

## **MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 07, 2009**

The Yarmouth Planning Board held a regular business meeting and public hearing on Wednesday, January 07, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Mr. Goodwin, Ms Post, Mr. DeYoung and Mr. Roche. Staff present: Mr. Sylvia.

Ms Post opened the meeting and the public hearing at 5:30 p.m.

### **PUBLIC HEARING**

a. Petition #106, Special Permit, M. A. Healy (DBA Kim Holdings, LLC), 817 Route 28, SY, map 33, lot 71. Ms Post read the public hearing notice. Correspondence received from Ms Ann Marie Uher and Josephine Occhipinti, residential abutters to the easterly side of the locus, was read. In their letter to the Planning Board, the abutters expressed their concerns about the potential impact of the redevelopment.

Form letters in support of the project from John J. Hynes, Daniel J. Reida, David Demeu, Catherine A. Pina, Roseanna Nikolaidis, Marie Caron, John B. Murphy, Anne P. Manning and Karen Shea were noted.

Attorney Paul Tardif, representing the petitioner, presented his client's requests for Special Permits from the Planning Board under Zoning Bylaw section 404.1.3, which makes the Planning Board the Special Permit Granting Authority to address the petitioner's requests for relief from the provisions of sections 103.3.3.1, 104.3, 203.5 and the provisions of section 404.1.12. A Site Plan Review comment sheet dated December 2, 2008 was reviewed and discussed.

Planning Board members asked questions about project density and other building and site issues. Attorney Tardif asked the Board if they might continue the hearing so that his clients might look at possible changes in both unit sizes and the total unit numbers in order to make the plan more palatable. On a motion by Mr. DeYoung, seconded by Mr. Roche, Board members voted unanimously to continue the hearing until January 21, 2009.

### **SUBDIVISION ITEMS**

a. #2217J – Preliminary Subdivision Plan, J. T. Wiggin, Enterprise Road, YP. 3 lots. Mr. Wiggin was present. Attorney Frank Shealey and Mr. Dan Ojala of Down Cape Engineering came forward to present and explain their client's plan.

The Planning Board noted that there were no comments from the Board of Health.

After review and discussion and on a motion by Mr. Roche, seconded by Mr. Goodwin, the Board voted unanimously to approve the preliminary subdivision plan. The Planning Board made no waivers of the provisions of their Rules and Regulations Governing the Subdivision of Land. As part of the motion for approval, Board members required that any future definitive plan show the length of Enterprise Road to the end of the proposed

cul-de-sac, as well as the radius of the cul-de-sac. A future definitive plan application must include proof of ownership of lot 1 and proof of rights to Enterprise Road. Members also noted that the shape of lot 2 may be difficult for vehicular traffic and requested that options for lot line relocation be explored by the applicant.

#### **OTHER ITEMS**

- a. Public Hearing Notice – Cultural Center DRI. Members noted this upcoming hearing.
- b. APD Determination of Non-Applicability – fyi. This item was noted; no action was taken.
- c. Draft changes to MGL ch. 40A – the Land Use Partnership Act. Staff noted that materials were in members packets for their review. No further action was taken.

#### **NEW ITEMS**

Possible future zoning amendments were discussed.

#### **UPCOMING MEETINGS**

Members and staff briefly reviewed upcoming meeting dates. A 7.p.m. start time for the workshop with Selectmen on January 13<sup>th</sup> was announced.

#### **ADJOURNMENT**

On a motion by Mr. Goodwin, seconded by Mr. Sears, the Board voted unanimously to adjourn at 8:25 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 14, 2009**

The Yarmouth Planning Board held a workshop meeting and informal public hearing on Wednesday, January 14, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Ms Post and Mr. Roche. Staff present: Ms Greene, Ms Waygan and Mr. Sylvia.

Ms Post opened the meeting and the public hearing at 5:30 p.m.

### **WORKSHOP**

Informal Public Hearing - Zoning Amendments for the May 2009 Annual Town Meeting. Thirteen possible articles for consideration at town meeting were reviewed and discussed. Mr. Robert DuBois was present and answered some questions regarding a petitioned article that would allow toasters in some motel guest rooms.

Mr. DuBois came forward to present proposed changes to the sign code.

Mr. Ed Blackman, Chairman of the Community Housing Committee and staff member Mary Waygan came forward to present proposed zoning articles that would create an affordable lot bylaw, a payment in lieu of affordable housing bylaw, and an inclusionary affordable housing bylaw requirement.

### **NEW ITEMS**

No new items were discussed.

### **UPCOMING MEETINGS**

Board members and staff briefly reviewed upcoming meeting dates.

### **ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Tolley, members voted unanimously to adjourn at 7:30 p.m.

## MINUTES OF THE PLANNING BOARD MEETING OF JANUARY 21, 2009

The Yarmouth Planning Board held a workshop meeting and informal public hearing on Wednesday, January 21, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Mr. Goodwin, Ms Post, Mr. DeYoung and Mr. Roche. Staff present: Ms Greene and Mr. Sylvia.

Ms Post opened the meeting and the public hearing at 5:30 p.m.

