

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF
March 6, 2019

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday March 6, 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, Norman Weare, Lee Rowley, Joanne Crowley, and Tom Baron

Planning Board Absent: Chris Vincent

Staff Present: Kathy Williams, Town Planner; Rick Kelley, Highway Superintendent; and Michael White, Yarmouth Tree Warden

Guests: Robin Wilcox, Sweetser Engineering, Bob Churchill, and Isabella Howells

Chairman Brad Goodwin opened the meeting at 5:30 PM.

1. **JOINT PUBLIC HEARING ON SCENIC ROAD APPLICATIONS & PUBLIC SHADE TREES:** Reviewed two Applications submitted by the Yarmouth Highway Department to remove an approximately 32" White Ash tree within the road right-of-way in front of 290 Old Main Street and an approximately 30" White Ash tree within the road right-of-way in front of 86 River Street in South Yarmouth. Old Main Street and River Street are Scenic Roads.
 - a. **Public Hearing Opened:** Brad Goodwin entered the attached Public Hearing Notice into the record.
 - b. **Presentation:** Michael White, Yarmouth Tree Warden, gave a brief presentation on the proposal and the risk assessment he conducted on the two trees, with the tree at 290 Old Main Street receiving a 9 out of 12 and the tree at 86 River Street receiving a 7 out of 12. No corrective action is possible for the tree at 290 Old Main. The tree at 86 River Street would need pruning of the entire crown to eliminate decay which would result in eventual failure of the tree.
 - c. **Written Comments:** Kathy Williams noted the attached letter received from Bob Churchill in favor of the removal of the tree at 86 River Street.
 - d. **Planning Board:** With limited discussion, the Board voted as follows:

VOTE: On a motion made by Tom Baron and seconded by Norm Weare, the Planning Board voted (6-0) unanimously to approve the removal of one approximately 32" White Ash tree within the road right-of-way (ROW) in front of 290 Old Main Street and one approximately 30" White Ash tree within the road ROW in front of 86 River Street in South Yarmouth due to their deteriorated state and the concern for public safety, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

e. **Public Hearing Closed:**

VOTE: On a motion made by Tom Roche and seconded by Lee Rowley, the Planning Board voted (6-0) unanimously to close the Public Hearing at 5:38 PM, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

2. **Approval Not Required Plan (ANR) #2591A:** – Owner Peter Wrisley and Applicant Timothy Chapasko, 589 West Yarmouth Road, West Yarmouth, MA, Assessor's Map 86, Parcel 5, R40 Zoning District. The ANR Plan divides the existing lot into two lots, Lot 7A & Lot 7B.

Robin Wilcox of Sweetser Engineering gave a brief presentation of the project, noting that previous title issues noted in ANR Plan 2591 have been resolved. Tom Baron noted that the current property owners are also neighbors of his, but he has had no discussion on this ANR Plan with his neighbor.

VOTE: On a motion made by Tom Roche and seconded by Norm Weare, the Planning Board voted (5-0-1) to endorse ANR Plan #2591A, dated February 4, 2019, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, and Joanne Crowley voting in favor, and Tom Baron abstaining.

3. **Discussion on Zoning Amendments and Articles for 2019 Annual Town Meeting:**

- a. **Short Explanations:** Kathy Williams briefly reviewed the attached Draft of the Short Explanations that are now being included in the Warrant. This is something new to help Town Residents better understand the Articles prior to Town Meeting. Brad Goodwin asked the Board Members to review and get any proposed changes back to Kathy Williams.
- b. **Board of Selectmen Meeting:** The Board discussed the March 5, 2019 meeting on the zoning amendments with the Board of Selectmen (BOS). The BOS recommended all the zoning amendments, except for Article 42 – Boat Storage, which they voted to Not Recommend. Although the BOS recommended Article 39 – Accessory Dwelling Units, they did include a condition that the Planning Board conduct a review with the BOS prior to the Fall 2020 Town Meeting. Kathy Williams noted that Town Staff is working on a Frequently Asked Questions for the Accessory Dwelling Unit amendment for review by the Planning Board at the next meeting.

