

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF July 17, 2019

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday July 17, 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.

YARMOUTH TOWN CLERK

Planning Board Absent: Chris Vincent

Staff Present: Kathy Williams, Town Planner

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Guests: Kieran Healy, BSC Group; and Diane Pratt.

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

1. **PUBLIC HEARING - Petition #114:** Owner/applicant YM Owner LLC, 1264 Main Street Waltham MA 02451, seeks relief under Zoning Bylaw Section 404 - Motel Bylaw for property located at 881 Route 28, South Yarmouth MA, Map 41, Parcel 48, Zoning Districts B2 and HMOD1. The applicant seeks relief through a Special Permit from Zoning Bylaw Section 404.1.11 to reduce the front yard setback for Building "A" located along Route 28 from 25' to approximately 22.9' due to the construction of the front porch roof within the front yard setback.
 - a. **Hearing Opening and Public Notice:** Brad Goodwin opened the public hearing at 5:31 PM noting the attached public hearing notice. The meeting was properly noticed in the Register and sent to interested parties.
 - b. **Presentation:** Kieran Healy of BSC Group, representing the owner/applicant, gave an overview of the requested relief. He noted that the roof of the front porch along Route 28 was constructed approximately 2' into the front yard setback due to an oversight. Although the zoning bylaw allows for eaves to project into the front yard setback by 24 inches, this part of the roof was deemed by the Building Commissioner to be more structural in nature, resulting in the need to seek relief. He noted the aesthetic benefits of the porch as constructed and noted that the posts and concrete pad are outside the setback with only the roof overhang within the setback.
 - c. **Public Comments:** Diane Pratt, 6 Nantucket Avenue, inquired as to how the project had been approved originally. Kathy Williams noted that the project as originally permitted met the zoning bylaw and permits were issued by the Building Commissioner as a by-right project. Ms. Pratt expressed concerns about the front building being so close to Route 28 and safety of the children living there, traffic impacts and impacts from people walking through the neighborhood. Brad Goodwin noted that these issues were outside of the purview of the requested relief and asked if she had any specific issues with the porch itself. Ms. Pratt stated that she had no issues with the looks of the porch as constructed, but felt it should not be allowed because it was done in error.

- d. **Public Hearing Closed: VOTE: On a motion by Norm Weare, and seconded by Tom Roche, the Board voted (6-0) to close the public hearing at 5:40 PM with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.**
- e. **Planning Board Comments:**
- 1) **Tom Roche:** Mr. Roche noted that it was an unfortunate situation, but that it was not intentional. He felt the porch roof breaks up the mass of the building and the requested relief meets the Special Permit criteria. He has no issue with granting the requested relief.
 - 2) **Norm Weare:** Mr. Weare noted that the porch looks good and should be allowed.
 - 3) **Lee Rowley:** Mr. Rowley felt the porch was pleasing to look at and the 2' impact was not significant as there was still a 23' setback.
 - 4) **Joanne Crowley:** Ms. Crowley was fine with the requested relief.
 - 5) **Tom Baron:** Mr. Baron also had no issue with the requested relief.
- f. **Planner Comments:** Kathy Williams briefly reviewed the attached Staff Memo dated July 12th, specifically noting the findings outlined in the Memo regarding the reasons why the proposed relief meets the Special Permit Criteria. By consensus, the Board was in agreement with the rationale provided, which will be incorporated into the Decision.
- g. **Planning Board Vote: VOTE: On a motion by Tom Roche, and seconded by Norm Weare, the Board voted unanimously (6-0) to grant the relief requested in Special Permit Petition #114 for the reduction in the front yard setback for Building "A" located along Route 28 from 25' to approximately 22.9' due to the construction of the front porch roof within the front yard setback, as it does not create undue nuisance, hazard or congestion and that there will be no substantial harm to the established or future character of the neighborhood or Town.**
2. **Draft Cape Cod Commission (CCC) Local Comprehensive Plan (LCP) Regulations:** Kathy Williams noted that she had provided comments on an earlier draft version which were incorporated into the current Draft and she would not be providing further comment, although the Planning Board was welcome to do so. She gave an overview of the Draft LCP Regulations and Guidelines to the Planning Board. The intent of the changes are to simplify the process to make it easier for communities to develop a CCC Certified LCP that is consistent with the new Regional Policy Plan (RPP) and placetypes. The simplified process includes use of a general LCP Template, less technical analysis, more reliance on other existing plans, and a less complicated approval process (although Public Hearing and Town Meeting approval are still required). A Capital Infrastructure and Facilities Plan is necessary to show there is adequate existing, or plans for infrastructure to meet the proposed growth outlined in the LCP. Certification approval allows for modifications to the DRI thresholds, including Chapter H and GIZ, as well as being required for Towns to participate in Development Agreements and charge Impact Fees. The \$20,000 authorized for visioning at the 2019 ATM will assist in the visioning process this fall which could be more of a check-in tour to review work done to date and projects in the works to see if we are on the right track.

