

**Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, May 4, 2021  
Business Meeting 7:00 pm**

**I. Call to Order**

- Pledge of Allegiance

The format and structure for Select Board meetings are authorized and governed by our Town Charter and the Select Board Bylaws with overarching guidance from Maine Statutes. Select Board members are not collectively or individually allowed to speak about personnel matters and may only address personnel matters in an executive session per State Statute Title 1 § 401-410.

**II. Special Presentation**

- Renee LaChapelle

**III. Executive Session – Title 1 MRS Chapter 13 Public Records and Proceedings, § 405 Executive Sessions § 6(A) to discuss the Town Manager's appointment of the Assistant Town Manager to temporarily perform the Town Manager's duties.**

**IV. Minutes of Previous Meeting(s)**

- April 12, 2021
- April 20, 2021
- April 27, 2021

**V. Public Comment - Non-Agenda Items**

Comments regarding non-agenda issues, concerns, commendations, or matters of general public information are welcome. The public is encouraged when commenting or expressing points of view about an individual(s) that they do so in a respectful and constructive manner. Topics relating to personnel matters cannot be acknowledged.

Each individual must be recognized by the Chair and will have up to three (3) minutes to speak. The Chair may recognize members of the public at their discretion and will prioritize individuals who have not spoken more than once.

COVID-19 Procedures - Public Communications: If you plan to attend the Board meeting 6ft. Distancing and face coverings are required.

**VI. Management Reports & Communications**

**VII. Old Business**

- Roadway Ordinance – Call for Public Hearing (minor amendment)
- Spirit of America Award

**VIII. New Business**

- Regulations for the Use of Parks and Recreation Areas Ordinance – Call for Public Hearing
- Proposed Animal Control Ordinance – Call for Public Hearing

**IX. Accounts Payable - Review & Approval**

**X. Any Other Business**

Select Board Members: A reminder, the “any other business” section on the agenda is not to include previously discussed items, any formerly “settled items,” personal matters, or Town personnel matters. Please submit your other business item(s) to the Town Manager, Chairman, or Vice Chairman prior to the meeting by email or written letter dropped off at the Town Office. Thank you.

**XI. Adjournment**

**REMINDERS TO THE ATTENDING PUBLIC:** Please mute all digital devices; Select Board meetings are open to the public, but the public may not speak unless recognized by the Chairperson first. **Workshops:** The public is welcome to attend workshops and listen to the discussion that takes place. The purpose of holding a workshop is to provide the Select Board with the opportunity to focus on specific town matters to later present at a regular business meeting. Therefore, public participation is limited to only regular business meetings of the Select Board.

May 4, 2021

**Agenda - Section II. Special Presentations**

- Renee Lachapelle, Assessor/Cumberland County Assessing

May 4, 2021

**Agenda - Section III. Executive Session – Legal Rights & Duties**

*To move that the Select Board enter into executive session pursuant to Title 1 MRS Chapter 13 Public Records and Proceedings, § 405 Executive Sessions § 6(A) to discuss the Town Manager's appointment of the Assistant Town Manager to temporarily perform the Town Manager's duties.*

May 4, 2021

**Agenda - Section IV. Meeting Minutes**

- *Move to approve the minutes for April 12, 2021, as presented. Second, discussion and vote follow.*
- *Move to approve the minutes for April 20, 2021, as presented. Second, discussion and vote follow.*
- *Move to approve the minutes for April 27, 2021, as presented. Second, discussion and vote follow.*

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, April 12, 2021**

**Call to Order** – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed were present. The Town Manager, Rosemary Roy, was also present. Chairperson Berry called the meeting to order at 7:00 PM.

**Minutes of Previous Meeting(s)** – None.

**Public Comment - Non-Agenda Items** – Audrey Lones, Planning Board Chair, made a comment to the Board regarding the Planning Board's process for presenting to the Select Board the Lane Use Ordinance amendments to be addressed at the April 24, 2021 Annual Town Meeting. Chairperson Lones also described the amendments that will be brought for to the townspeople for a vote. Chairperson Lones stated that the meetings to address the Land Use Amendments have been public and are available to watch on Town Hall Streams and Channel 1301, Spectrum cable (agenda's, minutes, and other documentation can be found on the Town website or at the Town Office). Leda Werrell, Village View Lane, clarified that the Annual Town Meeting will require physical participation to vote. Chairperson Berry responded that this was true but residents could submit a comment to be read at an appropriate time. Ms. Werrell asked if an action could be taken to move the meeting. Chairperson Berry stated that the date will not be moved. Selectperson Reed stated that having too many people at the meeting could be an issue. Chairperson Berry and the Town Manager responded that the meeting would be recessed if COVID-19 restrictions could not be met. Paul Napolitano, Mill Road, asked how many individuals could be in the Wescustogo Hall & North Yarmouth Community Center at one time. The Town Manager responded that 280 people could attend safely. Selectperson Moulton asked how Town Meeting would be set-up. Chairperson Berry responded that the room would be set-up to view individuals in two separate rooms. Selectperson Moulton asked when the room would be set-up. The Town Manager responded before the meeting started on April 24, 2021. Judy Potter, Walnut Hill Road, requested that the Select Board consider changing the date of Annual Town Meeting. Alicia Dostilio, Parsonage Road, commented on Audrey Lones's previous statement regarding the March 9, 2021 public comment section of the Planning Board meeting. Selectperson Reed commented on the Q and A Forum held by the Economic Development & Sustainability Committee. Linc Merrill, North Road, expressed his concern with the acoustics of the room, a room for non-voters during Annual Town Meeting, and the amount of elected and appointed members on the Budget Committee. Mr. Merrill further expressed his concern with the charter regarding public hearings and vacancy provisions; furthermore, with a letter sent from the Assessor to notify him of his exemption status and other matters regarding his assessments. Mr. Merrill shared his concerns with the FY22 budget presented to the Select Board. Selectperson Moulton asked the Town Manager if she was going to address Mr. Merrill's concern about his homestead exemption with the Assessor. The Town Manager addressed Mr. Merrill's questions about amending the charter which, she stated, would require funds allocated in a future budget for the creation of a charter commission. Furthermore, The Town Manager stated that she would look into the letters sent by the Assessor discussing individual's status on homestead exemption and the proof of agriculture exemptions. The Town Manager clarified that all the Board's and the Budget Committee's requests are on the proposed warrant for Annual Town Meeting as well as that both groups have had many meetings on discussing, asking questions, and proposing changes to the budget for FY22. The Town Manager clarified the process and context for the proposed articles on the warrants. Chairperson Berry and Selectperson Reed stated that the timing for the citizens to review the warrant could be improved. Selectperson Moulton addressed his concerns with the proposed articles. Paul Napolitano stated that the Town Manager/Tax Collector cannot supervise the Assessor. Selectperson Reed asked if the Assessor could be on a future agenda item. The Chairperson acknowledged his request. Selectperson Moulton mentioned another resident who has had concerns with their tax assessment. Bill Young, Sweetser Road, asked if the TIF accounts should be audited. Mr. Young suggested that a sub-committee be created to monitor the funds. Chairperson Berry responded that Mr. Young's questions could be addressed at the future TIF workshop. Mr. Reed asked why the Town Manager's explanation of the monitoring of the TIF funds and Mr. Young's explanation, based on what he was told by the state employee, were not consistent. The Town Manager responded that all tax dollars are audited, overseen, and well taken care of by the Tax Collector/Town Manager. Selectperson Reed raised a point of order to have comments addressed to the Chairperson. The Town Manager explained that two agencies do audit the town's tax dollars. Ashli Hein, Walnut Hill Road, shared her concerns with communication. Selectperson Moulton responded. Selectperson Reed requested that the Board go into Executive Session. The Chairperson did not accept his request. Alicia Dostilio provided a comment regarding better communication in the town. Ms. Werrell requested that the Annual Town Meeting be postponed. Selectperson Sites asked the Town Manager what the consequences of not holding a Town Meeting on the scheduled date. The Town Manager responded that a meeting must be held in April according to Charter. Selectperson Moulton asked if the meeting could be

postponed due to COVID-19. The Town Manager responded that she would look into the matter. Alicia Dostilio shared her concerns with voting in a pandemic. Selectperson Reed asked if specific articles could be addressed at Town Meeting. The Town Manager explained that the Board had the decision of how to proceed with a meeting format or a referendum. The Town Manager provided recommendations of how the Board could proceed with Annual Town Meeting. Nelson Smith made a comment on the acoustics of the Wescustogo Hall and North Yarmouth Community Center and relocating town meeting at the Performing Arts Center in Cumberland. Linc Merrill made additional comments on the TIF and auditing of funds.

