 7, proposed Section 500)

- Land use table should be organized alphabetically.
- All uses in the Land Use Table should be defined in the definitions section.
- Incorporate footnotes into Land Use Table or relevant ordinance sections.
- Review Land Use Table to identify updates for modernization and/or policy review (i.e., “photo processors” is an outdated use, “brewery” is not currently a defined use)

Building Standards

(Section 10.4, Proposed section 508)

- Review this section for duplication with other sections of the ordinance (i.e., 10.4.A.2, Nonconforming Buildings)
- Review text to see if sections can be simplified (i.e., does each section need purpose & applicability?)
- “Pocket Neighborhood” needs to be defined and added as a use. This may entail a policy discussion.

Performance Standards

(Current Sections 8, 9, 10, 11 – proposed section 600)

- Proposed new section 600: Performance Standards that combines standards from these 3 sections.
- Move standards from 8, 9, 10, and 11 that only apply to site plan and subdivision to their respective sections (700 and 800). Keep some section 10 standards

(like parking) that apply to all development in the general performance standards section (600).

- Apply a consistent structure to standards. For instance, some performance standards have applicability and general requirements, others have purpose and standards, etc.
- Combine duplicate regulations: (i.e. 11.4, Home Occupations and 11.10, Home Based Occupation; 8.9 Stormwater and 10.22 Stormwater)
- Check standards for duplicated state requirements (i.e. 8.2, Wells; 8.11, Animal Husbandry; Stormwater standards in 8, 9, 10, 11)
- Ensure all standards are defined, clear, and able to be objectively evaluated/enforced (i.e., in 9.2.H.4, it's impossible to divert stormwater away from the GPO if your building is in the GPO.)
- Check standards for hidden submission requirements – i.e., 11.2.c.(7) requires affordable housing agreements to be reviewed by the Select Board and town attorney; 11.9.B(1) requires HOA agreements to be reviewed by the town attorney. If this review is required, it should be listed in the relevant sections of site plan/subdivision chapters, with format (letter or oral comments at meeting) specified.

Site Plan Review

(current section 4, proposed section 700)

- Establish a threshold of site plan review. In many towns, minor site plan (under 5,000 SF ground disturbance) is reviewed by staff/contract planners only.
- Section 4.4, proposed new section 704: Procedures to clarify the difference between pre-application meeting, sketch plan, and final plan stages and clarify procedures and timelines.
 - Application deadlines and timelines for staff to review should be clarified, and potentially altered to allow for more time for staff to process applications.
 - Consistent timelines should be established.
 - Clarify in what cases and at what point in the review process site walks, abutter notices, and public hearings are required.
- Section 4.4, proposed new section 705: Submission Requirements to establish consistent submission requirements for number/size of paper copies, electronic copies, and get rid of outdated requirements (like “autocad drawings”).
 - Submission requirements will be listed for each stage of the process to ensure submission requirements are not duplicated.

- Submission requirements included in other parts of the ordinance (i.e., Groundwater Protection Overlay in 9.2 and in 4.5) will be moved to this section.
- Clarify timing and requirements for submissions from other agencies (i.e., DHHS, Yarmouth Water District.)
- Add an approval letter from the fire chief and road commissioner to submission requirements, so applicants know at an earlier stage that their fire suppression/sprinkler plans are adequate
- Section 4.6, proposed new section 210: Conditional Use Permits should be moved to the Administration chapter, with clear procedures and submission requirements established.
- Proposed new section 706: Performance Standards to include site plan standards from current section 10.
- Proposed new section 707: Waivers to establish clear waiver process and timeline.
- Proposed new section 708: Post-Approval Activities will compile all regulatory and administrative items that occur after site plan approval. This section will add new language on the expiration and extension of site plan approval, include current minor changes (4.4F) and amendments (4.4G), enforcement and inspection for approved site plans, and performance guarantees for approved site plans (language from 3.8).

Subdivision Review

(current section 5, proposed section 800)

- Proposed new section 803 (Review Procedures for Minor Subdivision) and 804 (Review Procedures for Major Subdivision) to clarify the different stages of subdivision review and establish consistent procedural requirements. Stages should have a consistent timeline. Sections should clarify in what cases, and at what point in the review process, site walks, abutter notices, and public hearings are required.
- Proposed new section 805 Submission Requirements will list requirements for each stage of review, corresponding to 803 and 804. This will include: sketch plan requirements for minor and major subdivisions, final plan requirements for minor subdivisions, preliminary plan for major subdivision, and final plan for major subdivision.
 - Add an approval letter from the fire chief and road commissioner to submission requirements, so applicants know at an earlier stage that their fire suppression/sprinkler plans are adequate.
 - Clarify timing and requirements for submissions from other agencies (i.e., DHHS, Yarmouth Water District.)

