

**TOWN OF YARMOUTH
MINUTES OF THE TOWN COUNCIL MEETING**

Meeting: 1-19/20
Date: July 25, 2019
Time: 7:00 PM
Place: American Legion Log Cabin

Roll Call of Members P = Present A = Absent T= Tardy

P Meghan Casey 1 South Street
P April Humphrey, 277 East Main St
P Andrew Kittredge, 84 Rogers Road
P Richard Plourde, 87 Pinewood Road
P Timothy Shannon, 47 West Elm St
P Randall Bates, 30 Tannery Lane
P Robert Waeldner, 141 Oakwood Drive

1st Order of Business: Roll Call of Members: All Members Present.

2nd Order of Business: To approve the minutes of Meeting 21-18/19 held June 13 and 20, 2019. **(7-0)**

3rd Order of Business: Public comment period.

- Mildred Kinney of Harmony Hill complained about the loud back-up alarm on the CTC bus at Wharf Road
- Charles Calvin of Wharf Road complained about speeding cars on Wharf Road.

Item No. 1: Reports

- Councilor Plourde reported on conversations regarding bacterial contamination in certain Shellfish Harvesting areas. He also reported on working with David Ertz of the RESAC and CMP and other utilities about upgrading utility poles to bring 3-Phase power to either the landfill or Sligo Road to support a possible municipal solar project. And he reported that GPCOG and other communities are working on joint contracts and purchasing of LED conversions.
- Councilor Casey reported on the meeting of the Program Advisory Committee and the Rental Dwelling Advisory Committee (REDAC) Humphrey reported the Renewable Energy and Sustainability Committee would be coming soon to the council to report on municipal solar array, they just had the GPCOG Rep at their meeting.

Item No. 2: Resolution on the Main Street Overpass Bridge Celebration

Whereas, the construction of the replacement overpass bridge on Main Street has recently been completed, and

Whereas, the project completion brings to Yarmouth a new structure intended to serve highway transportation along Route 1 in Yarmouth for many decades into the future, and

Whereas, the new bridge features include many improvements to complement and build upon Yarmouth's many goals and aspirations for a safe, bike friendly, walkable, transit supportive structure with meaningful and attractive connections between Main Street and Route 1 over, under and around the aesthetically stunning new structure, and,

Whereas the new bridge reflects the outstanding collaboration of the Maine Department of Transportation, PACTS, the Town of Yarmouth, the Economic Development Advisory Board, the construction contractor (Reed and Reed), the design and construction engineering firm of VHB, and the Bridge Advisory Committee, and

Whereas nearing completion of the project a tragic construction site accident occurred taking the life of Reed and Reed employee, Mr. Paul D. Haley of Farmington, Maine leaving the community, family, and all project partners deeply saddened, and yet reminded of our collective history and dedication to the goals and design elements of the bridge project to provide for safety, community cohesion, and an appreciation for interconnectedness for citizens and travelers which gave rise to many of the features and designs of the project, and

Whereas, the Town Council wishes to join with the members of the Bridge Advisory Committee: Ed Ashley, Paul Becker, Sue Ellen Bordwell, Laurie Broberg, Matt Chappell, Tom Federle, and Michael Gingras, and Sarah Witte, to celebrate the completion of the construction on this new bridge and the opening of a new asset and image for the Yarmouth Village, and to reflect on the sacrifices and commitments of all those who contributed to the project,

Now Therefore Be It Resolved by the Yarmouth Town Council in town council assembled that all citizens, friends, families, businesses, agencies and institutions that helped to bring this project to fruition join together in a time of celebration and reflection on Sunday, August 11, 2019 4:00 to 6:00 PM on Main Street, and

Be it Further Resolved that the members of the Bridge Advisory Committee, the staff and leadership at PACTS, and the Maine Department of Transportation, Reed and Reed Construction and the late Mr. Paul Haley are hereby acknowledged with deep gratitude and the renewed dedication of the people of Yarmouth to safe, attractive, efficient, and community driven enterprise of enduring value and service.

Motion Passed

(7-0)

Item No. 3: Pratt's Brook Park Management Plan.