### **Management Reports & Communications** – None.

### **Old Business:**

Ordinance Withdraw Consideration Chairperson Berry moved that the Select Board withdraw the Clerk Certification for the Animal Control Ordinance and the Regulations for the Use of Parks & Recreation Areas Ordinance, and further postpone the repeal of the Barking Dog Ordinance for the Annual Town Meeting scheduled on April 24, 2021. Selectperson Sites seconded the motion. Discussion: Selectperson Sites clarified the exhibits and articles being struck from the warrant. **Vote: 5 Yes – 0 No.**

Authorization of Annual Town Meeting Warrant – Chairperson Berry moved that the Select Board endorse the Annual Town meeting Warrant for April 24, 2021, as presented. Selectperson Sites seconded the motion. Discussion: Selectperson Sites questioned Article 33, non-property tax revenues, in that the amount is stated as \$2,263,203.00 but he reads in his budget documents that the amount is \$2,298,302.00. The Town Manager stated that amount should be the latter. Selectperson Moulton stated that he wanted to look at removing the articles recommended by the Planning Board. Selectperson Reed stated that he did not believe the Land Use Ordinance amendment articles should go forward. Selectperson Reed stated that more review by the townspeople is needed. The Town Manager stated that the articles have been certified to the Town Clerk. Chairperson Berry stated that the Land Use Ordinance amendments should be understood by the full Board considering the amount of time the Board has had to review the amendments. Chairperson Berry stated that he could speak to the amendments at the Annual Town Meeting. Selectperson Reed responded that the items are complex and not as quickly understandable to some individuals. Selectperson Moulton further explained his concerns with the Land Use Ordinance amendments. Chairperson Berry stated his concern is that if the Board could not understand the amendments, then the townspeople would believe that they could not understand them as well. Chairperson Berry described warrant articles addressing the amendments to the Board. Selectperson Reed asked if the language changes were available of March of last year. Chairperson Berry stated that it was. Selectperson Reed made a statement regarding section 10.4; that he believed the building designs do not have a rural community character and are restrictive. Chairperson Berry stated that the town cannot discriminate on who chooses to build in the Village Center. Selectperson Reed shared his concerns with setback and the Comprehensive Plan. Chairperson responded that the matters regarding setbacks and density are not being addressed. Selectperson Reed stated that the items brought forth in the amendments do not resolve the issues residents have on the current progress in development of the Village Center. Selectperson Sites asked for the discussion to move forward and address the warrant articles proposed. Selectperson Reed asked if the Planning Board could send out notices to abutters rather than the developer and what that would cost the town. Chairperson Berry clarified the current practice in the Land Use Ordinance. Chairperson Berry asked if the Planning Board Chairperson could speak on what conditions would allow for the Planning Board would call for a public hearing. Chairperson Lones answered Chairperson Berry's question. Selectperson Reed asked for clarification on the type of building allowed in a residential zone. Chairperson Berry answered the Selectperson's question by stating that apartments could not be placed in a residential zone. Selectperson Reed asked what rules were in place in building structures on one's property outside of the Village Center. Chairperson Lones addressed Selectperson Reed's question to the chair. Chairperson Lones stated that a newsletter would go out to provide more information on the warrant articles being put forth to the townspeople. Selectperson Reed provided further comment on why he does not agree with the Land Use Ordinance amendments proposed. Chairperson Berry reminded the public to address comments to the chair at the microphone and not to individual Select Board members via telecommunications. Chairperson Lones provided further clarification on how the Planning Board is moving forward to create action from the Town's Comprehensive Plan. The Town Manager recommended that the Select Board move forward with placing the items on the warrant, as they have certified to the Clerk, to allow the townspeople the opportunity to debate and vote at town meeting. Selectperson Reed responded he was concerned with voter suppression at town meeting and that the meeting should be postponed. Chairperson Berry stated that postponing the meeting was not the motion on the floor. Chairperson Berry stated that the Land Use Ordinance amendments are understandable but are also long. Selectperson Reed made a

statement regarding his concerns with density growing in the Village Center. Chairperson Berry stated that the size of buildings is not being addressed and only the aesthetics were. Selectperson Reed stated that the concerns brought to him by citizens were not being addressed in the Land Use Ordinance amendments. Alicia Dostilio asked how long the articles proposed have been available and her concerns with density and pocket neighborhood. Chairperson Berry and Selectperson Sites clarified that the major sections of the Land Use Ordinance amendments have been available since last March and answered her questions about density and pocket neighborhood. Selectperson Reed stated that the individuals working on the Land Use Ordinance amendments did not have the best interest in mind of the residents in the Village Center. Donna Palmer, Mountfort Road, asked the Board to move the conversation back to the motion and leave the Comprehensive Plan discussion for another time. Bill Young stated that the pandemic has had an effect on people paying attention to these amendments. Kit Maloney, Walnut Hill Road, shared her support for the Land Use amendments as someone who living in the Village Center. Selectperson Reed responded with his disagreement to the Land Use Ordinance amendments. Selectperson Sites asked for clarification on the process. Selectperson Moulton asked for clarification if the Board could vote “no” on the motion. Chairperson Berry answered in the affirmative. **Vote: 3 Yes – 2 No. (Selectperson Moulton and Selectperson Reed).**

M.S.A.D #51 School Budget Warrant – By consensus, the Board agreed to hold a meeting on April 27, 2021 to sign the M.S.A.D #51 School Budget Warrant.

**New Business** – None.

**Accounts Payable** – None.

**Any Other Business** – The Town Manager apologized for previous comments made in the meeting and requested that the Board motion to go into Executive Session. Selectperson Reed moved that the Board go into Executive Session with the Town Manager pursuant to Maine State Statue Title 1 MRS Chapter 13 § 405(A), personnel matters. No action was taken.

**Adjournment** - Chairperson Berry moved to adjourn.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

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Steve Berry, Chair

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James Moulton, Vice Chair

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Brian Sites

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Austin Harrell

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David Reed

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, April 20, 2021**

**Call to Order** – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed. Town Manager, Rosemary Roy, was not present. Chairperson Berry called the meeting to order at 7:00 PM.

**Public Hearing** – Chairperson Berry moved to open the Public Hearing on the proposed Roadway Ordinance. Selectperson Sites second the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Clark Baston, Road Commissioner, provided a brief presentation to the Board of the updated changes to the Proposed Roadway Ordinance. Selectperson Moulton asked about the cul-de-sac diagram in the ordinance. The Road Commissioner responded that the diagram has been corrected.

Larry Lonagan, Abbey Lane, asked if there was a period of time to submit written comments. Chairperson Berry stated the public hearing was already in progress and that he could be heard. Mr. Lonagan asked if approval was needed for private ways. The Road Commissioner answered Mr. Lonagan's question.

Chairperson Berry clarified that the Board has the authority to enact this ordinance.

Laurie Robinson, Lufkin Road, asked a question regarding Lufkin Road being a posted road which is mentioned in the Roadway Ordinance. Clark Baston says that the road has been posted in the past and that it was just transferred to the Roadway Ordinance.

Nelson Smith, Ledge Road, stated his agreement with the Roadway Ordinance but shared his concerns with the proposed road named "Dalmatian Drive". Mr. Smith also shared his concerns with parking in the Village Center. Mr. Smith asked that the language be amended to allow for longer parking.

Selectperson Reed asked if parking could be extended to four (4) hours. The Road Commissioner answered that the time limits could be changed.

Linc Merrill, North Road, shared his concern with classifying the proposed Dalmatian Drive as a road.

Judy Potter, Walnut Hill Road, made comments regarding the communication practices between the Select Board and the public. Chairperson Berry asked if Ms. Potter could make her comments during the public comment section of the meeting. Mr. Lonagan stated that Public Hearings allowed anyone to speak on any issue. Selectperson Moulton stated that her comment could be addressed during the Public Comment – Non-Agenda Items section of the meeting.

