

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF
February 27, 2019

The Yarmouth Planning Board held a Business Meeting at 5:00 p.m. on Wednesday February 27, 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 (at 5:25), Norman Weare, Lee Rowley, and Tom Baron

Planning Board Absent: Joanne Crowley

Staff Present: Kathy Williams, Town Planner

Guests: Susan Brita and unknown guest

YARMOUTH TOWN CLERK

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Chairman Brad Goodwin opened the meeting at 5:00 PM.

1. **Discussion on Potential Zoning Amendments for 2019 Annual Town Meeting:**

Brad Goodwin began the discussion with summarizing the attached written correspondence received after the Zoning Public Hearing on February 20, 2019, mostly related to the Accessory Dwelling Unit Article. The Board then reviewed the attached Revised Articles based on Board discussions held after the close of the Public Hearing

- a. Zoning Article 1 (Warrant Article 39) – Accessory Dwelling Units (Draft #4, dated February 26, 2019): The Board discussed the language added to the attached Draft Article regarding a sunset clause to the Affordable Accessory Dwelling Unit provision of the Bylaw. Kathy Williams, Town Planner, also noted the draft optional language that could limit the total number of building permits issued annually for the Affordable ADUs. The Board held a discussion on the two options, impacts of ADUs on resale value, need for more rental units due to seasonal economy and wages, and impacts of ADUs prior to sewers. Brad Goodwin also noted that the impetus for reviewing the ADU bylaws came from the Cape Cod Chamber, state senators and other groups like the Cape Cod Young Professionals. Ultimately, the Board members agreed to include the sunset clause, but not to limit the number of building permits.

VOTE: On a motion by Norm Weare, seconded by Tom Baron, the Planning Board voted (5-0) to recommend Zoning Article #1, as amended to eliminate restrictions on the number of building permits that can be issued for Affordable Accessory Dwelling Units, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley and Tom Baron voting in favor.

- b. Zoning Article 2 (Warrant Article 40) – Signage (Draft #4, dated February 25, 2019): The Board discussed the language added to the attached Draft Article regarding gas pump toppers. Kathy Williams recommended increasing the letter size from 4" to 8" based on a review of available products. Kathy Williams also briefly discussed Kate Feodoroff, Town Counsel's comment on setting an interval for toggling between date, time and temperature. After discussion, the Board agreed to increase the gas topper letters from 4" to 8", ensure the gas toppers do not include advertising by denoting gas prices **only** can be included, and felt there was no need to add interval limitations on time, date and temperature signs as the current language is adequate to prevent a flashing effect.

VOTE: On a motion by Norm Weare, seconded by Tom Baron, the Planning Board voted (5-0) to recommend Zoning Article #2, as amended to increase gas pump topper letter sizes from 4" to 8" and to include the word "only" to clarify that gas pump toppers may denote gas prices only, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley and Tom Baron voting in favor.

- c. Zoning Article 3 (Warrant Article 41) – Entertainment (Draft #2, dated February 21, 2019): The Board briefly reviewed the attached Draft Article, which was not changed from the Public Hearing.

VOTE: On a motion by Tom Roche, seconded by Norm Weare, the Planning Board voted (5-0) to recommend Zoning Article #3, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley and Tom Baron voting in favor.

- d. Zoning Article 4 (Warrant Article 42) – Boat Storage (Draft #2, dated February 21, 2019): Chris Vincent arrived at 5:25 at the start of the discussion on this Article. The Board briefly reviewed the attached Draft Article, which was not changed from the Public Hearing. The Board discussed the comments from the Public Hearing. Tom Baron noted that some of the attached correspondence also commented on boat storage, specifically that the Article was making something legal instead of a violation. He noted that the Board discussed this and that was the intent of the Article. Brad Goodwin concurred, noting that the Article was to assist the Building Department who spends resources chasing this issue. Kathy Williams agreed, noted that staffing was tight and the Building Department needed to concentrate their efforts on Building Code enforcement and public safety.

VOTE: On a motion by Norm Weare, seconded by Tom Baron, the Planning Board voted (6-0) to recommend Zoning Article #4, with Brad Goodwin, Tom Roche, Chris Vincent, Norm Weare, Lee Rowley and Tom Baron voting in favor.

- e. Zoning Article 5 (Warrant Article 43) – Miscellaneous Amendments (Draft #3, dated February 22, 2019): The Board briefly reviewed the attached Draft Article which included extending the height exception for ancillary structures to all of the four Villages in the Village Centers Overlay District (VCOD) and increasing the maximum height of such structures from 4' to 8'.

