

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
August 17, 2022

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **August 17, 2022** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Chris Vincent, Susan Brita, Jim Saben, Joanne Crowley, and Will Rubenstein

Planning Board Absent: Brad Goodwin

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

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:33. Planning Board members were in-person, except Will Rubenstein who was remote. All votes were roll call votes.
2. **Zoning Amendments for Special Town Meeting (STM):** Discussion on minor housekeeping amendments to the VCOD Overlay District for fall town meeting.

Joanne Crowley gave a brief introduction to proposed zoning amendments for Section 414-VCOD. She noted that although the Planning Board was not planning on having any zoning amendments for the fall Special Town Meeting, some amendments are being proposed after reviewing the Riverwalk Park project and municipal Pump Station which are located in FEMA Flood Zones.

Kathy Williams gave an overview of the attached August 16, 2022 outlining 10 potential minor amendments to the VCOD based on experience from a handful of VCOD projects, the 2014 update to the FEMA Flood Insurance Rate Maps, updated building code, and review of upcoming projects.

- a. **414.6.1 – Building Height, Note (A) - Placement of Fill:** The Planning Board discussed the proposed modification allowing for further flexibility in filling sites more than 4' within FEMA Flood Zones by requiring a permit from the Building Commissioner per the existing zoning bylaw Section 302.1, rather than requiring a variance in the VCOD. After a general discussion, the consensus of the Board was to move forward with the amendment as proposed.
- b. **Section 414.6.3 – Table of Dimensional Requirements:** The Planning Board discussed increasing the maximum front yard setback in the VC1 for 20' to 25' for projects located within a FEMA Flood Zone. In flood zones, there may be larger grade changes from the sidewalk to the first floor elevation and having a greater distance would be helpful. After a general discussion, the consensus of the Board was to move forward with amending the maximum front yard setback to 25' in the VC1 for projects located within a FEMA Flood Zone.
- c. **Section 414.8. – VCOD Design Standards:** The Planning Board discussed allowing more flexibility in complying with the VCOD Design Standards by allowing for the Board to waive certain design standards within Section 414.8 and within the Architectural and Site Design Standards. After a general discussion, the consensus of the Board was to move forward with the change, but rewording it to allow waivers if they substantially adhere to the intent and purpose of the bylaw, and to obtain input from Town Counsel on whether there are any issues with allowing this through the VCOD SPR process. Susan Brita also mentioned inquiring of Town Counsel whether a supermajority (rather than the current majority) could be required when waivers are given to the design standards, although not all Board members were in favor of requiring a supermajority.