Selectperson Reed further asked about the location of parking allowed in the Roadway Ordinance. Chairperson Berry stated that his question is addressed in Section 4 of the Ordinance.

Selectperson Moulton asked that the proposed "Dalmatian Drive" be considered for its history and purposes. Mr. Merrill further clarified that the Village Green is part of the parking lot and shared his concerns with making the location a public way.

Scott Kerr, New Gloucester Road, asked how on-street parking would affect the bicycle lanes in the Village Center. Selectperson Sites responded that he was not sure of the impact. Selectperson Reed stated that he thought the impact would be negative. The Road Commissioner stated that the on-street parking spot would not be in the bicycle lane and provided clarification on a previous comment he made.

Chairperson Berry moved to close the Public Hearing on the proposed Roadway Ordinance. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to enact the proposed Roadway Ordinance as allowed by Title 30-A § 3009. Selectperson Harrell seconded the motion. Discussion: Selectperson Reed asked that the proposed road, Dalmatian Drive, be removed and that the parking time limits be extended to four (4) hours.

Selectperson Reed moved to enact the Roadway Ordinance with an amendment that the parking time limits in section 4.2 to allow for up to four (4) hours of on-street parking. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton stated that he would like to receive history on the proposed Dalmatian Drive before it made a roadway in the future. **Vote: 5 Yes – 0 No.**

Selectperson Moulton moved to enact the Roadway Ordinance with the amendment to strike any reference to “Dalmatian Drive”. Chairperson Berry seconded the motion. Discussion: Selectperson Sites clarified that Dalmatian Drive is referenced in sections 4.2 and 4.4 subsection G, section 1. Selectperson Harrell suggested that the naming be more general but still require the area of land to only allow four (4) parking. Selectperson Sites suggested that the area be called a “parking area”. Selectperson Moulton made comments on looking into the classification of the area of land behind the Fire Rescue Station at a later time. **Vote: 5 Yes – 0 No.**

**Minutes of Previous Meeting(s)** – Chairperson Berry moved approve the minutes for April 6, 2021, as presented. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

**Public Comment - Non-Agenda Items** – Chairperson Berry read a statement from the Board to the public.

Chairperson Berry stated that there would be a three (3) minutes time limit for public comment.

Paul Napolitano, Mill Road, thanked the Board for their service and made a request that the public be brought back to the meeting after coming out of executive session. Mr. Napolitano made additional comments regarding the last meeting. Selectperson Reed responded to Mr. Napolitano’s comment.

Linc Merrill, North Road, asked the Board if there was a process to follow up on his and other’s questions at future meetings. Mr. Merrill addressed the Royal River dam removal project, an assessing issue, a charter commission, budget committee vacancies, the Living Well in North Yarmouth letter to surrounding businesses, audits on the TIF, and an issue with the Town Economic Consultant. Chairperson Berry responded on the Royal River Dam removal project, discussion of the process to form a charter commission, and the decision to send out the letter written by the Living Well in North Yarmouth Committee. Selectperson Sites responded that the Board is actively working to find the answers to the public’s questions. Selectperson Moulton asked if Yarmouth was looking at installing fish ladders if the dams are removed. Chairperson Berry responded that the Town of Yarmouth is open to various possible solutions. Selectperson Sites stated that he would look into Mr. Merrill’s concerns for the TIF.

Gay Peterson, Milliken Road, asked the Board if having comments made in writing would be helpful for the Board.

Scott Kerr, New Gloucester Road, made comments regarding the Royal River dam project and suggested the Board look to have a depth test done in the embowment area of the river. The Chairperson stated that he would look into the matter.

Nelson Smith stated that the town may have rights to the river. Mr. Smith also made comments about his concerns with fire protection if the river is dramatically reduced. Selectperson Moulton stated that their may be clamming rights that were established for parts of the river.

Judy Potter asked questions regarding economic development and its impact on the Village Center. Ms. Potter also shared her concerns with the length of the materials for Annual Town Meeting and the communications of the warrant articles. Ms. Potter shared concerns with communication between the Board and the residents. Chairperson Berry commented on the Comprehensive Plan and its factors into the proposed Land Use Ordinance amendments. Selectperson Reed provided comment regarding the Comprehensive Plan in the Lane Use Ordinance amendments as well. Selectperson Moulton provided comment on the Comprehensive Plan. Selectperson Sites responded by explaining the process of approving Land Use Ordinance amendments as well as the Select Board’s knowledge of development in the Village Center. Selectperson Moulton and Reed stated that the Board should take additional time to review the Land Use Ordinance amendments.

Ashli Hein, Walnut Hill Road, asked the Board if businesses were already interested in developing in the Village Center. Chairperson Berry referred Ms. Hein to the Planning Board and provided his knowledge of development that’s proposed to take place. Ms. Hein commented on the Board’s communication on the development occurring in the Village Center. Selectperson Sites provided resources that Ms. Hein could use to find requested

information. Furthermore, Selectperson Sites made additional comments in regard to Ms. Hein's questions about the Land Use Ordinance amendments and communication.

Scott Kerr made a comment regarding town documentation provided to the public. Mr. Kerr made comments regarding the public's understanding of the issues brought forth at town meeting and suggested that the Select Board provide more direction to the committees.

Ms. Potter stated her concerns with limited water and increased development having negative effects on tax payers.

Mike Mallory, Walnut Hill Road, made a comment on the Land Use Ordinance amendments.

Mr. Lonegan provided his thoughts on the Land Use Ordinance amendments. Mr. Lonegan suggested that the Board look into have a scenographer write up the meetings verbatim and provided comments on senior housing. Mr. Lonegan suggested that the Board look into increasing the wage requirement in the senior tax assistance program and increase the credit that can be provided. Mr. Lonegan also asked why the audit for 2019 was provided in the Annual Town Report for 2020. Selectperson Sites responded that he would look into the disparity in time in the audit report and the Annual Town Report. Selectperson Moulton and Reed also responded to Mr. Lonegan's concerns. Chairperson Berry informed Mr. Lonegan about the senior housing forum being held on May 25, 2021.

Diane Morrison, Browndog Drive, provided a brief report on the Economic Development & Sustainability Committee's work on senior housing. Mrs. Morrison asked that the Board address false information that is provided to the public at regular business meetings. Mrs. Morrison provided comment on the actions sellers can take with their property and the obligation of developers to follow the Land Use Ordinance. Selectperson Moulton responded. Selectperson Reed further shared his concerns with economic development.

Donna Palmer, Mountfort Road, provided the Chairperson with a letter to be read during the Board's discussion on the Parks and Recreation survey.

Linc Merrill made a comment on federal subsidies, Maine state housing, and senior housing. Mr. Merrill shared his concerns with higher costs in building and affordability in living in North Yarmouth.

David Allen, Beartracks Trail, submitted a letter to the Chairperson to be read at the meeting. The letter addressed the Town Meeting Warrant. Chairperson Berry responded to Mr. Allen.

Mr. Lonegan, wrote a letter to Chairperson Berry to be read at the meeting. The letter addressed the issue of dog leashing requirements in the town's parks. Chairperson Berry announced that there will be a forum on May 5, 2021 to discuss the issue. Mr. Lonegan asked if a financial analysis has been done, per section 3.3 of the Land Use Ordinance. The Chairperson responded.

Kevin Robinson, Walnut Hill Road, provided a letter to Chairperson Berry. The letter asked that a committee be created as an oversight of TIF expenditures.

Chairperson Berry summarized letters provided by concerned citizens regarding "opting in" to marijuana being included into the Land Use Ordinance amendments. Chairperson Berry responded that the amendments do not include "opting in" to marijuana and that he would forward their comments to the Planning Board.

Mr. Lonegan made a comment about the quality of sound in the room and asked that the Chairperson read his opinions stated in his email. Chairperson Berry continued Mr. Lonegan's letter and stated Mr. Lonegan's opinion that the Board consider a building moratorium in the Village Center until an assessment can be done. In addition, to have the Planning Board revise the Land Use amendments to reflect North Yarmouth's rural character.

Paul Hodgetts, Sligo Road, asked how the room would be set-up for Annual Town Meeting. Chairperson Berry responded that the Board would address this matter. Ms. Potter and Mr. Mallory made similar comments.

