

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**May 3, 2023**

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **May 3, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Susan Brita, Joanne Crowley, Jim Saben, Will Rubenstein, Ken Smith, and Peter Slovak

**Planning Board Absent:** Chris Vincent

**Staff Present:** Kathy Williams, Town Planner

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:32 PM. Planning Board members were all in-person, except for Will Rubenstein who was remote. All votes were roll call votes.
2. **Accessory Apartment Bylaw Amendments:** Continued discussion on zoning amendments related to Accessory Apartments/Accessory Dwelling Units (ADUs) with an emphasis on reviewing frequently asked questions and public engagement for the June Listening Sessions, including the development of a webpage to disseminate information to the public.

Joanne Crowley noted the attached Draft #11 of the Accessory Apartment amendments, Draft Frequently Asked Questions (FAQs), Draft website text and various tables/maps in the meeting packet. Prior to starting review of the packet materials, Ms. Crowley offered Jim Saben the opportunity to provide his viewpoints on the draft amendments as he was not at the last meeting. Mr. Saben noted that he felt comfortable with most of what was in the draft amendments with the two big issues being Special Permit versus By-right and lot size, although he was comfortable with the minimum lot sizes based on bedroom count.

- a. **Draft #11:** Kathy Williams reviewed Draft #11 and noted the few minor changes made since the last version, mainly related to clarifications on parking buffers and wordsmithing. Later in the meeting, the Board discussed in detail what would be included and excluded in the habitable floor area calculation and proposed amendments that would exclude finished basements from the calculation. Ultimately, the consensus of the Board was to accept these edits as Draft #12 for inclusion on the webpage.

The Board also had discussions on who decides whether an Accessory Apartment design is consistent with a single-family residence and the design of the primary home. For properties north of Route 6, Old Kings Highway has design standards that would apply. Projects requiring a Special Permit would also have review by the Zoning Board of Appeals with By-right projects reviewed through the Building Department. Building Permit applications are also reviewed by other departments, including Engineering for stormwater retention. The Board discussed whether the lease required with the Affidavit was a public document and whether the rental rate and renter names could be redacted.

- b. **FAQs:** The Board reviewed the attached Draft FAQs and offered suggested clarifications, addition of embedded links to other documents; and additional questions related to the difference between Special Permit/By-right and implementation schedule.

- c. **Accessory Apartment Webpage:** The Board reviewed the attached Draft text for the Accessory Apartment webpage and suggested including the option to submit questions prior to the Listening Sessions and making the page consistent with the edits from the FAQs.
  - d. **Listening Sessions:** Kathy Williams will work with the IT Department to get the documents up on the Town Website and start publicizing the Listening Sessions. She will also confirm whether the Building Commission will be able to attend. The Board briefly discussed the format for the Listening Sessions which should be informative of where the Board is now and interactive to hear how the public feels about the various provisions. Questions will be accepted ahead of the Listening Sessions. Also discussed having cards available for people to ask questions or offer comments if they are uncomfortable with public speaking.
3. **Meeting Minutes:**
- a. **April 19, 2023:** On a motion by Susan Brita, and seconded by Ken Smith, the Planning Board voted (5-0-1) to approve the meeting minutes of April 19, 2023, with Susan Brita, Joanne Crowley, Ken Smith, Peter Slovak and Will Rubenstein voting in favor, and Jim Saben abstaining.
4. **Board of Appeals Agenda & Decisions:** The attached ZBA Decisions were sent to the Planning Board via e-mail.
5. **Committee Updates from Board Members:**
- a. **Open Space & Recreation Plan Ad-Hoc Committee:** Will Rubenstein noted that the 2<sup>nd</sup> OSRP Survey is available and open through May 26<sup>th</sup>. The Survey is available in English, Spanish & Portuguese both on-line and in hard copies available at Town Hall, Town Libraries and Senior Center.
  - b. **School Building Committee:** Will Rubenstein noted there would be a ribbon cutting ceremony for the DY Intermediary School on Saturday May 6<sup>th</sup> at 10:30 AM.
  - c. **Drive-In Site Utilization Committee (DISUC):** Jim Saben noted the successful vote for three funding articles for the Riverwalk Park project at the 2023 Annual Town Meeting and expressed thanks to the Community Preservation Committee, the DISUC members and staff. Mr. Saben also confirmed his recent Planning Board appointment to the Community Housing Committee which will be meeting on Friday.
6. **Board Member Items:** Joanne Crowley noted the Cape Cod Commission Housing Survey is available and inquires about where different types of housing, including accessory apartments, would be appropriate in Yarmouth.
7. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.
8. **Staff Updates:** Kathy Williams noted that the Request for Proposals (RFP) for the Local Comprehensive Plan (LCP) was issued on May 1<sup>st</sup> and will be due on June 1<sup>st</sup>. Joanne Crowley, Town Planner and Director of Community Development will be on the Selection Committee.
9. **Upcoming Meetings:**
- a. May 17, 2023 – discussion on presentation to the Board of Selectmen and at the Listening Sessions
  - b. June 6, 2023 – tentative with Board of Selectmen
  - c. June 7, 2023 – First Listening Session – Town Hall at 6 PM
10. **Adjournment: VOTE:** On a motion by Susan Brita, seconded by Jim Saben, the Planning Board voted unanimously (6-0) to adjourn at 7:08 PM.

**ATTACHMENTS:**

- **May 3, 2023 Agenda**
- **Accessory Apartments:** Draft #11 dated April 28, 2023; Draft Frequently Asked Questions dated May 1, 2023; Draft Website Text for Landing Page; Zone 2 Map; Table of Residential Lot Sizes and Map of Residential Parcel Sizes, both updated March 9, 2023; and Draft #2 of Zoning Article, dated April 28, 2023
- **Meeting Minutes:** April 19, 2023
- **Miscellaneous Correspondence:**
  - Conservation Commission Agenda for 5/4/23
  - ZBA Decisions 4984, 5009 & 5010
  - Article entitled "Zoning Changes Have Small Impact on Housing Supply"

**Approved on May 17, 2023:**

**On a motion by Will Rubenstein, and seconded by Susan Brita, the Planning Board voted (4-0) to approve the meeting minutes of May 3, 2023, with Susan Brita, Jim Saben, Peter Slovak and Will Rubenstein voting in favor.**