- Phasing for major subdivisions (currently in section 3) should be moved to review procedures for major subdivisions and connect to a submission requirement
- Proposed new section 806: Performance and Design Standards to contain performance standards for subdivision review currently in section 10 and subdivision review criteria in 5.12.
 - Standards should be clear about what is required for new subdivisions vs what is required for amended subdivisions (that were started before the standards were in place.)
 - Include all relevant open space standards here.
- Proposed new section 809: Post Approval Activities to contain all items that pertain to an approved subdivision. This includes revisions/amendments to approved plans, expiration of approval, inspection and enforcement, and subdivision performance guarantees.

Definitions

(current section 12, proposed section 400)

- Definitions are found in different chapters in the ordinance – like in 8.4 roadways
- Some definitions in Section 12 have standards within the definition
- Make sure all uses, requirements, standards are defined (ie “buffer”, “parking lot island”, “farmstand”)

Signs

- Proposed new section 900 to combine sign regulations currently in sections 8, 9, and 10.
- Include a table to clarify sign numbers and dimensions allowed in each zoning district.

Roads

- Table 8.2 (Roadway standards) is missing items in some columns.
- Move Section 8.4, design and construction standards for Roads and Driveways, to the Roadway Ordinance
- Sections 10.30, 10.31, 10.32, and 10.33 should also be in the roadway ordinance

C. General Recommendations

The Usability Improvements and Town Procedures recommendations below do not require changes to ordinance or are already allowed by ordinance today. NSP suggests addressing these items first in the prioritized list of recommendations.

The General Clean-up recommendations will require changes to the LUO, but these changes are generally administrative level changes. As such, they could take place as part of a potential recodification of the ordinance, or immediately after, including the option of having them appear as a subsequent warrant article or articles at the same town meeting a recodification is considered.

Usability Improvements beyond the LUO:

- Update all forms (application, waiver request) and checklists
- Create a “cheat sheet” for people trying to build in town and use the ordinance that tells them what sections they need to reference, including the building standards (10.4), and road standards in the roadway ordinance

Town Procedures

- Charge escrow to applicants for the cost of consultant development review. This is a minor cost (~\$1,000-\$2,000) in terms of the cost of overall development for most applicants, but it can make a big impact to the town’s budget and ability to pursue longer-term planning projects.
- Hold monthly staff meetings with planner, CEO, Fire Chief, and Public Works Director (and any other relevant staff) to review ongoing development applicants
- Add more time between submission deadlines and PB meetings so staff has adequate time to review and communicate with applicants about missing/incomplete items ahead of meetings, with a goal of minimizing discussion time on submission and administrative requirements and potentially reducing the number of meetings per project.

General Clean-Up

- Remove references to expired items
- Edit for typos and missing table fields (Roadway table, table on p.242)
- Consistent naming throughout ordinance (i.e., the Zoning Board of Appeals is called the ZBA, Board of Appeals, Zoning Board in different sections)
- Eliminate cross-references within text

- Eliminate footnotes in tables (land use, dimensional) where possible
- Fix incorrect references (i.e., many references to 10.24 Water Quality that should be 10.25 Water Quality.)

D. Suggested Policy Review Topics

The following list of items is an unprioritized list of potential policy related changes to the ordinance that should be included in the discussions to form a 2-year work plan to address needed policy updates and changes.

Potential Policy/Ordinance Updates

- Consider adding a threshold for “minor site plan review” that has less requirements than a major site plan review, and can be completed by town staff or in one Planning Board meeting.
- Consider allowing final state agency approvals to be provided as a condition of approval that the applicant submits to the town/CEO – these often take many months to receive from DEP or other state agencies, prolonging the planning board process.
- Planning Board applications typically take 3-4 meetings due to how public hearings are noticed and scheduled, which can be burdensome for applicants who need approval before they can obtain bank financing. Consider what projects should be required to hold public hearings, and making decisions to schedule a public hearing early so that a hearing could take place at the 2nd meeting with the Board.
- Back Lots are prohibited in subdivisions but allowed elsewhere. Best practice would be to eliminate ability to make residential back lots.
- “Pocket Neighborhood” from 10.4 should be added to the use table and defined. This is a policy discussion for the town – where should pocket neighborhoods be allowed?
- Town staff, Planning Board, and code users could provide input on how Building Standards (Section 10.4) is working and if any changes to content or procedure should be considered.
- Phasing in subdivisions based on school capacity is difficult to apply and does not correspond to a specific submission requirement or standard.
- Add Fire Chief’s recommendations to relevant ordinance sections: require businesses to have Knox boxes, clarify when new houses need sprinklers or cisterns
- Improve and clarify regulation around driveway placement for new development (no driveways off a hammerhead/turnaround)
- Clarify sidewalk and road upgrade requirements for subdivisions in 10.32, distinguishing between new roads and road extensions, and consider setting a threshold (i.e., when it reaches 10 houses) at which a road must be upgraded.
- Review all uses in Land Use Table for items that need to be modernized and additional uses that may need to be added.