## **Management Reports & Communications:**

Town Manager's Report – The Town Manager's report can be found on the town's website, [www.northyarmouth.org](http://www.northyarmouth.org), or at the Town Office. Chairperson Berry read the Town Manager's Report.

Park Use Request – Scott Kerr, Parks and Recreation Committee member, shared his support for interest in using the Town's parks. Selectperson Reed moved to accept the request from Leslie Cantro to use the Wescustogo Park for classes. Chairperson Berry seconded. Discussion: none. **Vote: 5 Yes – 0 No.**

## **Old Business:**

Spirit of America Tribute – Chairperson Berry announced that the Economic Development and Sustainability Committee will receive the award.

Recreation Survey – Discussion/Goals – Chairperson Berry read a letter from Donna Palmer. In the letter, Ms. Palmer asks that a recreation subcommittee be created with Selectperson Sites as the liaison for the Select Board. Selectperson Reed asked if a mailer of detailed information of the parks could be done. Chairperson Berry responded that he did not know if there was enough money in the budget to do such a mailer. Scott Kerr also mentioned that the information can be found on the website. Scott Kerr asked about a record of calls made to the Town Office regarding dog complaints. Chairperson Berry stated that he would look into the matter.

Economic Development/TIF Workshop – Set date – Selectperson Sites moved to hold an Economic Development/TIF workshop for June 22, 2021 at 6:00 PM. Chairperson Berry seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

## **New Business:**

Appointments – Chairperson Berry moved to appoint David Allen to the Economic Development & Sustainability Committee for a term of three (3) years and two (2) months to expire on June 30, 2024. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton asked how the person was approached to volunteer. Chairperson Berry stated that Mr. Allen offered to volunteer for the committee. Selectperson Reed asked what the process was for appointing individuals to committees. **Vote: 5 Yes – 0 No.**

Towerpoint – Cell Tower Offer – Chairperson Berry moved to authorize the Town Manager to notify the company that the Town is not interested in the proposal. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Call Forth – Special Town Meeting(s) – June 7<sup>th</sup> & 8<sup>th</sup> – Chairperson Berry moved to hold a Special Town Meeting at the Wescustogo Hall & North Yarmouth Community Center on June 7, 2021, beginning at 6:30 PM to address warrant articles 1 through 3 and to recess until June 8, 2021 at 9 AM for the purposes of voting on electing municipal officials. Selectperson Reed seconded the motion. Discussion: it was discussed that the voting time should be 7 AM and not 9 AM. Selectperson Reed moved to amend the original motion read “to recess until June 8, 2021 until **7 AM** for the purposes of voting on electing municipal officials.” Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Accounts Payable – Chairperson Berry moved to approve payable warrants 44 & 45 in the amount of \$815,298.70, as presented for FY21. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Any Other Business – Selectperson Reed asked that the explanation for Warrant Article 3 should be amended to address the intention of keeping Sharp's Field a field. Scott Kerr suggested that Warrant Article 3 be changed before the meeting. Chairperson Berry stated that the amendment needed to be made on the floor.

Selectperson Moulton motioned that the Annual Town Meeting be moved until the middle of May. Selectperson Reed seconded the motion. Discussion: Selectperson Sites stated that he asked the Town Manager if the action to change the date of the town meeting was legal. Selectperson Moulton stated that he believed the Annual Town Meeting could be moved in May or June. Selectperson Reed stated that he believed the meeting needed to be held in April but could be moved due to COVID-19 and the current issues with administration. Linc Merrill stated that the meeting could be well attended and very active based on the issues being voted

on. Mr. Hodgetts made an additional comment on the timeline of the Annual Town Meeting. A date suggested was May 22, 2021. Selectperson Sites stated that there needed to be more of a time interval. Mr. Napolitano suggested using the Performance Arts Center for Annual Town Meeting. There was discussion on what date the Board should have the meeting. Draven Walker, Executive Assistant to the Town Manager, reiterated previous discussions the Select Board had with the Town Manager on this matter. Selectperson Moulton withdrew his motion. Selectperson Reed withdrew his second. No action was taken.

**Executive Session** – Chairperson Berry moved that the Select Board enter into an executive session pursuant to Title 1 MRS Chapter 13 Public Records and Proceedings, § 405 Executive Sessions § 6(E) with the Town Attorney to discuss the legal rights and duties of the Select Board. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to change the date of the annual town meeting to June 19, 2021. Selectperson Harrell seconded the motion. Discussion: Selectperson Sites stated that he does not know the implications of not holding the meeting on April 24, 2021. **Vote: 5 Yes – 0 No.**

**Adjournment** - Chairperson Berry moved to adjourn.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

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Steve Berry, Chair

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James Moulton, Vice Chair

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Brian Sites

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Austin Harrell

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David Reed

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, April 27, 2021**

**Call to Order** – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed were present. The Town Manager was not present. Chairperson Berry called the meeting to order at 6:00 PM.

**Minutes of Previous Meeting(s)** – Chairperson Berry moved to table the minutes of April 20, 2021. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

**Public Comment - Non-Agenda Items** – The Chairperson announced that he would enforce a three (3) minute rule and allow everyone to speak at least once. Furthermore, the Chairperson stated that personnel items would not be discussed. Selectperson Reed requested that the Board vote to enforce a three (3) minute rule. Chairperson Berry did not move forward with Selectperson Reed's request. Bill Young, Sweetser Road, stated his concerns with an FOAA request from the Portland Press Herald that released information Mr. Young understood to be confidential. Chairperson Berry stated that he would look into the matter. Paul Napolitano stated that he was on the Board during the agreement to the matter discussed by Mr. Young and understood the agreement to have a time limit. Nelson Smith, Ledge Road, shared his appreciation to the Board regarding the information provided to him on the FY22 budget. Matt Sharp, a resident of Mt. Vernon, read a statement to the Board regarding the warrant article addressing Sharp's Field located on the parcel of land on the Town Office property. Mr. Sharp requested that the Select Board rewrite Warrant Article 3 to what was provided to the Select Board by Mr. Kerr. Chairperson Berry clarified that the amendment to that warrant article needs to be brought forth at the postponed Annual Town Meeting now being held on June 19, 2021. Selectperson Moulton requested that the Board have the presented language be discussed at a future meeting as an agenda item. Selectperson Reed requested that the Board does endorse the language for Article 3. Judy Potter, Walnut Hill Road, asked how the townspeople could make amendments. Chairperson Berry explained that there were three (3) separate categories for warrant articles: open ended, budget, and ordinances. Chairperson Berry stated that he would address this question again during the May 4, 2021 Select Board business meeting. Linc Merrill, North Road, stated that he did not see any meeting materials for this meeting on the website. Selectperson Harrell and Chairperson Berry clarified that this meeting does not have materials accompanying it, just the agenda. Mr. Merrill asked the Board to advertise any future budget meetings. Mr. Merrill asked if the Board had a spending limit in which Chairperson Berry responded that he would look into his question. Mr. Merrill made a comment regarding his assessment. Mr. Merrill commented on the June 8, 2021 ballot and the number of seats available for electing budget committee members. Mr. Merrill asked if the Assistant Town Manager was the contact for the questions at the Town Office. Chairperson Berry responded that other support staff can answer questions, that the assessor will be presenting at the next meeting, and asked the Town Clerk to clarify the number of seats available for budget committee members. Selectperson Reed stated at the person who did not win the election on June 8, 2021 for the budget committee should be elected. Paul Napolitano asked the Board if the Board has received their NIMS training. Paul Napolitano asked a question to clarify how the townspeople could raise the budget through a motion to amend the Select Board request to the Budget Committee request (if higher). Selectperson Moulton and Reed made additional comment to Mr. Napolitano's questions. Mr. Merrill recommended that the Board consider a charter commission. Nelson Smith made a comment on the importance of NIMS training and the Board completing it. Mr. Lonagan, Abbey Lane, made comments on the most recent School Board meeting. He shared his concerns with the MSAD #51 growth and its impact on the Town of North Yarmouth. Chairperson Berry stated that he would look into the matter. Selectperson Moulton stated that the Board should look into a building cap.

**Management Reports & Communications** – Chairperson Berry announced that he will attend a meeting with Clark Bason, Road Commissioner, on May 1, 2021 at 9 AM. Selectperson Reed stated that he would like to attend with the Chair.