Be it Ordered that the Draft Pratt's Brook Park Management Plan dated September 1, 2017 as recommended by the Parks and Lands Committee is hereby adopted.

It was moved and seconded to insert language into the Appendix Note as follows:

Note: The Town Manager, under the direction of the Town Council, or with the advice and consent of the Citizens Advisory Committee or Agency assigned may adopt or establish additional rules and regulations as are reasonable and necessary consistent with the remainder of the plan to accomplish the following purposes:

The amendment failed (1-6) (Kittredge, Shannon, Casey, Bates, Waeldner, Humphrey opposed.)

It was moved and seconded to amend the draft language at page 23 Table of uses as follows:

As trails and surfacing allow, bicycles may be allowed on designated existing trails upon a proposal from Yarmouth Community Services / Parks and Lands Committee, and approval by Town Council.

The amendment passed. (7-0)

The motion as amended passed.

(7-0)

Item No. 4: Amendment to Chapter 701 regarding agricultural product storage buildings in the RR District.

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 701 of the Yarmouth Town Code is hereby amended at Article I.D (Definitions) to add the following:

Agricultural Products: Raw unprocessed crops, and/or food, beverages or other goods or commodities derived from Agriculture, but shall not include marijuana related products.

And Be it Further Ordained that Chapter 701 of the Yarmouth Town Code is hereby amended at Article IV.F (RR District; Special Exceptions) to add the following:

Facilities for storage or Agricultural Products. Agricultural Products may be produced on the premises or produced elsewhere. The storage facility shall not exceed 3,000 square feet gross floor area per lot for Agricultural Products produced elsewhere. Storage facilities for Agricultural Products produced on the premises are not limited in size. The facility shall not include on-premise retail sales or consumption, or on-premise processing of products not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor, or other external impacts or nuisance effects. (Requires Site Plan review.)

Four amendments were offered and seconded, three of which were approved. The amendments were voted in the following order:

- (1) To strike all the proposed language and replace it at Article IV. F with:

Facilities for storage of distilled alcoholic beverages produced off the premises. The storage facility shall not exceed 3,000 square feet gross floor area per lot.

The amendment failed (2-6) (Kittredge, Shannon, Casey, Bates, Humphrey opposed.)

- (2) To change the proposed definition at Article I.D to read:

Agricultural Products: Raw unprocessed crops, and/or distilled beverage, but shall not include marijuana related products.

The Amendment passed (7-0)

- (3) To add to the proposed language at Article IV.F the following:

Facilities for storage of Agricultural Products. Agricultural Products may be produced on the premises or produced elsewhere. The storage facility shall not exceed 3,000 square feet gross floor area per lot for Agricultural Products produced elsewhere. Storage facilities for Agricultural Products produced on the premises are not limited in size. The facility shall not include on-premise retail sales or consumption, or on-premise processing of product not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor or other external impacts or nuisance effects. Such use shall be subject to review by the Planning Board as a Major Site Plan. Any Special Exception and Site Plan Approval by the Planning Board for such use shall be applicable only to the specific products or products and use proposed for storage included in the Special Exception and Site Plan application. Any addition, alteration, or substitution of product(s) or storage use shall require a new application for Special Exception and Site Plan for review and approval by the Planning Board.

The Amendment passed (7-0)

- (4) To also add to the proposed language at Article IV.F the language:

Facilities for storage of Agricultural Products. Agricultural Products may be produced on the premises or produced elsewhere. The storage facility shall not exceed 3,000 square feet gross floor area per lot for Agricultural Products produced elsewhere. Storage facilities for Agricultural Products produced on the premises are not limited in size. The facility shall not include on-premise retail sales or consumption, or on-premise processing of product not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor or other external impacts or nuisance effects. Any such storage building visible from a

public street or neighboring property shall be architecturally designed to resemble a traditional barn structure.

Such use shall be subject to review by the Planning Board as a Major Site Plan. Any Special Exception and Site Plan Approval by the Planning Board for such use shall be applicable only to the specific products or products and use proposed for storage included in the Special Exception and Site Plan application. Any addition, alteration, of substitution of product(s) or storage use shall require a new application for Special Exception and Site Plan for review and approval by the Planning Board.
The Amendment passed (6-1) (Bates opposed).