Kathy Williams summarized the attached March 6, 2019 e-mail from Mark Grylls, Building Commissioner, regarding Article 42 – Boat Storage. In his e-mail, he recommended withdrawing the Article at this time, giving us opportunity to give this change further thought and review the feedback received. After limited discussion, the Planning Board voted as follows:

VOTE: On a motion made by Brad Goodwin and seconded by Tom Roche, the Planning Board voted (6-0) unanimously to Withdraw Article 42 – Boat Storage, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

4. **Meeting Minutes:**
 - a. **February 27, 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.
5. **Board of Appeals Agenda & Decisions:** Attached ZBA Decisions sent to Planning Board members via e-mail.
6. **Committee Updates from Board Members:**
 - a. **Capital Budget Committee (CBC):** Joanne Crowley noted that the Capital Budget Committee met with the Board of Selectmen and discussed the free cash requests, some of which were capital budget in nature (Senior Center Restrooms) and also requested the CBC's provide input on all the proposed Free Cash grants. The CBC will be back before the BOS for their final presentation on March 19th.
 - b. **Community & Economic Development Committee (CEDC):** Norm Weare noted that the CEDC was working on their budget and also discussing placing caps on event requests. He noted that the CEDC sent a letter to the Board of Health stating they were not in favor of expanding the ban on flavored tobacco or a new ban on electronic-cigarette devices.
 - c. **Drive-In Site Utilization Committee (DISUC):** Tom Roche noted that the Board of Selectmen approved the Entertainment and Alcohol Licenses for the Country Festival scheduled for July 20th and 21st at the former Drive-In Site. The CEDC also voted Tourism Revenue Preservation Funds to remove the mulch pile and move the boulders on the site to provide large event space.
7. **Board Member Items:** None
8. **Correspondence:** Miscellaneous correspondence listed under Attachments were sent to the Planning Board via e-mail.
9. **Staff Updates:**
 - a. Kathy Williams noted that the Regional Policy Plan Update was approved on February 22, 2019. The Commission will move onto amendments related to the Local Comprehensive Plan.
 - b. Kathy Williams gave a brief update on the Parkers River Bridge. Town Staff, consultant Louis Berger Group and MassDOT are working with our other project partners to resolve some outstanding design issues with the hopes of going out to bid by mid-May and starting construction after Labor Day.
10. **Upcoming Meetings:**
 - a. March 20, 2019
 - b. April 3, 2019
11. **Adjournment: VOTE:** On a motion by Tom Roche, seconded by Norm Weare, the Planning Board voted unanimously (6-0) to adjourn at 6:10 PM.

ATTACHMENTS:

- **March 6, 2019 Agenda**
- **Joint Public Hearing Scenic Road Applications:** March 1, 2019 Memo from Kathy Williams, Town Planner, along with the following:
 - Joint Public Hearing Notice
 - Scenic Road Application for 290 Old Main
 - Scenic Road Application for 86 River Street
 - February 27, 2019 Letter from Robert Churchill in support of the tree removal in front of 86 River Street.
- **ANR 2591A:** March 1, 2019 Memo from Kathy Williams, Town Planner, along with Form A and ANR Plan # 2591A
- **Draft Minutes:** February 27, 2019
- **Zoning Amendments:**
 - March 6, 2019 e-mail from Mark Grylls, Building Commissioner, regarding Article 42 – Boat Storage
 - Draft of Short Explanations for ATM Warrant
 - Article 39 – ADU PowerPoint Slides from BOS meeting
- **E-mail correspondence regarding the zoning amendments sent to the Board of Selectmen and forwarded to the Planning Board:** Susan Brita, March 4, 2019 on ADU; Susan Brita, March 5, 2019 on Boat Storage; Betc McNamara, March 4, 2019; and Sharon Bryan, March 5, 2019
- **Miscellaneous Correspondence:**
 - ZBA Decisions 4784, 4785, 4786, 4788, 4789, & 4791
 - Notification of adoption of Cape Cod Commission Regional Policy Plan Five Year Update

Approved on March 20, 2019:

On a motion by Norm Weare, seconded by Joanne Crowley, the Planning Board voted (5-0) to approve the meeting minutes of March 6, 2019 with Brad Goodwin, Tom Roche, Norm Weare, Joanne Crowley, and Tom Baron voting in favor.