- d. **Section 414.8.1.4 – Sidewalks along Route 28:** The Planning Board discussed modifications to the requirement for construction of a sidewalk along the entire Route 28 frontage of VCOD projects and whether that makes sense for properties where there is an existing sidewalk, and whether the type of sidewalk needs to be so specifically defined. After a general discussion, the consensus of the Board was to amend this section to require 6' sidewalks where no sidewalks currently exist, to require the project to accommodate a future 6' sidewalk on their property if a sidewalk exists (allowing for future expansion of the road layout) and to not specify the type of sidewalk as this is often governed by MassDOT.
 - e. **Section 414.8.4.3 – Entranceways:** The Planning Board discussed applicability of this section for non-commercial projects (i.e. public restrooms, pump stations) which would not have shop windows and other displays on the street level. After a general discussion ensuring that there would still be street front entrances and no blank walls, the consensus of the Board was to amend this section to refer to commercial uses.
 - f. **Section 414.8.6 – Dormers, Paragraph 1:** The Planning Board discussed the requirement for dormers on pitched rooflines, and that other architectural elements such as cupolas may also be appropriate, especially on smaller buildings. After a general discussion, the consensus of the Board was to specify the use of dormers or other architectural elements on pitched roofs of 50' or more in length.
 - g. **Section 414.8.7 – Roofline Articulation, Paragraph 1:** The Planning Board discussed the different type of rooflines allowed in each of the villages. After a general discussion, the consensus of the Board was to allow all the types of rooflines listed in all the villages, including hip roofs and adding language about hiding equipment on flat roofs.
 - h. **Section 414.8.9.3 – Buffers, Paragraphs b and f:** The Planning Board discussed buffer requirements when properties abut residential zoning districts which require an opaque screen which may not be appropriate for properties along Parkers River. After a general discussion, the consensus of the Board was to allow for breaks in the buffers to provide water access or views.
 - i. **Section 414.7.11 – Signage, Paragraph 10:** The Planning Board discussed the reference to free standing monument or structured signs that are not allowed in the VC1. After a general discussion, the consensus of the Board was to eliminate the section related to free-standing monument signs. The Board also had a brief discussion on murals and public art which may need future zoning amendments to allow them.
 - j. **Section 414.6.4 – Dimensional Relief:** The Planning Board discussed allowing more relief to be given via Special Permit rather than requiring a Variance for even minor deviations. After a general discussion, the consensus of the Board was to allow all relief via Special Permit, except for building height and maximum front yard setback, which would require a Variance. No use Variances are allowed in the VCOD.
3. **Meeting Minutes:**
 - a. **August 3, 2022:** On a motion by Susan Brita, and seconded by Jim Saben, the Planning Board voted (4-0-1) to approve the meeting minutes of August 3, 2022, with Jim Saben, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor, and Chris Vincent abstaining.
 4. **Board of Appeals Agenda & Decisions:** The attached ZBA Agenda and Decisions were sent to the Planning Board via e-mail.
 5. **Committee Updates from Board Members:**
 - a. **School Building Committee:** Will Rubenstein noted that the middle school project is still on schedule with the move in date being in January. He also noted the traffic signal on Station Avenue was being installed.

- b. **Library Planning Committee:** Will Rubenstein noted that the LPC will be meeting with Assistant Town Administrator Bill Scott in the coming weeks to discuss a community needs assessment for the Library.
 - c. **Water Resources Advisory Committee (WRAC):** Joanne Crowley indicated the WRAC met on August 15th with CDM-Smith and Wright Pierce to review the type of treatment for the Water Resource Recovery Facility (WRRF) and ultimately voted to go with the recommendation of the consultant, OPM and Town Staff to utilize Sequencing Batch Reactors (SBRs). This type of treatment allows for more flexibility for treating our varying wastewater flows throughout the year. The SBRs were chose over Membrane Bioreactors (MBRs). She also noted that Phase 1 will be broken up into six (6) contracts. The WRAC will also be conducting public outreach session this fall.
6. **Board Member Items:** Joanne Crowley noted the July 26th e-mail received from Donald Almonte regarding a proposed house on Crow Street and the issue of redevelopment of small cottages into larger homes on small lots. Kathy Williams indicated Mr. Almonte had left her a voice message. Chris Vincent noted that the bylaw already includes setbacks and building coverage requirements. Joanne Crowley requested to be kept up to date on further discussions with Mr. Almonte. Susan Brita inquired about the recent discussions regarding recreational marijuana. Joanne Crowley noted that the Community & Economic Development Committee (CEDC) was gathering data on the topic, with Jim Saben indicating that the CEDC may provide a recommendation to the Board of Selectmen.
 7. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.
 8. **Staff Updates:** None
 9. **Upcoming Meetings:**
 - a. September 7, 2022: Continued Public Hearing for Def Subdivision/Special Permit
 - b. September 21, 2022
 10. **Adjournment: VOTE:** On a motion by Susan Brita, seconded by Chris Vincent, the Planning Board voted unanimously (5-0) to adjourn at 7:25 PM.

ATTACHMENTS:

- **August 17, 2022 Agenda**
- **STM Zoning Amendments:** August 16, 2022 Memo from the Town Planner
- **Draft Minutes:** August 3, 2022
- **Miscellaneous Correspondence:**
 - ZBA Agenda 8/11/22
 - ZBA Decisions 4962, 4965, 4966, 4967, & 4968
 - Conservation Commission Agenda for 8/18/22

Approved on September 7, 2022:

On a motion by Jim Saben, and seconded by Will Rubenstein, the Planning Board voted (4-0-1) to approve the meeting minutes of August 17, 2022, with Jim Saben, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor, and Brad Goodwin abstaining.