The motion as amended passed.

(7-0)

Note for clarity. The final approved language reads:

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 701 of the Yarmouth Town Code is hereby amended at Article I.D (Definitions) to add the following:

Agricultural Products: Raw unprocessed crops, and/or distilled beverage, but shall not include marijuana related products.

And Be it Further Ordained that Chapter 701 of the Yarmouth Town Code is hereby amended at Article IV.F (RR District; Special Exceptions) to add the following:

Facilities for storage of Agricultural Products. Agricultural Products may be produced on the premises or produced elsewhere. The storage facility shall not exceed 3,000 square feet gross floor area per lot for Agricultural Products produced elsewhere. Storage facilities for Agricultural Products produced on the premises are not limited in size. The facility shall not include on-premise retail sales or consumption, or on-premise processing of product not produced on the premises. Impacts from such use shall not create undue adverse traffic, parking, noise, odor or other external impacts or nuisance effects. Any such storage building visible from a public street or neighboring property shall be architecturally designed to resemble a traditional barn structure.

Such use shall be subject to review by the Planning Board as a Major Site Plan. Any Special Exception and Site Plan Approval by the Planning Board for such use shall be applicable only to the specific products or products and use proposed for storage included in the Special Exception and Site Plan application. Any addition, alteration, or substitution of product(s) or storage use shall require a new application for Special Exception and Site Plan for review and approval by the Planning Board.

Item No.5: Barging waiver request from the Town of Chebeague and CTC.

This request was withdrawn prior to the meeting. No action taken.

Item No. 6: Status of the RESAC

Be it Ordered that the Renewable Energy and Sustainability Advisory Committee established by the Town Council in May 2018 is hereby extended for an additional time period until September 21, 2020 unless the status of said committee shall be sooner modified by subsequent vote of the Town Council, and

Be it further ordered that the terms of appointment of all the current members is hereby extended until September 21, 2020 unless sooner modified by a subsequent vote of the Town Council.

It was moved and seconded to amend the order to substitute December 31, 2021 for September 21, 2020 in both places it appears.

Amendment passed (6-1) (Plourde opposed)

The motion as amended passed. (7-0)

Item No. 7: Resolution regarding the emergency housing needs overflow and homelessness issues in Yarmouth and Greater Portland.

Whereas the Greater Portland regional community has been experiencing a long-term and chronic shortage of beds and resources to provide basic shelter to people and families are experiencing homelessness, and

Whereas, the Town of Yarmouth and other municipalities throughout the region have also been seeking to address significant individual and community concerns with general housing availability, access, and affordability, and

Whereas recent and on-going world and national events have given rise to a large number of refugees and asylum seekers which puts further stress on the capacity of the region to provide for temporary and longer-term shelter for homeless individuals and families, and

Whereas both the chronic and acute shortage of safe, decent, and affordable housing and temporary or emergency shelters has significant economic, social, and community impacts best addressed through municipal regional collaboration and in partnership with private and non-profit organizations, and

Whereas the Town of Yarmouth seeks to participate in such regional collaborations and partnerships to address these challenges,

Now Therefore be it Resolved that:

- (1) The Yarmouth Town Council hereby recognizes and encourages the work of the Yarmouth Compassionate Housing Initiative (YCHI) and the efforts of the Greater Portland Council of Governments (GPCOG), the Preble Street

Resource Center, The Opportunity Alliance and other organizations, agencies, and individuals who are seeking to find host residents and families for homeless Mainers, new Americans, and asylum seekers, along with resources to match individuals and families with such hosts and to provide support in terms of food, medical care, transportation, legal representation, and basic necessities.