VOTE: On a motion by Lee Rowley, seconded by Norm Weare, the Planning Board voted (6-0) to recommend Zoning Article #5, with Brad Goodwin, Tom Roche, Chris Vincent, Norm Weare, Lee Rowley and Tom Baron voting in favor.

- f. Board of Selectmen Meeting: The Board briefly discussed the attached Draft Memo to the Board of Selectmen and the presentation for the Selectmen. The Board opted to have the Memo come from the Town Planner and that no powerpoint presentation was necessary.

2. **Moving, Recommending and Explaining Articles:** After limited discussion, the Board agreed by consensus to the following:

- a. **Zoning Article 1 - ADUs:** To be moved/recommended/explained by Tom Baron
- b. **Zoning Article 2 – Signage:** To be moved/recommended/explained by Norm Weare
- c. **Zoning Article 3 – Entertainment:** To be moved/recommended/explained by Chris Vincent.
- d. **Zoning Article 4 – Boat Storage:** To be moved/recommended/explained by Brad Goodwin.
- e. **Zoning Article 5 – Misc. Amendments:** To be moved/recommended/explained by Tom Roche.

Kathy Williams noted the need for development of Explanations and encouraged the Board members with assigned Articles to develop draft Explanations for discussion in the March meetings. Tom Baron had started a draft Explanation for the Accessory Dwelling Unit Article.

3. **Meeting Minutes:** None:
4. **Board of Appeals Agenda & Decisions:** Attached ZBA agenda for February 28, 2019 sent to Planning Board members via e-mail.
5. **Committee Updates from Board Members:** None.
6. **Board Member Items:** None.
7. **Correspondence:** Miscellaneous correspondence listed under Attachments were sent to the Planning Board via e-mail.
8. **Staff Updates:**
 - a. **ADU FAQ:** The Planning Board agreed to have staff work up a list of Frequently Asked Questions (FAQ) for the Accessory Dwelling Unit (ADU) Article to help educate the public about the existing Accessory Apartment bylaw and the proposed amendments.
9. **Upcoming Meetings:**
 - a. March 5, 2019 – BOS
 - b. March 6, 2019
 - c. March 20, 2019
10. **Adjournment: VOTE:** On a motion by Norm Weare, seconded by Brad Goodwin, the Planning Board voted unanimously (6-0) to adjourn at 5:50 PM.

ATTACHMENTS:

- **February 27, 2019 Agenda**
- **Potential Zoning Amendments:**
 - Draft February 28, 2019 Memo to Board of Selectmen
 - Article 39 –Accessory Dwelling Units, Draft #4, dated February 26, 2019; and Redlines if Section 407 Draft #9, dated February 26, 2019
 - Article 40 – Signage, Draft #4, dated February 25, 2019; and Page 7 of 16 of Redline of Section 303 with Town Counsel Comment
 - Article 41 – Entertainment, Draft #2, dated February 21, 2019
 - Article 42 – Boat Storage, Draft #2, dated February 21, 2019
 - Article 43 – Miscellaneous Amendments, Draft #3, dated February 22, 2019
 - Article 44 – General Bylaw 171 – Subdivision of Land Repeal, Draft #2, dated February 21, 2019
- **E-mail Correspondence Received after Public Hearing:** Anne Monaldo, 2/20/19; Bob Griffin, 2/21/19; Betc McNamara, 2/20/19; Constance Brady, 2/22/19; Elizabeth Powell, 2/26/19; Frank Averill, 2/21/19; Fred Keach, 2/23/19; Joan Carr, 2/21/19; Jan Hively, 2/21/19; Jim Saben, 2/21/19; Kathy DiTrapano, 2/24/19; Meg McNamara 2/21/19; Paul Cove 2/21/19; Peggy Sheridan, 2/22/19; Richard Bevilacqua, 2/21/19; Susan Brita, 2/25/19 and Tom Hughes, 2/21/19.
- **Miscellaneous Correspondence:**
 - Responses to February 21, 2019 e-mail from Bob Griffin regarding ADUs
 - ZBA Agenda for February 28, 2019

Approved on March 6, 2019:

On a motion by Brad Goodwin, seconded by Norm Weare, the Planning Board voted (5-0-1) to approve the meeting minutes of February 27, 2019 with Brad Goodwin, Tom Roche, Norman Weare, Lee Rowley, and Tom Baron voting in favor, and Joanne Crowley abstaining.