**Old Business** – Chairperson Berry moved to sign the MSAD #51 School Budget Warrant. Selectperson Sites seconded the motion. Discussion: Selectperson Sites asked about the process for signing the warrant. The Town Clerk stated that the warrant is a routine endorsement of the Board for posting to notify the townspeople. Selectperson Moulton inquired on the increase of the MSAD #51 budget. Selectperson Sites stated that it was 3.96% increase. Selectperson Reed asked if the decrease from what was expect from the Town Manager would impact taxes. **Vote: 5 Yes – 0 No.**

**New Business** – None.

**Accounts Payable** – None.

**Any Other Business** – None.

**Adjournment** – Chairperson Berry moved to adjourn.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

\_\_\_\_\_  
Steve Berry, Chair

\_\_\_\_\_  
James Moulton, Vice Chair

\_\_\_\_\_  
Brian Sites

\_\_\_\_\_  
Austin Harrell

\_\_\_\_\_  
David Reed

May 4, 2021

**Section VI. Management Reports & Communications**

- Communications

Report(s) herein.

Town Manager Update – During this time, in accordance with the Charter and the Select Board By-laws, the Select Board is reminded to discuss any requests and or information needed by the staff at a regular business meeting where then the Chairman can relay the information to the Assistant Town Manager. The Assistant Town Manager, in her capacity as such and with the Board's approval, will be taking over those day-to-day duties of the Town Manager that need attention during the Town Manager's absence. The Executive Assistant to the Town Manager will perform those regular duties related to the Select Board.

Town Meeting Warrant Information - The warrant articles have been posted for more than seven (7) days. This was also true on the night we voted to postpone our meeting til June 19th. The Maine Municipal Association states:

"Once a warrant has been posted for at least seven days, a town meeting legally has been called." This is why we were required to go through the formality of a town meeting in order to postpone to a later date. MMA continues, "Therefore, if an error to the warrant is discovered after a warrant has been posted for seven days or more, the warrant cannot be changed or the meeting cancelled. The only remedy is to hold the meeting and point out the problem article(s) to the voters. If the problem article(s) cannot be amended from the floor (see below), they will have to be addressed at a future town meeting. MMA's *Town Meeting and Elections Manual* discusses these procedures in greater detail."

With regards to amending an article on the floor at Town Meeting, there are some guidelines to keep in mind.

**Ordinances** (examples: Land Use Ordinance, Animal Control Ordinance, etc)

"Ordinances cannot be amended at all from the floor; the ordinance must be accepted as is, or rejected."

### **Budget Articles**

"When a dollar figure appears in the article itself, this amount can be accepted or reduced, but it cannot be increased."

### **Non-Ordinance Articles**

"Minor or procedural amendments to simple (non-ordinance) articles are allowed, but not amendments which change the substance of the article."

In other words, the Select Board and members of the Select Board cannot at this meeting or at any other meeting prior to the Town Meeting propose or make amendments to the warrant. What we can do is help facilitate a smooth process during the town meeting. This means that if residents intend to propose amendments to non-ordinance articles, we can help communicate these intentions to our moderator. We may be able to offer other means of support as well. It is in the interest of the Board to serve the town in this manner, regardless of how we, as residents, may vote or intend to vote on a particular warrant article or proposed amendment.

FY19 Audit Report – Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements. Report included herein. Due to the pandemic and staffing issues, the auditors are behind on completing the Town's FY20 audit. They are working hard to have the audit available by mid-May.

Growth Cap – To provide some context to a question asked at previous meetings regarding the building cap, the 2018 Comprehensive Plan states, “this plan recommends that the building cap be lifted for the designated growth area within a period of three years. During the three-year preparatory period, the Town will continue its efforts to carefully master plan the Village Center to identify more specifically where development should occur and what form it should take, implement zoning amendments, and structure financial incentives and tools to help offset costs of municipal infrastructure that will be needed to support growth.” Chapter 9 of the 2018 Comprehensive Plan included herein.

Request for Safety Assessment Study – A letter has been sent to MDOT to request a Safety Assessment Study per the instruction of the Board. As of this writing, no response have been received.

Budget Committee Available Seats – In total, there are four (4) candidates running for three (3) seats. This is what will be on the Town election ballot on June 8, 2021. Those three (3) seats naturally expire on June 30, 2021. There is one (1) vacant seat that is **not** on the ballot due to the historical precedent of the Select Board appointing someone to those vacancies that exist on the Budget Committee, due to lack of interest. Recently, there has been more interest in the Budget Committee. Having a full committee is always encouraged. Whoever does not prevail on June 8, 2021, please remember that there is a vacancy and if the Board does not request an election for that seat, the seat can be appointed. Volunteer forms can be found on the Town’s website or at the Town Office.



**Independent Auditor's Report on Internal Control over Financial Reporting  
and on Compliance and Other Matters Based on an Audit of Financial Statements  
Performed in Accordance with *Government Auditing Standards***

Select Board and Town Manager  
Town of North Yarmouth

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Town of North Yarmouth, as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise Town of North Yarmouth's basic financial statements, and have issued our report thereon dated February 25, 2020.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered Town of North Yarmouth's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Town of North Yarmouth's internal control. Accordingly, we do not express an opinion on the effectiveness of Town of North Yarmouth's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## Compliance and Other Matters

As part of obtaining reasonable assurance about whether Town of North Yarmouth's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Berry Talbot Royer  
Certified Public Accountants  
Falmouth, Maine  
February 25, 2020



## Chapter 9: LAND USE - A STRATEGY FOR CONSERVATION AND GROWTH

### Introduction

North Yarmouth is a rural community that over the past three decades has seen steady suburban residential growth fueled by reasonable housing costs in the region and the excellent reputation of the school district. The previous Comprehensive Plan recognized that North Yarmouth had one of the highest population growth rates in the region. To manage growth, the plan called for the adoption of a growth cap program and the creation of a Farm and Forest District. After adoption of the growth cap, regional growth pressure slowed as result of the 2008 housing market collapse and Great Recession. As in 2004, the Town is still functioning with limited administrative staffing, limited public works capacity, no local police protection, and an almost entirely volunteer fire rescue department with paid paramedic backup by Yarmouth. Additionally, there is still very limited municipal infrastructure within the proposed growth areas: no sewer, limited water, and limited pedestrian amenities to support the desired growth pattern that the Town desires.

North Yarmouth wants to see careful, managed growth and economic development. This Comprehensive Plan proposes a dramatic change in zoning to direct new growth to where the Town would like to see a vibrant, walkable, mixed-use Village district to emerge while at the same time strengthening the rural areas of town by dis-incentivizing suburban sprawl. Development is desired where land has already been developed and where public services and facilities including public water and municipal/community buildings, can most efficiently and cost effectively be provided. Further, continued maintenance of the Farm and Forest District's zoning standards play an integral part to achieving compact, sustainable, village-scaled development.

For these reasons, this plan looks carefully at the environmental systems of the town, opportunities and constraints to development, historical settlement patterns, and citizen preferences for where the community feels growth should be directed. This plan sets forth policy proposals to continue to support the growth in the Village Center and Village Residential Districts, while preserving the growth cap in the Farm and Forest District, and modernize land use regulatory tools to accomplish growth in the village center and maintenance of rural economies and landscapes in the rural areas.

### **GOALS**

1. Establish a clear land use pattern that safeguards the North Yarmouth and Yarmouth public water supplies, encouraging the use of Advance Waste Water Treatment Systems and other technologies.
2. Establish a walkable, mixed use, village-scaled land use pattern that defines and directs growth to the Village Center and supports new housing, businesses, and a rich civic life.
3. Establish a new rural hamlet with a strong neighborhood commercial center at the intersection of Route 231 and Route 115, supported by a mix of housing types and lot sizes.
4. Establish a clear land use pattern that supports rural character in the rural areas, preserving open space, farmland, and environmental resources while providing opportunities for rural economies to flourish.
5. Establish a Fabrication district to encourage growth and better utilization of existing industrial buildings and sites, promoting new contractors' yards, light manufacturing, food processing, light industrial, and creative industries.