- (2) The Yarmouth Town Council hereby requests and encourages Yarmouth residents who have the capacity and willingness to provide short- and longer-term temporary housing assistance, and those who have the ability and opportunity to volunteer of their time and talents or to donate funds to help with these housing and shelter issues to contact those agencies directly or through the Yarmouth Town Offices to offer what support or housing each might be able to provide, and
- (3) The Yarmouth Town Council asks the Town staff, citizens and others with knowledge, ideas and interests to help identify and recommend to the Town Council opportunities for the Town of Yarmouth or members of the Yarmouth community to assist in addressing this housing and sheltering shortfall through non-cash or in-kind support and assistance including by way of examples only, (a) amending or suspending land use or zoning regulations that preclude or impair the capacity of citizens to host, (b) waiver of participation fees for municipally provided or supported services, (c) transportation, information, referral, or community introduction and welcoming services, and
- (4) The Town Council hereby endorses and requests community participation in an open and constructive dialogue beginning in September of 2019 on the appropriate role(s), strategies, and values the Town and community members may have in addressing the role(s), strategies, and obligations that the Town may have to be a regional partner in addressing chronic housing, emergency shelter and other pressing needs in the region.

Motion Passed.

(6-1, Plourde opposed)

Item No. 8: Appropriate funds to support agencies working on the emergency housing needs and homelessness issues.

BE IT ORDERED that a sum not to exceed in total \$12,000 is hereby appropriated from the Yarmouth Housing Assistance Fund, an existing non-lapsing fund established June 13, 2006 at Yarmouth's Annual Town Meeting from dedicated revenues not including local property taxes, to support the work of the Greater Portland Council of Governments, and/or The Opportunity Alliance, and/or the Preble Street Resource Center, to deal with the current acute shortage of temporary and emergency sheltering options allocated as follows:

- The Greater Portland Council of Governments- \$4,000
- The Opportunity Alliance- \$4,000
- Preble Street Resource Center- \$4,000

Motion Fails.

(3-4 Bates, Kittredge, Waeldner, Plourde opposed)

Item No. 9: Technical amendments to Chapters 320 and 330 of the Yarmouth Town Code.

Be it Ordained by the Yarmouth Town Council in Town Council assembled that Chapter 320 of the Yarmouth Town Code (Stormwater Discharge Ordinance) is hereby amended at Article I.E to read as follows:

Urbanized Area (“UA”) means the areas of the State of Maine so defined by any decennial census including or after the 2000 Census by the US Bureau of the Census ~~the latest decennial census by the US Bureau of the Census.~~

And Be it Further Ordained that Chapter 330 of the Yarmouth Town Code (Post Construction Stormwater Discharge Ordinance) is hereby amended at Article I.D. to read as follows:

Urbanized Area (“UA”) means the areas of the State of Maine so defined by any decennial census including or after the 2000 Census by the US Bureau of the Census ~~the latest decennial census by the US Bureau of the Census.~~

Motion Passed. (7-0)

Item No. 10: Appropriation request from Sewer Reserves.

Be it ordered that a sum of \$70,000 is hereby appropriated from the Sewer Reserves for various sewer improvement projects as presented in a memo from Steve Johnson, PE, Town Engineer, dated July 9, 2019.

Motion Passed. (7-0)

At 9:45 PM the Town Council voted 7-0 to enter into Executive Session pursuant to Title 1 MRSA Section 405(6)(A).

At 10:16 PM the Town Council came out of Executive Session.

Item No. 11: Appointments

11.A. Be it ordered that the following appointments are hereby made to the Parks and Lands Committee:

Karen Massey to December 31, 2021
Jay Waterman to December 31, 2021
Mary Webber to December 31, 2021

Motion Passed. (7-0)

11.B. Be it ordered that the following appointments is hereby made to Board of Assessment Review (Alternate Member):

Ann Gregory to December 31, 2022

Motion Passed.

(7-0)

11.C. Be it ordered that the following appointments are hereby made to the Latchstring Park Committee:

Susan Prescott
Kim Connell
Sean Ireland
Jackie Schumaker
Linda Grant
Elizabeth Marin
Adrienne Nardi

Motion Passed.

(7-0)

11.D. Be it ordered that the following appointment is hereby made to the Renewable Energy and Sustainability Advisory Committee:

David Craig

Motion Passed.

(5-2, Plourde, Bates opposed)

11.E. Be it ordered that the following appointment is hereby made to the Renewable Energy and Sustainability Advisory Committee:

Kurt Adams

Motion Passed.

(7-0)

Adjourned at 10:25 PM

Respectfully submitted

Nathaniel J. Tupper

Town Manager, Acting Recording Clerk