

Town of Yarmouth

**MINUTES OF THE PLANNING BOARD MEETING OF
February 20, 2019**

The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **February 20, 2019** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

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

Planning Board Absent: None

Staff Present: Kathy Williams, Town Planner; Mark Grylls, Building Commissioner; and Mary Waygan, Affordable Housing Administrator.

Others Present: See attached Sign-In Sheet.

Chairman Brad Goodwin opened the meeting at 5:31 PM.

1. **PUBLIC HEARING – Zoning Amendments for 2019 Annual Town Meeting:**

- a. **Hearing Opening:** Brad Goodwin, Planning Board Chairman, opened the public hearing at 5:32 PM.
- b. **Public Hearing Notice:** The attached public hearing notice was published in the Register on January 31, 2019 and February 7, 2019 and was entered into the record.
- c. **Written Comments:** The following attached written comments were accepted into the record:
 - 1) **Community & Economic Development Committee (CEDC) – February 11, 2019** Memo from Peter Q. Smith, Chairman, expressing support for the Planning Board Accessory Dwelling Unit amendment but urging the Board to look into removing the income cap criteria from the Bylaw before the Town Warrant is printed. The Committee also voted to express support for the Entertainment Article to expand outdoor entertainment.
- d. **Presentation on Zoning Article 1 – Accessory Dwelling Units:** Kathy Williams gave the attached PowerPoint presentation on the Accessory Dwelling Unit Amendments with the Chairman accepting comments after each Article:

Comments:

- **Mary Waygan, Affordable Housing Administrator:** Ms. Waygan noted that although the accessory apartment bylaw was expanded from family related to affordable units years ago, few units were created with only one on the Subsidized Housing Inventory. Discussed with the Affordable Housing Trust ways to relax restrictions to get more affordable units on line. She is here to assist in answering any questions.

- Steve DeYoung: Mr. DeYoung was in favor of the proposed changes noting the increase in lot size, allowing waivers through a Special Permit rather than Variance, increasing income eligibility to 100% median income, and elimination of the amnesty. He noted that the ZBA is seeing more requests for accessory apartments as we grapple with affordability issues.
- Jim Saben: Mr. Saben felt the rent limitations decreased the financial incentive to create accessory units. He noted that supply and demand works and as the supply increases, rents will stabilize and decrease. Mr. Saben indicated we need to address the supply side and felt the proposed changes would not address the housing issue and the difficulty in finding rental apartments. Mr. Saben proposed eliminating the rent caps and the income eligibility requirements.
- Ryan Castle: Mr. Castle indicated that the income certification requirement could fix someone in their job for fear of losing their housing if their income increases. Later in the meeting, Mary Waygan, clarified that the annual recertification is to ensure the tenant is still there and review the rental rates in the lease. No one is displaced or asked to leave based on the annual certification. Mr. Castle also noted that although some people may be making a reasonable wage and may not be income eligible, child care and student loan debt impact their ability to find affordable housing.
- Jan Hively: Ms. Hively noted there was a great deal of interest in accessory apartments at the 2017 Housing Forum. She noted that these type of units are essential for aging in place, especially if someone needs a care giver. She felt the amendments were excellent but noted that a stove may not be required. She also noted that the minimum lot size is less important for accessory units created within the existing structure, or in a second story, versus by expanding the footprint of the existing structure.
- Susan Brita: Ms. Brita spoke in opposition to the amendments. She felt these changes were substantial and felt there was a lack of data to show the existing system isn't working or that these changes would make a difference. She noted that changes shouldn't be made until the Town has sewers. She felt these amendments would reduce property values and negatively impact those who have bought into what they thought was a single family neighborhood. She felt the amendment should be tabled.
- Donata Restuccin: She noted that affordable housing is a human issue and not necessarily about data. Something needs to be done to help the elderly and homeless people and she is in favor of the bylaw change.

- e. **Presentation on Zoning Article 2 – Signage:** Kathy Williams gave the attached PowerPoint presentation on the proposed Signage Amendments:

Comments:

- Steve DeYoung: Mr. DeYoung commented on possibly including electronic messages on gas toppers. He also commented on how the rolling announcements on the DY electronic message board were distracting to motorists.

- f. **Presentation on Zoning Article 3 – Entertainment:** Kathy Williams gave the attached PowerPoint presentation on the proposed Entertainment Amendment:

Comments:

- Jim Saben: Mr. Saben confirmed that this amendment would not include the Bass River Golf Course.