## Town Comprehensive Plan - North Yarmouth, Maine

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6. Control the pace and timing of development and promote a land use pattern that will assure cost-effective and efficient delivery of public services.
7. Ensure that new development is compatible with the existing scale and rural character of North Yarmouth and does not negatively impact the site and/or surrounding areas.
8. Attain a goal of at least 60-70% of new residential dwellings to be located in the Village Center and Village Residential Areas over the next ten years.
9. Attain a goal of no more than 30-40% of new residential dwellings to be located in the Farm and Forest District over the next ten years.
10. Incentivize a diversity of housing sizes, types, lot sizes, and price points to be constructed in the Village Center and Village Residential Districts, with a goal of achieving approximately six new affordable housing units per year.
11. Protect high value plant and animal habitats and preserve, where feasible, large undeveloped habitat blocks, particularly those greater than 1,000 acres in size and/or associated with the Royal River, Chandler Brook, East Branch, Pratt's Brook, Deer Brook, and Knight's Pond Preserve.
12. Provide adequate administration and enforcement, including maintenance of up-to-date land use and natural resource information and online access to the GIS maps that are user-friendly and accessible to Town officials, developers, and the public with hopes of attaching all property permit info to the associated GIS map and lot file online.
13. Work with neighboring communities, the Greater Portland Council of Governments, State agencies, and active local not-for-profit organizations to address and coordinate growth and development in the region.
14. Continue dialogue with representatives of the Town of Cumberland and MSAD 51 regarding future school enrollment projections and growth within the two towns.

### **POLICIES**

- Adopt zoning standards to tie smaller village-sized lots to mandatory use of Advanced Wastewater Treatment Systems to protect public water supply recharge areas.
- Adopt zoning standards to permit pocket neighborhoods in the Village Residential and Village Center District, further reducing minimum lot sizes per dwelling unit with mandatory use of Advanced Wastewater Treatment Systems. Include mandatory maximum building footprint and square footage standards and parking standards to reduce surface water runoff.
- Adopt zoning standards to permit hamlet building groups.
- Adopt zoning standards to permit small apartment buildings, mixed use buildings, and inn buildings in the Village Center District.
- Amend permitted maximum structural heights in the Village Center and in hamlets to permit three story buildings.



## Town Comprehensive Plan - North Yarmouth, Maine

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- Adopt zoning standards to create a Fabrication Special District to allow expansion of existing industry and manufacturing business clusters, such as at the Walnut Hill Business Park and old gravel pit area, tied to the mandatory use of Advanced Wastewater Treatment Systems.
- Adopt zoning standards that require the creation of meaningful public space, trails, or set aside of open space based on scale of new development and considering proximity of other existing amenities and mapped critical natural resources.
- Adopt a municipal policy of using value per acre analysis of new development before committing municipal funding programs or resources to new infrastructure, in particular outside of the designated growth area.
- Adopt a Tax Increment Financing policy that supports use of credit enhancement for the construction of missing middle housing types including: mixed use buildings that incorporate main floor commercial with upper story residential apartments; 10% affordable rental apartments in buildings mixed with market rate rental apartments; pocket neighborhoods with a minimum of 25% rental units; and construction of assisted living facilities for seniors.
- Conduct ongoing Planning Board and Code Enforcement Officer training to ensure efficiency of permit processing and application review.
- Work collaboratively with the Yarmouth Water District (YWD) to review and amend the Groundwater Protection Overlay District map to align with YWD data and evaluate and adjust performance standards considering needs for groundwater protection and a desire for additional development in the Village Center and Village Residential Districts and new Fabrication Special District.
- Implement a purchase of development rights, transfer of development rights, and/or land banking programs that compensate landowners and allow development rights to be shifted from rural areas to the designated growth area.
- Increase the annual contribution into the Town's land reserve fund to allow for opportunities to work with nonprofit conservation organizations (Royal River Conservation Trust and Maine Farmland Trust) to purchase properties for conservation purposes or purchase conservation easements.

Amend zoning, as needed, to address the following general standards:

- Require permits for the creation of new lots and driveways to ensure adequate access for emergency vehicles, to maintain safe access to public roads, and to maintain an orderly development pattern.
- Continue to require adequate lot sizes, sewage treatment, protection of water resources, minimization of soil erosion and sedimentation, etc. See Chapter 6, Natural Resources, Recreation, and Open Space.
- Continue to restrict obnoxious or injurious noise, air emissions, odors, smoke, glare, dust, fumes, and water materials.
- Continue to regulate earth removal, including gravel pits.



## Town Comprehensive Plan - North Yarmouth, Maine

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- Require access management, including adequate sight distances for all driveways and access roads.
- Require that homebuilders and developers design their developments with consideration to mapped conservation networks and existing open spaces and trails identified within this plan.
- Continue to allow home-based occupations throughout town as long as they are clearly incidental to residential uses.
- Continue to regulate junkyards, automobile graveyards, mass gatherings, and other uses that might negatively impact neighborhoods. Consider the need to add campgrounds. The standards should address the unique aspects of each of these uses, such as traffic, noise, light, dust, crowd containment, environmental hazards, and minimizing adverse impacts on surrounding properties.

In site planning and subdivision review, require or continue to require the following:

- If a project creates more than 30 residential units, require a municipal facilities and services impact analysis and mitigation to ensure that new development does not overtax public services and facilities, including roads and fire.
- Continue to require performance guarantees or other similar requirements to ensure that developers provide adequate facilities for their developments e.g., roads, water and sewer extensions if applicable, sidewalks.
- Encourage developers to meet with abutters and neighbors to conduct pre-application meetings to address any neighborhood concerns prior to development review.
- From time to time, review and amend as necessary the Subdivision regulations to ensure that they are consistent with the goals of this Plan.

Administratively, continue to undertake the following:

- Increase administrative staffing for planning and land use regulation and enforcement. Periodically review administrative and enforcement levels to determine if there is a need for additional staffing and/or funding. This review should occur at least every five years or when major changes are made to the regulations.
- Maintain consistent and clear procedures for obtaining permits and allowing public review of proposed projects.
- Expand and continue to update the function and accessibility of the GIS system for mapping and data compilation to include property tax, code files, land use, natural resource, transportation and public facilities data. Take advantage of state or GPCOG technical assistance.

### **Regulatory Framework**

The Town currently has four distinct zoning districts: Village Residential, Village Center, Farm and Forest, and Resource Protection. As identified above, the most notable zoning policy adjustments would need to occur for the Village Center and Village Residential District to better achieve the visions for each of those districts. Therefore, Village Residential and Village Center descriptions are



aspirational, and zoning district purpose and standards will need to be amended to accomplish the vision for each.

The **Village Center District** is the civic and cultural core of the community and a growing center of commerce. It consists of village-scale mixed uses surrounded by village residential neighborhoods. Buildings are spaced more closely together, reflecting the typical scale and form found on Main Streets in small Maine villages. Streets function as public spaces that facilitate mobility for pedestrians, bicyclists, and cars. Parking on-site, if provided, is located behind buildings accessed by driveways or rear lanes. Site design and landscaping is more formal, consistent with the character of a downtown. Building form and scale is consistent with the existing village character, which includes a range of small to large houses, connected farmhouses, barns, shops, fabrication buildings, and small mixed-use buildings. New village development is sensitive to the existing historic character, topography, and natural resources of the area. Parks, playgrounds, and open spaces are located within walking distance of all areas of the district.

The **Village Residential District** surrounds the Village Center District with a diversity of housing types and lot sizes supporting a multigenerational community. Some commercial businesses such as the corner store, bakery, pub, coffee shop, market, and makerspaces may be located at the center of pedestrian sheds in residential neighborhoods. Similarly, schools and other civic uses and buildings can be found at the center of neighborhoods. Accessory apartments and home-based businesses accessory to residential living are encouraged. Streets are designed to be narrower, supporting walking, bicycling, and general safety for children and seniors and reducing noise impacts to adjacent homes. Each neighborhood has access to a park or playground within a 5-minute walk from where people live. Lots vary in size to permit innovative neighborhood designs including pocket neighborhoods with small cottages clustered around a shared landscaped space, to estate lots supporting rural activities at the edge of the Village Residential District.

