

**Town of North Yarmouth
Planning Board
Meeting Minutes of September 12, 2023
Special Business Meeting**
(recording is available via [Town Hall Streams](#))

Call to Order (19:09 – 19:27) Board Chair Paul Whitmarsh called the meeting to order at 6:34pm.

Board Chair Paul Whitmarsh, Board Secretary Trey Milam, Board Member Sanford Peabody, Board Member Jeff Brown, and Alternate Board Member Alexander Urquhart were all in attendance.

Town Attorney Dan Stockford was at the meeting.

Board Chair Paul Whitmarsh noted that he and Alternate Board Member Alexander Urquhart would be regular voting members for the meeting.

Meeting Minutes (19:27 – 20:33) Board Member Sanford Peabody, seconded by Board Chair Paul Whitmarsh, motioned to approve the August 8th meeting minutes as written. Vote 5 yes/0 no.

Board Member Sanford Peabody, seconded by Alternate Board Member Alexander Urquhart, motioned to accept the August 22nd meeting minutes as written. Vote 3 yes/0 no.

Old Business (20:33 – 51:48) Board Secretary Trey Milam moved to recuse himself from the ZBA remand item.

Alternate Board Member Alexander Urquhart, seconded by Board Member Jeff Brown, motioned to accept the recusal of Board Secretary Trey Milam. Vote 4 yes/0 no.

Board Chair Paul Whitmarsh moved to recuse himself from the ZBA remand item.

Board Member Jeff Brown, seconded by Board Member Sanford Peabody, motioned to accept the recusal of Board Chair Paul Whitmarsh. Vote 3 yes/0 no

Alternate Board Member Alexander Urquhart, seconded by Board Member Sanford Peabody, motioned to nominate Board Member Jeff Brown to Acting Chair for the meeting. Vote 2 yes/0 no.

Town Attorney Dan Stockford gave an overview of the purpose of the meeting.

Town Attorney Dan Stockford read a draft motion, “In response to the Zoning Board of Appeal’s July 26, 2023, Notice of Decision and Findings of Fact and Conclusions of Law, remanding the Planning Board’s April 26, 2023 Decision back to the Planning Board for further findings of fact, I move that the Planning Board amend Site Plan Review Finding of Fact 1 in its April 26, 2023 Decision to include the following additional findings of fact; existing trees that are depicted on the Site & Demolition Plan submitted by the applicant will not be removed, with the exception of those trees that line Parsonage Road, and, additional findings of fact that support the Planning Board’s Site Plan Conclusion of Law 15, and its determination that landscaping, screening and buffering are consistent with LUO Sections 10.34.C(2) & (4) and LUO Section 10.14.B.2(b) & (c), are included at Site Plan Review Findings of Fact 8, 14, and 16.”

Acting Chair Jeff Brown, seconded by Board Member Sanford Peabody, motioned to accept the draft motion as written.

Board Members discussed.

Sol Dostilio asked if would be able to ask a question.

Acting Chair Jeff Brown said no.

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Board Member Sanford Peabody read an email from Sol Dostilio into the record.

Alternate Board Member Alexander Urquhart read an email from Attorney Kristin Collins into the record.

Board Members discussed.

Acting Chair Jeff Brown said that he had a problem with the finding of facts that were drafted by the Town Planner not matching the plan.

Board Member Sanford Peabody said that he based it off of if the trees were on the plan.

Alternate Board Member Alexander Urquhart said that he felt that it would be a code enforcement question and that sometimes there are discrepancies in documents.

Ben Scipione, Code Enforcement Officer, said that the reason that he did not enforce the cutting of the trees was because he went off of the plan that was signed by the Planning Board and recorded at the registry of deeds.

Acting Chair Jeff Brown moved that the Planning Board amend Site Plan Review Finding of Fact 1 in its April 26, 2023 Decision to include the following additional findings of fact; existing trees that are depicted on the Site & Demolition Plan submitted by the applicant will not be removed, with the exception of those trees that line Parsonage Road, and, additional findings of fact that support the Planning Board's Site Plan Conclusion of Law 15, and its determination that landscaping, screening and buffering are consistent with LUO Sections 10.34.C(2) & (4) and LUO Section 10.14.B.2(b) & (c), are included at Site Plan Review Findings of Fact 8, 14, and 16. Vote 3 yes/0 no.

Alternate Board Member Alexander Urquhart asked for clarification on the purpose of the meeting.

Town Attorney Dan Stockford provided clarification.

Town Attorney Dan Stockford discussed the request to correct the designation of affordable housing units from the applicant, Laurie Bachelder. He said that there was not a timeframe for reconsideration in the Land Use Ordinance.

Board Members discussed.

Town Attorney Dan Stockford said that rather than a by-law change, the Planning Board should entertain a motion to consider the request for a correction of the findings of fact to correctly describe the affordable housing units notwithstanding the fact that more than 14 days have passed since the findings were adopted.

Alternate Board Member Alexander Urquhart asked if the Planning Board was the correct channel for the issue.

Town Attorney Dan Stockford said that it would be either with the Planning Board or with the Zoning Board of Appeals.

Alternate Board Member Alexander Urquhart said that he felt that it should not be heard at the current meeting.

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Acting Chair Jeff Brown, seconded by Alternate Board Member Alexander Urquhart, motioned to table the Affordable Housing Units findings of fact discussion. Vote 3 yes/0 no.

Board Members discussed.

Laurie Bachelder said that the Planning Board made the mistake.


Any Other Business (51:48 – 1:06:26) Board Chair Paul Whitmarsh noted that he and Alternate Board Member Alexander Urquhart would not be able to vote in by-law discussion due to them being Alternate Board Members.

Adjournment (1:06:26 – 1:07:39) Board Chair Paul Whitmarsh said that he would not be able to attend the workshop. Board Member Jeff Brown said that he would also not be able to attend.


Board Member Jeff Brown, seconded by Board Member Sanford Peabody, motioned to adjourn the meeting at 7:23pm. Vote 5 yes/0 no.

Recorded by Cassandra Bacon, Administrative Assistant to Code Enforcement Officer.

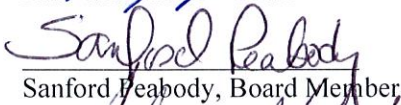
Planning Board Members



Paul Whitmarsh – Chair



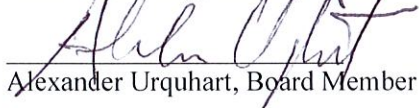
Trey Milam – Secretary



Sanford Peabody, Board Member



Jeff Brown, Board Member



Alexander Urquhart, Board Member

VACANCY

VACANCY