

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

Meeting: 1 -20/21  
Date: July 15, 2021  
Time: 7:00 PM  
Place: Video Conference

**\*Coronavirus Note: Meeting was held by audio or video conference**

**1<sup>st</sup> Order of Business:** Roll Call of Members

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

P David Craig, 25 Madison Drive  
P April Humphrey, 277 East Main St  
P Heather Abbott, c/o 200 Main St  
P Michelle Cromarty 27 Summer Street  
A Timothy Shannon, 47 West Elm St  
P Randall Bates 30 Tannery Lane  
P Robert Waeldner, 141 Oakwood Drive

**2<sup>nd</sup> Order of Business:** Approval of the Minutes of Meeting 16-20/21 held June 10, 2021.  
**Approved by roll call 6-0 with amendments.**

**3<sup>rd</sup> Order of Business:** To open the meeting to a Public Comment period.

Leslie Hyde: 112 Pleasant St: Submitted a petition to Council regarding development & Comprehensive Plan.

Peter Fromuth: Endorsed petition regarding development.

**Item No.1:** To hear the reports of the Council Chair, committees, delegates, liaisons, and the Town Manager.

No Reports given

**Item No. 2:** To hold a public hearing and act upon issuance of a full-time malt spirituous and vinous liquor license to and a Special Amusement Permit to "Locally Sauced".

**Be it ordered** that issuance of a Special Amusement Permit and a full-time malt spirituous and vinous liquor license to "Locally Sauced" is hereby approved.

**Approved by roll call 6-0**

**Item No. 3:** To hold a public hearing and adopt a resolution endorsing the creation of the Casco Bay Trail as proposed by the Maine Trails Coalition.

**TOWN OF YARMOUTH RESOLUTION  
Request to MaineDOT for the Creation of a**

## **Rail Corridor Use Advisory Council for the Casco Bay Trail**

**WHEREAS**, the Casco Bay Trail network includes in its vision a 26-mile, disused rail corridor (hereinafter “Casco Bay and Royal River SLA Corridor”) from Portland to Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, currently known as the St Lawrence and Atlantic rail corridor, that was acquired by the State of Maine in 2007 and 2010; and

**WHEREAS**, the Casco Bay Trail Alliance, formed in 2019, created a vision, and is leading the effort, to convert the Casco Bay and Royal River SLA Corridor to a multi-purpose “trail-until-rail” to be included in an off-road multi-use trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

**WHEREAS**, the Casco Bay Trail network is part of a broader Maine Trail Plan issued by the Maine Trails Coalition in 2020, which calls for the construction of multiple specific rail-trail projects over the next decade, each of which would connect with existing multi-use trail infrastructure; and

**WHEREAS**, long-distance multi-use trails are a key recommendation of a 2010 report “Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections” by the Maine Dept. of Transportation, State Planning Office, Dept. of Conservation, and Center for Disease Control and Prevention; and

**WHEREAS**, a freight operator, Genesee and Wyoming, holds an operator easement, but is not currently operating freight service on the rail line; and

**WHEREAS**, the contract between MaineDOT and the Genesee and Wyoming freight company allows for the abandonment of the freight easement by November 2021; and

**WHEREAS**, abandonment of the freight easement will enable a decision-making process to be led by MaineDOT about the future best use of the Casco Bay and Royal River SLA Corridor; and

**WHEREAS**, it is recognized that some part of the rail corridor is potentially also suitable for future passenger rail service, but that a 2019 study commissioned by the Maine Department of Transportation (“Lewiston Auburn Passenger Rail Service Plan”) recommended that any future passenger rail between Portland and Lewiston-Auburn should avoid the Casco Bay and Royal River SLA corridor south of Yarmouth; and

**WHEREAS**, there is an alternative corridor that could also be used to extend passenger train service between Portland and Lewiston-Auburn that is still actively used by trains, including Amtrak, thereby allowing both public purposes, trains and trails; and

**WHEREAS**, it may be worthwhile for the Town of Yarmouth to express its interest in the Casco Bay and Royal River SLA Corridor to MaineDOT

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YARMOUTH ASSEMBLED THIS 15th DAY OF July 2021, THAT:**

The Yarmouth Town Council hereby petitions the Department of Transportation to:

1. accept the abandonment of the above-referenced freight easement,

2. to the extent the Department is considering any extension or amendment to the above-referenced freight easement, provide a notice-and-comment procedure to ensure that all voices are considered before granting a benefit at no cost to a single company, and

3. create a Rail Corridor Use Advisory Committee to consider future use of the Casco Bay and Royal River SLA Corridor as a multi-use “trail-until-rail.”

**Approved by roll call 6-0**

**Item No. 4:** To act upon a report and recommendation of the Committee of Energy Efficiency and Sustainability.

**Be it Ordered** that the recommendations of the Committee on Energy Efficiency and Sustainability (CEES) regarding a community solar farm project at Sligo Road is hereby accepted, and

Be it Further Ordered that the Town Manager is hereby authorized to work with CEES and the Town Attorney to:

- Exercise the Option to Purchase property at Sligo Road from CMP, and
- Enter into a lease agreement with EDPR for the construction and operation of a solar farm substantially consistent with the proposal submitted by EDPR and recommended by CEES, and
- Submit or authorize submission of all necessary state and local permits and approvals as may be required, and
- Take all other necessary and prudent actions as may be required to effectuate the transaction and project as reported to the Town Council by CEES.