The **Farm and Forest District** preserves the rural landscapes of North Yarmouth, protects existing and future water supplies, and conserves forest and farmland, wildlife habitat, and high-priority open spaces. Important environmental systems in the Farm and Forest District include the Royal River Corridor, Pratt's Brook Corridor, and the Deer Brook-Knight's Pond Preserve area. This district allows low-density residential uses (1 unit/3 acres) and supports resource-based land uses, such as forestry, agriculture, and low-intensity outdoor recreation. Conservation and/or cluster subdivisions that preserve at least 50 to 60% of the land in open space are required. Home occupations and other compatible, low-intensity non-residential uses are permitted, but must be designed to be consistent with the purposes of this district. Land uses that generate considerable traffic or require access to public services or facilities are restricted. Access management and preservation of rural scenic character is maintained through site distance requirements, curb cut limitations, screening, and preservation of natural buffers along the main roads. The rate of new residential construction is limited in these areas.

**Clustered housing development and/or open space development** is mandatory in the Farm and Forest District, Residential Shoreland District, and the Resource Protection District, and optional in the Village Center District and Village Residential District. The provisions allow modification of minimum lot size, street frontage, maximum lot coverage, and setbacks to permit innovative approaches to development and environmental design in accordance with the standards. Subsection C.7.b of the Land Use Ordinance allows for a density bonus of up to 20% for the inclusion of public open space for recreation and protection of high-value scenic areas. The design standards of this ordinance (specifically, how net residential acreage and the required percentage of land set aside) should be evaluated to determine if enough incentive is created to promote its voluntary use in the Village districts.



## Town Comprehensive Plan - North Yarmouth, Maine

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The Town has three overlay districts that regulate special environmental systems and resources: Residential Shoreland Zoning, Natural Resource Protection District, and the Groundwater Protection Overlay District. Additional environmental protection standards in the zoning ordinance include Brook, Pond, Vernal Pool, and Wetland buffers requiring structural setbacks to resources.

The **Natural Resource Protection District** provides the highest level of protection in areas where development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values when associated with wetlands and shorelands. The Natural Resource Protection District includes:

- 100-year floodplains.
- Areas within 250 feet from Royal River, Chandler Brook, and East Branch.
- Areas within 150 feet from Deer Brook, Toddy Brook, and Pratt's Brook.
- Areas within 150 feet of the Deer Brook wetland and Knight's Pond.
- Wetlands greater than 2 acres in size and smaller wetlands when identified as having high value for wildlife habitat, flood prevention, water quality preservation, etc. includes consideration for an adequate wetlands buffer consisting of a 50-foot zone of no disturbance and a build setback of 75 to 100 feet.

The **Shoreland Zoning Overlay District** was established in accordance with the provisions of 38 M.R.S.A Section 435 et seq. to:

- Further the maintenance of safe and healthful conditions.
- Prevents and controls water pollution. protects fish spawning grounds, aquatic life, bird and other wildlife habitat.
- Protects buildings and lands from flooding and accelerated erosion.
- Protects archaeological and historic resources.
- Protect wetlands.
- Control building sites, placement of structures and land uses.
- Conserve shore cover and visual as well as actual points of access to inland waters.
- Conserve natural beauty and open space, and
- Anticipate and respond to the impacts of development in shoreland areas.

The **Royal River Corridor Overlay District** (includes Chandler Brook and the East Branch) includes land areas within 500 feet on either side of the Royal River, Chandler Brook, and the East Branch. The Royal River Corridor Overlay District is designed to provide additional standards to preserve the Royal River Corridor, including the Chandler Brook corridor and the East Branch corridor as greenways in open space uses. The purpose of the Royal River Corridor Overlay District is to:

- Preserve open space and conserve natural beauty.
- Protect wildlife habitat and corridors.
- Protect water quality.
- Protect archaeological and historic resources.
- Provide passive recreational corridors.
- Control building sites and placement of structures and land uses, and
- Anticipate and respond to the impacts of development in the river corridors.

The **Groundwater Protection Overlay District** is designed to maintain and preserve critical groundwater resources associated with existing and future public and private water supplies, including wellhead protection areas for Yarmouth Water District wells. The protection of groundwater is critical to promoting the health, safety, and general welfare of the residents of North Yarmouth and other



users of the public water supplies. This district map was delineated based on topography. The Yarmouth Water District is in the process of mapping areas of critical influence to wells, as part of a Water System Master Planning effort. Where additional density is desired in areas of the Village Center and Village Residential Districts and are also subject to this overlay district, the map may need to be amended and the standards evaluated and adjusted to provide a tiered set of performance standards corresponding to level of needed protection.

### **Building Cap**

The Town enacted a building cap program to restrict the number of annual building permits per year across all zoning districts. Through this comprehensive planning process, the Town has identified the need to make adjustments to zoning and municipal policies to more proactively see a downtown Village Center emerge. To that end, this plan recommends that the building cap be lifted for the designated growth area within a period of three years. During the three-year preparatory period, the Town will continue its efforts to carefully master plan the Village Center to identify more specifically where development should occur and what form it should take, implement zoning amendments, and structure financial incentives and tools to help offset the costs of municipal infrastructure that will be needed to support growth. Additionally, this time period will give the school district time to work with the Town to understand how lifting the building cap and zoning amendments may affect school enrollment. The building cap will, however, remain in place for the Farm and Forest District, where the program has been successful controlling the pace of growth in the rural areas. In summary, maintaining the cap for the next three years in the designated growth area will allow North Yarmouth to prepare for new growth, by:

- Master planning a Village Center to identify where new development should occur and what the infrastructure expansion needs will be to support development (streets, public spaces, municipal facilities and services, and pedestrian improvements).
- Improving timing with respect to the development of a new Yarmouth Water District water supply and connector lines that will support the Town's growth area designation.
- Allowing the Town of North Yarmouth to implement a TIF program to help offset infrastructure improvement costs, and
- Addressing critical affordable housing needs and the barriers to creation, including evaluation and amendment of zoning policies.

Lifting the cap alone will not address the lack of affordable housing. Without the cap, development will proceed as it has in the past (i.e., large homes on 3-5 acre lots) instead of at higher densities that would allow for more naturally occurring affordable housing options.

Area towns, such as Cumberland, Gray, Freeport, Yarmouth, and Falmouth have the administrative capacity and major infrastructure in place (such as town planners and engineers, sewer and water systems, paved shoulders, and walkways connected to village or service centers) to accommodate higher density development, including affordable housing. While North Yarmouth is responsibly preparing to accommodate this kind of growth, we would hope that this infrastructure is maximized in the towns where it is currently available. The residential building cap in the growth area will allow time for North Yarmouth to catch up with its suburban neighbors to prepare for additional growth.



# TOWN OF NORTH YARMOUTH

*The Town Where Others Began.*

*April 20, 2021*

*Robert vanLuling  
Maine Department of Transportation  
Traffic Division – Region 1  
51 Pleasant Hill Road  
Scarborough, ME 04074*

*Dear Mr. vanLuling,*

*At the April 6, 2021, North Yarmouth Select Board regular business meeting, the Select Board voted to authorize the Town Manager to request that the Maine Department of Transportation conduct a Safety Assessment Study on the area described Route 115 from Haskell Road to the Gray town line. Please consider this letter as a formal request for a Safety Assessment Study of the area described. If you have any questions, please contact the Town Manager's assistant, Draven Walker, at [dwalker@northyarmouth.org](mailto:dwalker@northyarmouth.org) or myself with the email listed below.*

*Respectfully,*

*Debbie Grover, Assistant Town Manager  
[townclerk@northyarmouth.org](mailto:townclerk@northyarmouth.org)*

*DG:dw*

*cc: Rosemary E. Roy, Town Manager  
cc: North Yarmouth Select Board*

May 4, 2021

**Section VII. Old Business**

- Roadway Ordinance Public Hearing – At the last Public Hearing, the Select Board chose to amend the Roadway Ordinance to allow for four (4) hour parking and to strike the language “Dalmatian Drive” from the Ordinance. Those changes are enacted. However, the Board did not provide language to put in place of “Dalmatian Drive”. The Board should hold a Public Hearing to make this minor correction.

*Move to hold a Public Hearing on May 18, 2021, for the purpose of amending the Roadway Ordinance. Second, discussion and vote.*

- Spirit of America Award – At the last meeting, the Board recognized the Economic Development & Sustainability Committee for the 2021 Spirit of America Award. The Economic Development & Sustainability Committee was awarded this honor in 2020, so it seems appropriate to ask if the Board would want to reconsider their nominations for the Spirit of America Award so that another group or individual can also be recognized for their service to North Yarmouth.