- g. **Presentation on Zoning Article 4 – Boat Storage:** Kathy Williams gave the attached PowerPoint presentation on the proposed Boat Storage Amendment:

Comments:

- Susan Brita: Ms. Brita suggested charging a permit fee for boat storage in a driveway.
- Scott Ober: Mr. Ober recently purchased a boat. He noted that rules and regulations were only as good as enforcement. He had thought the proposed amendments would be more restrictive. He did not agree with charging a fee. Mr. Ober later commented on the boat length, noting that it could be limited to “trailerable” boats.
- Dick Martin: Mr. Martin agreed with a size limitation as there are some large boats in the community, suggested 35’. He thought boat storage could be visual pollution and noted that he puts his boat in storage.
- Jim Saben: Mr. Saben noted that he has a sail boat which can’t be put on a trailer like a motor boat. He noted there should be no fee for boat storage on your property and offered a length suggestion of 36’.
- Mike Laden (sp): He inquired as to whether this amendment applied to kayaks and canoes. Kathy Williams noted that these types of boats can be placed behind the front face of a dwelling without difficulty due to their small size.

- h. **Presentation on Zoning Article 5 – Miscellaneous Amendments:** Kathy Williams gave the attached PowerPoint presentation on various Miscellaneous Amendments:

Comments:

- Steve DeYoung: Mr. DeYoung noted that all the VCOD Villages could benefit from the height exclusion for ancillary features and not just VC2.

- i. **Closed Public Hearing:**

VOTE: On a motion by Norm Weare, seconded by Tom Roche, the Planning Board voted (7-0) to close the Public Hearing at 6:40 PM, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

2. **Planning Board Discussion on Public Hearing:**

- a. Accessory Dwelling Units (ADUs): The Planning Board reviewed the attached Draft #2, dated February 14, 2019 of the ADU Article which included edits from Town Counsel. Although the Planning Board discussed retaining the minimum lot size of 10,000 square feet and eliminating the need for a stove, no changes were made to these items. The Planning Board did decide to include a sunset clause of five years on the Affordable Accessory Dwelling Units and eliminate language referencing “low income”.

VOTE: On a motion by Chris Vincent, seconded by Joanne Crowley, the Planning Board voted (7-0) to accept Draft #2 of the ADU Article dated February 14, 2019, amended to eliminate the reference to “*low income households*” and to add a 5 year sunset clause on Affordable ADUs, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

- b. Signage: The Planning Board reviewed the attached Draft #1, dated January 8, 2019 of the Signage Article which included edits from Town Counsel. After discussion the Planning Board included provisions to allow electronic messages for gas prices only on top of gas pumps.

VOTE: On a motion by Tom Baron, seconded by Norm Weare, the Planning Board voted (7-0) to accept Draft #1 of the Signage Article dated January 8, 2019, amended to include the addition of gas pump toppers, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

- c. Entertainment: The Planning Board reviewed the attached Draft #1, dated January 8, 2019 of the Entertainment Article and had no proposed changes.

VOTE: On a motion by Norm Weare, seconded by Chris Vincent, the Planning Board voted (7-0) to accept Draft #1 of the Entertainment Article dated January 8, 2019, with no changes, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

- d. Boat Storage: The Planning Board reviewed the attached Draft #1, dated January 8, 2019 of the Boat Storage Article along with public comments on possibly setting a size limitation on the boat, and charging some type of fee. Ultimately the Planning Board proposed no changes.

VOTE: On a motion by Chris Vincent, seconded by Tom Roche, the Planning Board voted (7-0) to accept Draft #1 of the Boat Storage Article dated January 8, 2019, with no changes, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

- e. Miscellaneous Amendments: The Planning Board reviewed the attached Draft #1, dated January 8, 2019 of the Miscellaneous Amendment Article, along with the Public Hearing comment about extending the height exclusion for ancillary features to all the VCOD Villages, not just VC2.

VOTE: On a motion by Norm Weare, seconded by Chris Vincent, the Planning Board voted (7-0) to accept Draft #1 of the Miscellaneous Amendment Article dated January 8, 2019, amended to extend the height exclusion on ancillary features to all VCOD Villages, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

3. Article 44 – Repeal General Bylaw Chapter 171 – Subdivision of Land: After a brief review of the attached draft Article to repeal General Bylaw 171, the Board voted to recommend as follows:

VOTE: On a motion by Tom Roche, seconded by Chris Vincent, the Planning Board voted (7-0) to recommend Article 44 to repeal General Bylaw Chapter 171 – Subdivision of Land, with Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

