

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF
January 2, 2019

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The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday January 2, 2019 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley, and Tom Baron

Planning Board Absent: Brad Goodwin

Staff Present: Kathy Williams, Town Planner; and Mark Grylls, Building Commissioner

Guests: Christina Demetriou

Vice Chairman Tom Roche opened the meeting at 5:30 PM.

1. **Discussion on Potential Zoning Amendments for 2019 Annual Town Meeting:** The Planning Board reviewed the attached December 28, 2018 Memo and attachments from Kathy Williams, Town Planner, related to potential zoning amendments.

- a. **Accessory Dwelling Units:** Kathy Williams, Town Planner, reviewed the attached Draft #6, dated December 27, 2018 which included edits to allow for waivers to be issued by the ZBA through a Special Permit rather than a Variance; inclusion of a reference to other regulations that need to be met (i.e. State Building Code); and increasing the income eligibility of an affordable unit from 80% of median area income to 100%. The Board agreed with these changes. The Board also discussed the elimination of the proposed requirement for a washer/dryer hookup as it is already included in the plumbing code. The Board agreed to eliminate this reference (Item 407.2, paragraph 2 of Draft #6). Lastly, Kathy Williams noted that although the Draft did not include changing the name from Accessory Apartments to Accessory Dwelling Units, this could be done on a relatively universal basis.

Christina Demetriou provided comment on the accessory dwelling unit bylaw advocating for housing for the younger generation and older residents who can't afford a home, noting that rental units were needed. She felt repurposing existing buildings for housing was better than green field development and would like the Planning Board to make the process easier. Tom Roche provided a brief overview of the amendments being proposed to the accessory apartments bylaw that would make it easier to create an affordable unit, as well as expand the definition for family-related apartments.

- b. **Signage:** The Board briefly reviewed and discussed the attached Draft #5 of Section 303 – Signs, dated December 27, 2018 which eliminated any color requirements for LED lighting for electronic messaging centers. The Board requested no changes.
- c. **Entertainment:** The Board briefly reviewed the attached Draft #3 of Section 202.5 – Entertainment dated December 13, 2018 to eliminate the Zoning Special Permit requirement for entertainment in the B1/B2 zoning districts if an Entertainment License is obtained from the Board of Selectmen, and amend the definition of Temporary Outdoor Recreation to eliminate the 9 day maximum and be compatible with the concepts

anticipated for the former drive-in property by the Drive-In Site Utilization Committee. The Board requested no changes.

- d. Stormwater: The Board reviewed the attached Section 304 – Stormwater Regulations, Draft #1, dated December 10, 2018. The Board had miscellaneous questions on the purpose of the amendments and future changes to the Stormwater Regulations through a Public Hearing. Kathy Williams noted that these edits could be delayed until ATM 2020 and still meet the MS4 deadlines. After discussion, no changes to the draft were proposed by the Board.
 - e. Boat Storage: The Board reviewed the attached Section 401.1.2 – Recreation Equipment, Draft #3 dated December 27, 2018 which eliminated the reference to the boat being in a “driveway”. Tom Baron made a suggestion to add language referencing fire safety and Joanne Crowley suggested eliminating the reference to the United States Coast Guard and include the reference to a valid registration. After discussion, the Board agreed to these amendments.
 - f. VCOD Building Height: The Board briefly reviewed the attached Draft #1 of Section 414.6 – VCOD Building Height dated November 30, 2018 to exclude ancillary features such as chimneys, spires, cupolas, pediments, cornices, mechanical equipment, railings, antennas or other similar structures not intended for human occupation from the height limitations in VCOD VC2 only, and adding a maximum height of 4’ for such features. The Board requested no changes.
 - g. Articles: The Planning Board reviewed the proposed zoning amendments and how they could be broken down or combined into individual Articles. After reviewing the breakdown in the December 28th memo, the Board approved the following:
 - Zoning Article 1 - Accessory Dwelling Units
 - Zoning Article 2 – Signage: All sign edits including Definitions, electronic messaging centers, and drive-up menu signs
 - Zoning Article 3 – Entertainment: Edits to Use Table and addition of Note 51.
 - Zoning Article 4 – Boat Storage:
 - Zoning Article 5 – Miscellaneous Amendments:
 - Stormwater Regulations
 - VCOD Building Height
 - Revised Definition for Temporary Outdoor Recreation
 - Deleting Section 417 – Temporary Moratorium on Marijuana Establishments.
2. **Cape Cod Commission Regional Policy Plan (RPP) Update and Technical Bulletins**
Kathy Williams noted that the Commission extended the public comment period on the Technical Bulletins to January 13, 2019, with the Public Hearing on the Bulletins scheduled for January 10th. Staff is still reviewing the bulletins and plan on submitting a comment memo. Board members inquired about raising the Development of Regional Impact (DRI) thresholds. Kathy Williams noted that this is something that the Commission will look at next as part of amendments to the Enabling Regulations, but is not related to the RPP or Technical Bulletins. The Board also discussed the Growth Incentive Zone (GIZ) and the need for infrastructure, especially wastewater, to revise the GIZ.
3. **Meeting Minutes**:
- a. December 19, 2018: Vote deferred until next meeting as only three board members were present from the December 19th meeting.

