

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
July 5, 2023

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **July 5, 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, Will Rubenstein and Ken Smith

Planning Board Absent: Jim Saben, Peter Slovak and 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. 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 input from the Listening Sessions.

Joanne Crowley gave a brief introduction to the discussion topics on the Accessory Apartment zoning amendments including review of the public comments from the Listening Sessions and discussion on any proposed amendments the Board would like to consider.

Kathy Williams briefly summarized the two new written comments in the packet:

- **Cape Cod & Islands Association of Realtors, June 27, 2023 Memo:** Comments included encouraging the Board to meet the Housing Choice Definition which impacts the voting requirements at Town Meeting; eliminate the restriction that resident owners only are allowed to have an Accessory Apt and allow 2nd homeowners the option; allow Chapter 40B projects to be eligible for an Accessory Apt; eliminate many provisions of Section 407.3 which they felt are duplicative of sanitary code and unnecessary; allow Accessory Apts. on lots less than 10,000 sf perhaps with the condition that they be located within an existing home or existing accessory building; lower the off-street parking requirements to 1/studio or 1-bedroom unit; extend the 45-day provision upon transfer; and allow all internal/attached Accessory Apts. by-right while still requiring Special Permits for detached Apts.
- **Bob Griffin, June 26, 2023 email:** Mr. Griffin is the president of the Great Island Associates, a community of 65 homeowners along Lewis Bay. Their Association voted unanimously to oppose any changes in the current accessory apartment bylaw.

Kathy Williams subsequently reviewed her attached June 30th Memo outlining the main issues gleaned from the written and oral comments obtained through the Listening Session process for further evaluation and discussion by the Board.

- **Special Permits:** Having heard the input from the public, members felt changing all Accessory Apartments to Special Permit may improve the likelihood of approval of the amendments at Town Meeting.
- **2nd Homeowners:** After discussing benefits and concerns of allowing non-residents to construct Accessory Apartments, the members felt we should consider extending the eligibility to 2nd homeowners, but not Corporations or LLCs and retain the requirement that only one unit can be rented.

- **Parking:** The members discussed parking and felt perhaps 1 parking space/bedroom may be feasible. Also discussed possibly including some flexibility in the parking requirements if all Accessory Apts. were to be via Special Permit. The Board wants to hear from the Zoning Board of Appeals at the upcoming joint meeting and will discuss further.
- **Overall Impacts:** Discussed input received related to the impacts to density, water quality, and neighborhoods, compared to the need for more year-round housing in our community. No changes to the amendment were proposed at this time.
- **Lot Sizes:** Board members discussed modifying the minimum lot sizes, but ultimately felt the two-tier system of 10,000 sf for studios/1-bedrooms and 15,000 sf for 2-bedrooms was a reasonable compromise. It was also noted that the current bylaw has a 10,000 sf minimum lot size requirement.
- **Enforcement & Fees:** Some Board members wanted to ensure increased fees went towards staffing for enforcement. It was noted that the Board of Selectmen set fees which typically go into the general fund.
- **Affidavit:** Kathy Williams noted that working up some example affidavits might be helpful.
- **Transfer Upon Sale:** Discussed increasing the time for an affidavit beyond 45-days. Could be two tiers with 45-days if already have a tenant but requiring the Affidavit prior to renting if the property was transferred with no tenant in place.

Kathy Williams also reviewed the attached map of the Medical Overlay District (MOD) which includes 8 parcels, with only three greater than 10,000 sf. The Board was inclined to continue to allow Accessory Apartments within the MOD.

The Planning Board will continue the review/discussions on the Listening Sessions at their next meeting when other members may be present to offer their input.

3. **Meeting Minutes:**

- a. **June 14, 2023 – Listening Session #2:** On a motion by Susan Brita, and seconded by Ken Smith, the Planning Board voted (3-0-1) to approve the meeting minutes of June 14, 2023, with Susan Brita, Ken Smith, and Joanne Crowley voting in favor, and Will Rubenstein abstaining.
- b. **June 26, 2023 – Listening Session #3 (Notes – no quorum):** On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (2-0-2) to approve the meeting notes of June 26, 2023, with Susan Brita and Joanne Crowley voting in favor, and Will Rubenstein and Ken Smith abstaining.

4. **Board of Appeals Agenda & Decisions:** The Board briefly discussed the Blue Sky Tower petition which was continued to July 13th to allow for a peer review, as well as the ZBA denial of the temporary go-kart track.

5. **Committee Updates from Board Members:**

- a. **Water Resources Advisory Committee (WRAC):** Ken Smith noted things were progressing on the two contracts with two different low bidders, along with progress on the design of the water resource recovery facility. They are still awaiting input from MassDEP on the direct discharge permit.
- b. **Open Space & Recreation Plan (OSRP) Ad-Hoc Committee:** Will Rubenstein noted that a lot of progress was made at the June 23rd meeting with the next meeting scheduled for July 10th. The Committee is working towards submittal of a Draft to the Division of Conservation Services (DCS).
- c. **Design Review Committee (DRC):** Kathy Williams noted that the DRC met to review the Red Jacket pool project which will be coming before the Planning Board, and the Chapter 40B

project at 897 Route 28, along with an upcoming review of the convenience store expansion at the mobile station at 601 Route 28.

6. **Board Member Items:** None
7. **Correspondence:** The correspondence noted below was distributed to the Planning Board via email.
8. **Staff Updates:** None.
9. **Upcoming Meetings:**
 - a. July 12, 2023 – Joint Meeting with the Zoning Board of Appeals
 - b. July 19, 2023
 - c. August 2, 2023
10. **Adjournment:** VOTE: On a motion by Susan Brita, seconded by Ken Smith, the Planning Board voted unanimously (4-0) to adjourn at 6:45 PM.

ATTACHMENTS:

- **July 5, 2023 Agenda**
- **Accessory Apartment Zoning Amendments:** June 30, 2023 Planner Memo; June 27, 2023 email from Susan Brita; MOD Overlay Map with Accessory Apartment Eligible Lots; approved June 6th Notes with BOS; approved June 7th Listening Session Minutes; miscellaneous emails from Town Staff; and compilation of all written comments received during Listening Sessions
- **Draft Minutes:** June 14, 2023 and June 26, 2023 Listening Sessions.
- **Miscellaneous Correspondence:**
 - Conservation Commission Agendas for 6/27/23 & 7/6/23
 - ZBA Agenda for 7/13/23
 - ZBA Decisions 5019, 5026, 5027, 5028, 5029, 5030, 5033, and 5034

Approved on July 19, 2023:

On a motion by Ken Smith, and seconded by Will Rubenstein, the Planning Board voted (4-0) to approve the meeting minutes of July 5, 2023, with Susan Brita, Joanne Crowley, Ken Smith and Will Rubenstein voting in favor.