The Planning Board had a lengthy discussion on Yarmouth's LCP and the need for the LCP to be a priority with the Board of Selectmen with a set work plan to get this accomplished over the next couple years. This would require setting priorities to dedicate staff time as well as the potential for hiring consultants. Kathy Williams noted that a reasonable goal for the next year could be the Visioning and development of a Vision Statement. This could be done in connection with the \$20,000 funding from ATM. Briefing the BOS on the Planning Board's interest in moving the LCP forward could be done in conjunction with the Final LCP Regulations.

3. **Meeting Minutes:**
 - a. **June 5, 2019 – Annual Town Meeting:** On a motion by Norm Weare, seconded by Tom Baron, the Planning Board voted (5-0-1) to approve the meeting minutes of June 5, 2019 with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley and Tom Baron voting in favor, and Joanne Crowley abstaining.
4. **Board of Appeals Agenda & Decisions:** Attached ZBA Agendas sent to the Planning Board members via e-mail.
5. **Committee Updates from Board Members:**
 - a. **Community Housing Committee (CHC):** Tom Baron noted the sale of the Captain Gladcliffe which resulted in getting the project into compliance with regard to affordable rentals.
 - b. **Water Resource Advisory Committee (WRAC):** Lee Rowley noted that the WRAC is giving presentations to various organizations to help inform the public leading up to the fall Special Town Meeting. The WRAC is working on their request for Articles on the Warrant. Mr. Rowley noted that the Tri-Town Agreement is with the legislature and will need to come back to each town for Town Meeting approval. The WRAC will also recommend to the BOS on Phase 1 and how to pay for it. They met with the Community & Economic Development Committee (CEDC) who are supportive. Kathy Williams noted that there will likely be a variety of bylaws that regulate wastewater and development (sewer bylaw, health regulations and zoning). The existing opportunities in our Zoning Bylaw may ultimately need to be scaled back to better control growth.
6. **Board Member Items:**
 - a. Brad Goodwin noted that this would be the last Planning Board meeting for Norm Weare whose term expires on July 31, 2019. He noted Norm's standing record for the shortest meeting, his years as Chairman and that he would be missed. Norm expressed his enjoyment serving on the Planning Board since 2009. Joanne Crowley expressed her appreciation for the great resource he has been to her when she was a new Board member. Kathy Williams noted that Norm was on the selection committee for Town Planner and that she was grateful for being chosen as Yarmouth's Planner. Brad noted that Norm is the Planning Board representative to the Community & Economic Development Committee (CEDC) and that a new representative would need to be chosen.
7. **Correspondence:** Attached correspondence sent to the Planning Board via e-mail.
8. **Staff Updates:** Kathy Williams noted that the Cape Cod Commission will be conducting a Workshop on Bike Path Connectivity between the Cape Cod Rail Trail (CCRT) and the former drive-in property at 669 Route 28.
9. **Upcoming Meetings:**
 - a. August 7, 2019
 - b. August 21, 2019
10. **Adjournment: VOTE:** On a motion by Norm Weare, seconded by Tom Roche, the Planning Board voted unanimously (6-0) to adjourn at 6:32 PM.

ATTACHMENTS:

- July 17, 2019 Agenda
- Petition 114 – Yarmouth Commons 881 Route 28: July 12, 2019 Staff Report with attachments:
 - Public Hearing Notice
 - Special Permit Application

- Photos of Porch
- Phase I As-Built Plan
- **Draft Local Comprehensive Plan Regulations**
 - Public Hearing Notice July 25, 2019
 - Draft Local Comprehensive Plan Regulations dated 6/17/19
 - Local Comprehensive Plan Guidance – Frequently Asked Questions
- **Draft Minutes:** June 5, 2019
- **Miscellaneous Correspondence:**
 - ZBA Agendas for June 27, 2019 & July 11, 2019
 - Roadway Banner Project Memo from Kyle Pedicini dated July 10, 2019
 - Town of Dennis Legal Notice June 24, 2019
 - Cape Cod Commission Notifications on Draft 2020 Transportation Plan and Cape Cod Smart Transportation Week

Approved on August 7, 2019:

On a motion by Tom Baron, seconded by Joanne Crowley, the Planning Board voted (4-0) to approve the meeting minutes of July 17, 2019 with Tom Roche, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.