4. **Board of Appeals Agenda & Decisions:** None.
5. **Committee Updates from Board Members:**
 - a. **Water Resources Advisory Committee (WRAC):** Lee Rowley noted that the WRAC is working on a public presentation to educate the public on the project, phasing, overall costs, revenue options and impacts to tax payers. The Board had a brief discussion on the need for wastewater, the Airbnb tax, length of the project and need to emphasize the impacts to the tax payer on an annual basis.
 - b. **Drive-In Site Utilization Committee (DISUC):** The DISUC will be meeting on January 14th to review the draft Interim Use Policy. The Committee completed the Community Preservation Act (CPA) application and met with numerous event planners to get a handle on site improvements needed for special events. There was a brief discussion on the name of the park and possible naming contest.
 - c. **Community Preservation Committee (CPC):** Tom Roche noted that the CPC approved the Riverwalk Park/Boardwalk application submitted by the DISUC, but they are looking into whether Open Space funding can be utilized.
6. **Board Member Items:**
 - a. Lee Rowley inquired as to whether better access management could be required along Route 28 to minimize turning movements and facilitate movements between properties without having to go onto Route 28. The VCOD does include curb cut reductions and requires rear interconnections between properties. However, property owners are reluctant to give up their curb cuts with numerous examples being discussed. Access management for new projects or redevelopment projects is done as part of the project review process (Design Review Committee, Site Plan Review & Zoning Board of Appeals Special Permits) and curb cut reductions have been achieved through this process.
 - b. Chris Vincent inquired about the status of the Parkers River Bridge. Kathy Williams noted that the project is nearing completion of the design, permitting and land acquisition process. The project is anticipated to go out to bid in April with construction starting after Labor Day 2019.
 - c. Joanne Crowley inquired about the status of the Route 28/North Main/Old Main intersection improvements, noting some of the comments from the public hearing. Recent perc tests have been conducted on the Town owned parking lot at the corner of Mill Lane for possible septic and drainage infiltration. Ms. Crowley also inquired on the status of the Bass River Bridge, including aesthetic improvements. Kathy Williams indicated she would work on getting an update from Jeff Colby, DPW Director.
7. **Correspondence:** Miscellaneous correspondence listed under Attachments were sent to the Planning Board via e-mail.
8. **Staff Updates:** None.
9. **Upcoming Meetings:**
 - a. January 16, 2019
 - b. February 6, 2019
10. **Adjournment: VOTE:** On a motion by Chris Vincent, seconded by Norm Weare, the Planning Board voted unanimously (6-0) to adjourn at 6:32 PM.

ATTACHMENTS:

- **January 2, 2019 Agenda**
- **Potential Zoning Amendments:** December 28, 2018 Memo from Kathy Williams, Town Planner, along with:
 - Section 407 – Accessory Apartments, Draft #6, dated December 27, 2018
 - Section 303 – Signs, Draft #5, dated December 27, 2018
 - Section 202.5 – Entertainment, Draft #3 dated December 13, 2018 (no changes)
 - Section 304 – Stormwater Regulations, Draft #1, dated December 10, 2018 (no changes)
 - Section 401.1.2 – Boat Storage, Draft #3 dated December 27, 2018
 - Section 414.6 – VCOD Building Height, Draft #1, dated November 30, 2018 (no changes)
- **Draft Minutes:** December 19, 2018
- **Miscellaneous Correspondence:**
 - Chapter 29 Simplified Waterways License – 206 Blue Rock Road
 - Barnstable Public Hearing Notice on Zoning Amendments January 4, 2019 related to signs in the Shopping Center Redevelopment Overlay District
 - Cape Cod Commission Public Hearing Notice on Technical Bulletins January 10, 2019

Approved on January 16, 2019:

On a motion by Tom Roche, seconded by Tom Baron, the Planning Board voted (4-0-1) to approve the meeting minutes of January 2, 2019, with Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor, and Brad Goodwin abstaining.