4. **MVP Update:** Kathy Williams gave a brief update on the March 22, 2019 Municipal Vulnerability Preparedness (MVP) Workshop with all Planning Board members being invited.
5. **Meeting Minutes:**
 - a. **January 16, 2019:** On a motion by Tom Baron, seconded by Tom Roche, the Planning Board voted (5-0-2) to approve the meeting minutes of January 16, 2019 with Brad Goodwin, Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor, and Chris Vincent and Lee Rowley abstaining.
6. **Board of Appeals Agenda & Decisions:** Attached ZBA Agenda for February 14, 2019 sent via e-mail.
7. **Committee Updates from Board Members:**
 - a. **Capital Budget:** Joanne Crowley noted that the Capital Budget Committee is scheduled to meet with the Board of Selectmen on February 26, 2019 to present their recommendations.
 - b. **DISUC:** Tom Roche noted that the Drive-In Site Utilization Committee (DISUC) were discussing interim improvements for the Country Festival in July.
 - c. **WRAC:** Lee Rowley noted that the WRAC gave a presentation to the Board of Selectmen and are gearing up to go to various organizations, committees and boards to get information out on the wastewater program in anticipation for a Fall Special Town Meeting.
8. **Board Member Items:** Tom Baron noted the issuance of grant availability for Mass Rails Program, which may be applicable for bike paths in Yarmouth.
9. **Correspondence:** Miscellaneous correspondence listed under Attachments were sent to the Planning Board via e-mail.
10. **Staff Updates:** None
11. **Upcoming Meetings:**
 - a. February 27, 2019 at 5:00 PM
 - b. March 5, 2019 – Board of Selectmen
 - c. March 6, 2019
12. **Adjournment: VOTE:** On a motion by Norm Weare, seconded by Chris Vincent, the Planning Board voted unanimously (7-0) to adjourn at 7:47 PM with Brad Goodwin, Tom Roche, Chris Vincent, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

ATTACHMENTS:

- February 20, 2019 Agenda
- 2019 ATM Zoning Articles – Public Hearing:

- Sign-In Sheet
- Public Hearing Notice
- Written Comments: February 11, 2019 Memo from Peter Q. Smith, Chairman of the Community & Economic Development Committee (CEDC)
- PowerPoint Presentation: Zoning Amendments, February 20, 2019
- February 14, 2019 Memo from Kathy Williams, Town Planner including:
 - Summary of Zoning Amendments for 2019 Annual Town Meeting, updated January 16, 2019
 - Zoning Article 1 - Accessory Dwelling Units, Draft #2, dated February 14, 2019
 - Zoning Article 2 – Signage, Draft #1, dated January 8, 2019
 - Zoning Article 3 – Entertainment, Draft #1, dated January 8, 2019
 - Zoning Article 4 – Boat Storage, Draft #1, dated January 8, 2019
 - Zoning Article 5 – Miscellaneous Amendments, Draft #1, dated January 8, 2019
 - Repeal Article - General Bylaw Ch 171–Subdivision of Land, Draft #1, dated January 6, 2019
- Zoning Article Information Handouts for Public Hearing:
 - Summary of Zoning Amendments for 2019 Annual Town Meeting 01/16/19
 - Zoning Article 1 - Accessory Dwelling Units, Draft #1, dated 01/09/19
 - Redlines of Section 407 – Draft #7, dated 01/03/19
 - Zoning Article 2 – Signage, Draft #1, dated 01/08/19
 - Zoning Article 3 – Entertainment, Draft #1, dated 01/08/19
 - Zoning Article 4 – Boat Storage, Draft #1, dated 01/08/19
 - Zoning Article 5 – Miscellaneous Amendments, Draft #1, dated 01/08/19
- **Draft Meeting Minutes:** January 16, 2019
- **Miscellaneous Correspondence:**
 - Barnstable Planning Board Hearing Notice 012819
 - Barnstable Zoning Amendment Hearing 022519 – expand Residence C District
 - Barnstable Planning Board Hearing Notice 022519
 - Barnstable Town Council Public Hearing Notice 022819 – Regulatory Agreement
 - Cape Cod Regional Transportation Plan Online Survey e-mail 020619
 - Transmittal of information to CEDC 012419
 - Town of Dennis Zoning Changes Public Hearing 030419
 - Waterways License 82 Driftwood Lane
 - Letter from Richard Pitera regarding the Mattacheese Middle School Project
 - Letter from Brad Goodwin, Planning Board Chairman, responding to Mr. Pitera 020519
 - Cape Cod Commission Notification of 2020 Regional Transportation Plan Update Public Meetings.
 - Kathy Williams February 6, 2019 e-mail updating meetings with Finance Committee and CEDC.
 - Jeff Colby, DPW Director, update on Route 28/North Main/Old Main public meeting comments on town roads.
 - ZBA Agenda for February 14, 2019

Approved on May 1, 2019:

On a motion by Tom Roche, seconded by Chris Vincent, the Planning Board voted (6-0) to approve the meeting minutes of February 20, 2019 with Brad Goodwin, Tom Roche, Chris Vincent, Norm Weare, Joanne Crowley, and Tom Baron voting in favor.