**Approved by roll call 6-0**

**Item No. 5:** To hold a public hearing and act upon a proposed policy for remote participation in Town Council Meetings.

Councilor Craig moves to adopt the policy written by the Town Manager and circulated to us.

Councilor Bates – point of order regarding voting on the 29<sup>th</sup>.

David Craig withdraws his motion.

Open to discussion and takes Public Comment, no Public Comment.

Vote by roll call to have a Public hearing on the 29<sup>th</sup> and voting on a policy, 6-0

**Item No. 6:** To hold a public hearing and act upon an amendment to Chapter 701 of the Yarmouth Town Code (Zoning) regarding keeping of domesticated chickens.

The pending motion from June 10 (Councilor Cromarty):

Vote by HA – No, RB – No, DC – No, MC – No, RW – No, AH – No

0-6

AH motion to reconsider previous version of the chicken ord. that was 3-3, HA 2<sup>nd</sup>

Vote by HA – no, RB – NO, DC – No, MC – No, RW – NO, AH – Y  
1-5

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 701 of the Yarmouth Town Code (Zoning Ordinance) is hereby amended as follows:

Amend Chapter 701 (Zoning) to add the definition of “Hobby Chickens” and list it as a Permitted Use wherever “Farm Animals for Personal Use” is currently permitted:

- **Animal Husbandry:** Permits dairying, raising of livestock, breeding or keeping of animals, fowl or birds as a business or gainful occupation.
- **Farm Animals for Personal Use:** The keeping bovines, horses, birds, goats, sheep and other related animals for personal pleasure and/or consumption. This use shall not include “Hobby Chickens” as hereinafter defined.
- **Hobby Chickens:** The raising or keeping of up to six (6) domestic female chickens (Gallus gallus domesticus) on a single parcel of land accessory to residential use on the same parcel.

And amend the list of Permitted Uses and Special Exceptions for the various zones in Article IV to add Hobby Chickens as follows:

RR: Permitted Uses:

Already listed: “Farm Animals for Personal Use”

- Add: Hobby Chickens

RR: Special Exceptions:

Already listed: “Animal Husbandry”

LDR: Permitted Uses:

Already listed: “Farm Animals for Personal Use”

- Add: Hobby Chickens

LDR: Special Exceptions:

Already listed: “Animal Husbandry”

MDR: Permitted Uses:

Already listed: “Farm Animals for Personal Use on lots of 2 or more acres”

- Add: Hobby Chickens

MDR: Special Exceptions:

Already listed: “Farm Animals for Personal Use on lots of 2 or more acres”

RPD: Permitted Uses:

Already Listed: “Farm Animals for Personal Use (Planning Board Permit Required)”

- Add: Hobby Chickens

Commercial: Permitted Uses:

Already listed: “Farm Animals for Personal Use”

- Add: Hobby Chickens

Commercial II: Permitted Uses:

Already listed: “Farm Animals for Personal Use”

- Add: Hobby Chickens

**Defeated by roll call 0-6, Abbott, Bates, Cromarty, Craig, Humphrey, Waeldner**

**Councilor Humphrey makes a movement to reconsider a previous version of the Chicken Ordinance, 2<sup>nd</sup> by Councilor Abbott. Councilor Waeldner verifies they of revoting the last vote that was 3-3. Defeated by roll call 1-5, Abbott, Bates, Cromarty, Craig, Waeldner**

**Item No. 7:** To consider or schedule other Council initiatives and requests as may be offered or introduced.

*Councilor Bates: (1) Comments on the facilitation of public meetings regarding developments and is there an immediate way to address this issue prior to the comp. plan being completed.  
(2) We now have a registry for long and short term rentals – would like to readdress short term rental regulations and at least have a discussion on this.  
Councilor Humphrey: Look into a different program for online meetings for public participation.*

**Item No. 8:** To hold an Executive Session, if needed, including consideration of the recommendations of the Appointments Committee.

Councilor Waeldner moves to go into Executive Session for Appointment considerations Title 1 MRSA 405.6.a, (Appointments), Seconded by Councilor Cromarty. **Approved by roll call 6-0**

**Following the Executive Session the Council approved by Roll Call vote the following appointments for the committees and terms indicated: 6-0**

Cynthia Foss – Recycling Committee – 2023  
Tom Henninger & Stewart Hunt – Harbor & Waterfront – 2021 (TC agreed to increase to 7 even though ordinance provides for 5)  
Steve Morris – Affordable Housing Committee – bring members to 8 even though 7 authorized  
Nick Popoff – Program Advisory Committee – 2022  
Joseph Noel – Recycling Committee – 2023 (replace G. LaPorta)  
Vance Brown – Parks and Lands Committee – 2023 (replace R. Brimberg)

Meeting Adjourned at 8:45

Respectfully Submitted,

Jennifer Doten, Town Clerk