Included herein and provided to you is the original memo provided by the Town Manager to the Board. Please check the box for who you choose to receive the award. Once finished, the Chairperson will read the person/group who received the most votes.

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### 3.5 Conflicts with Other Requirements

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other regulation, permit, ordinance, or statute. Where this Ordinance imposes a higher restriction upon the use of land or structures, the provisions of this Ordinance shall control. This Ordinance supersedes the Traffic and Parking Ordinance, Vehicle Weight Ordinance, the Winter Snow Ordinance, Road Naming and Property Naming Ordinance, and the Roadway Criteria and Specification Policy enacted by the Town of North Yarmouth.

### 3.6 Severability

If any portion of this Ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

## SECTION 4: PARKING AND TRAFFIC CONTROL

### 4.1 Town Way

A Town Way shall mean an area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle, bicycle, and walking; and all town or county ways not discontinued or abandoned before the effective date of this Ordinance.

### 4.2 Parking Time Limits – Village District Area

Parking in the Village District is limited to **four (4) hours**, in any on street municipal parking spaces. Time limited to **four (4) hours** from arrival to a municipal on street parking space to when the vehicle must be moved.

- A. Memorial Highway (Rte. 9) from Parsonage Road to Walnut Hill Road (Rte. 115)
- B. Walnut Hill Road (Rte. 115) from Parsonage Road to Pea Lane
- C. Cumberland Road (Rte. 9) from Pea Lane to Walnut Hill Road
- D. Pea Lane from Walnut Hill Road (Rte. 115) to Cumberland Road (Rte.9)
- E. Parsonage Road from Memorial Highway (Rte. 9) to Walnut Hill Road (Rte. 115)
- F. ~~Dalmatian Drive~~ from Walnut Hill Road (Rte. 115) to Memorial Highway (Rte. 9)

### 4.3 Authority to Place a Temporary Traffic Control Device

The Fire Rescue Chief, Road Commissioner or other law enforcement agency acting for the Town, are authorized to place temporary, no parking signs, detour signs, and or to route traffic by personnel of the Town, in circumstances of emergency or congestion such as but not limited to, fires, accidents, natural disaster, funerals, church services, parades, sporting events, road maintenance or where a private business location requires directional control for public safety and convenience during a fire, accident, emergency, or special event. A Police Officer, Fire

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12. No person shall attempt to, or, in fact alter, deface, injure, knock down, add too, or remove any official traffic control device.
- C. Obstructing Traffic: No person shall place, unauthorized signs, cones or barricades, other than required for utility or road maintenances as required by the Manual on Uniform Traffic Control Devices "MUTCD", rocks, stones, snow, ice, brush, limbs, lawn debris, grass clippings, leaves, dig or destroy the traveling service or right of way in the attempt to obstruct traffic on any town road, street or way and leaves the obstruction there. Fines will be assessed per the Fee Schedule Ordinance.
- D. Snow Accumulation: No parking is allowed when the road lane width is decreased by reason of snow accumulation, or by any other reason, to less than eleven (11) feet. The Road Commissioner is authorized to prescribe temporary traffic and parking regulations and to place any traffic control devices as may be necessary to give notice to of such regulations.
- E. Snow Removal Emergency Periods: The period beginning October 15th to April 15th is hereby declared to be a snow removal emergency period. During this period, no vehicle shall be parked in such a manner as to hinder the plowing or removal of snow from the roads, streets and ways. Nor shall any overnight parking be allowed. The Road Commissioner shall place temporary public notice of no parking in the Village District area designated parking areas prior to snow removal operations, to include notifications through the Town website and other public notice systems.
- F. Obstructing/Traveling on Sidewalks: Riding of snowmobiles and ATVs is prohibited on Town plowed sidewalks nor shall any motor vehicle in any way block, park, stand, or obstruct any Town sidewalk except for Town municipal vehicles or agents of the Town in conjunction with maintenance activities.
- G. Through Traffic of Motorized Vehicles Prohibited: Through traffic by motorized vehicles, and trucks over 23,000 pounds GVW (Gross Vehicle Weight) shall be prohibited or restricted on all town roads, streets, and ways as listed:
1. Dalmatian Drive: Through traffic is prohibited from traveling either direction from Walnut Hill Road (RTE 115) to Memorial Highway (RTE 9) by using Dalmatian Drive (Fire Rescue Facility). All public use of the Fire Rescue Facility from the bayside driveway is prohibited; use is permitted by first responders and emergency vehicles only. The rear driveway area is public use, as regulated by signs.
  2. Walnut Hill Cemetery: Through traffic through the Walnut Hill Cemetery from Walnut Hill Road to Parsonage Road, access from the Public Works Facility, in either direction, is prohibited.

#### 4.5 No Parking Locations

3. Routes 115 and 231 (Walnut Hill Road, New Gloucester Road, Gray Road): Intersection area, 500 feet from intersection both sides of street.

**MEMORANDUM**

Date: April 6, 2021

To: Select Board

Fr: Rosemary E. Roy, Town Manager *RR*

**RE: SPIRIT OF AMERICA TRIBUTE**

It is that time of year when the Select Board selects an individual or committee to receive the Spirit of America. The award recognizes volunteers and their contributions to the community. The decision should be based on purpose, chosen activity, commitment, positivity, and valuable project results. The award will be announced at the Annual Town Meeting in April, and I would ask that the Select Board members complete their selections below and return them to me at the **April 20th business meeting or before.**

The Select Board may choose from any of the town's boards and committees, some of which I have listed below or elect to pick one individual to receive this prestigious award.

**[PLEASE SELECT YOUR TOP TWO \(2\) & RETURN TO MANAGER](#)**

**Committees**

- \_\_\_\_\_ Events Committee
- \_\_\_\_\_ Economic Development & Sustainability Committee
- \_\_\_\_\_ Flag Committee
- \_\_\_\_\_ Living Well in North Yarmouth Committee
- \_\_\_\_\_ Parks & Recreation Committee
- \_\_\_\_\_ Planning Board
- \_\_\_\_\_ Solar Study Committee
- \_\_\_\_\_ Other: \_\_\_\_\_

**Individual Committee Member**

- Name: \_\_\_\_\_
- Committee: \_\_\_\_\_

**Previous Recipients:**

- 2017 - Wescustogo Building & Design Committee
- 2018 - Living Well in North Yarmouth
- 2019 - Town Comprehensive Plan Committee
- 2020 - Economic Development & Sustainability Committee

May 4, 2021

**Section VIII. New Business**

- Regulations for the Use of Parks and Recreation Areas Ordinance – Call for Public Hearing - The Parks and Recreation Committee will be holding a forum on May 5, 2021, on the proposed park leash policy in the Regulations for the Use of Parks and Recreation Areas Ordinance . On May 6, 2021, Parks and Recreation will hold their regular meeting to discuss any additional amendments to that ordinance. In preparation for any further amendments, the Select Board should call for a public hearing to ensure that any amendments can be placed on the June 7, 2021, Special Town Meeting Warrant. Any additions will be color coded and posted on the website after the Parks and Recreation Committee meeting on May 6, 2021.

*Move to hold a Public Hearing on May 18, 2021, for the purpose of amending the Regulations for the Use of Parks and Recreation Areas Ordinance. Second, discussion and vote follow.*

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- Proposed Animal Control Ordinance – Call for Public Hearing - In addition to any amendments proposed by the Parks and Recreation Committee to the Regulations for the Use of Parks and Recreation Areas Ordinance, the Board should also hold a public hearing for the Animal Control Ordinance for those amendments that need to be proposed to stay consistent with the Regulations for the Use of Parks and Recreation Areas Ordinance. Any additions will be color coded and posted on the website after the Parks and Recreation Committee meeting on May 6, 2021.

*Move to hold a Public Hearing on May 18, 2021, for the purpose of amending the Proposed Animal Control Ordinance. Second, discussion and vote follow.*

May 4, 2021

**Agenda - Section IX. Accounts Payable**

Item(s):

- *Move to approve accounts payable warrants 46 & 47 in the amount of \$120,541.08, as presented for FY21. Second, discussion and vote follow.*