### **PUBLIC HEARING**, Continued from January 7, 2009

a. Petition #106, Special Permit, M. A. Healy (DBA Kim Holdings, LLC), 817 Route 28, SY, map 33, lot 71. Attorney Paul Tardif, Mr. Kieran Healy were present and came forward to discuss the applicant's plan. The applicant, Mr. Michael Healy, was also present. Changes to the plan, made since the January 7<sup>th</sup> meeting, were presented and discussed. The Board reviewed the proposed plans with respect to the general criteria set forth in Bylaw section 103.2.2 and found that no undue nuisance, hazard, or congestion would be created by the granting of the requested Special Permits and there will be no harm to the established or future character of the neighborhood or town. In addition, the Board found that the project meets the goals and purposes of the HMOD1, as outlined in Bylaw section 404.1.1.

Much discussion was heard regarding the significance of the Board's approach to this first request for relief pursuant to Bylaw Section 404, especially regarding the precedence of permitting a variation from the Bylaw as requested by the Petitioner. However, the Board is comfortable with the relief given by this Decision for the fact that the property has operated as a 26 unit long term rental business for at least 10 years, all with legal kitchens, and most units with separate bedrooms and living rooms, prior to any requirement to combine living space for purposes of meeting room size requirements. The Board is currently unaware of any similar property to which Section 404 of the Zoning Bylaw would apply. In addition, the Petitioner's assent to the addition of a seventh affordable unit, where only 6 are required, establishes an attractive baseline for future petitioners, even those with properties which are unlike the property at hand. Finally, the Board also acknowledges that all cases are decided on their own specific facts, and granting the relief outlined in this Decision does not assure future applicants of similar outcomes.

For those reasons and on a motion made by Tracy Post and Seconded by Brad Goodwin, the Board voted unanimously to grant the applicant relief with conditions, as follows:

### **RELIEF GRANTED FROM SECTION 103.3.3.1 AND CONDITIONS FOR APPROVAL:**

The requested relief from section 103.3.3.1 for strict adherence to the Yarmouth Architectural and Site Design Standards is granted with the conditions that:

1. The sign located on the front of the north building facing Route 28 will be removed so that only one sign remains on the property, which shall be the freestanding sign on Route 28.
2. As the site plan indicates, the applicant will remove the westerly Route 28 curb cut and remove the 2 parking spaces currently utilizing that curb cut. The main entrance, as shown on the plan, will be the sole access from Route 28 for this project.
3. The façade color schemes for the 1 story east building will be broken up in sections and colors varied with muted tone textured vinyl siding, as approved by the Design Review Committee.
4. The colors used for all window shutters and exterior doors on the property must be approved by the Design Review Committee.
5. The existing east and west building roofs of less than the required 7:12 pitch may remain, as proposed and shown on the plans. The proposed 5:12 pitch for front building's porch roof will be allowed.

**RELIEF GRANTED FROM SECTIONS 104.3 AND 203.5:**

1. Relief for the reduction of the existing 14 foot side setback to 11 feet at the westerly property line is granted to accommodate the proposed egress landings and staircases at the rear of the west building. Relief is also granted for the expansion of the pre-existing, non-conforming east and west buildings, as proposed and as shown on the plans.

**RELIEF GRANTED FROM SECTION 404.1.12 AND CONDITIONS FOR APPROVAL:**

Relief is granted from Section 404.1.12.1 for a 24 unit project with a density of 18.9 units per acre and from the unit size requirements outlined in section 404.1.12.2, with the following conditions:

1. 7 units ( #7, 9, 11, 14, 19, 23 and 32) shall be provided as affordable units, rather than the 6 units proposed. 2 of the units are to be 250 to 400 square feet in floor area, 2 of the units are to be 600 to 750 square feet in floor area, and 2 of the units are 750 or more square feet in floor area. The seventh unit shall be in the 400 to 600 square foot floor area category.

All 7 affordable units must be approved by DHCD as Local Action Units and count towards the town's affordable housing inventory. An affordable restriction for each of the 7 units will be recorded at the Barnstable County Registry of Deeds ensuring affordability in perpetuity, per LIP guidelines.

The public hearing was continued until February 4, 2009 in order to finalize a draft decision.

The Planning Board took a brief recess.

**SUBDIVISION ITEMS**

a. #2217K, ANR, Siddharth. Off Enterprise Rd., YP. 1 unbuildable lot for conveyance. After review by Board members and staff and on a motion by Mr. Goodwin, seconded

by Mr. Roche, the Board voted unanimously to endorse the plan.

**BOARD OF APPEALS ITEMS**

a. Agenda of January 22, 2009. Members and staff reviewed the agenda without any further action being taken.

**OTHER ITEMS & CORRESPONDENCE**

- a. APD Determination of Non-applicability – fyi.
- b. MA Fisheries & Wildlife dredging notification.

These items were briefly reviewed without any further action taken.

**NEW ITEMS**

It was noted that the Board would be interviewing 5 candidates on January 28<sup>th</sup> for the open Planning Board seat. Members and staff discussed possible future workshops with petitioners and other Zoning Bylaw amendment drafters.

**UPCOMING MEETINGS**

Upcoming meeting dates were briefly reviewed.

**ADJOURNMENT**

On a motion by Mr. Goodwin, seconded by Mr. Roche, the Planning Board voted unanimously to adjourn at 8:30 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF FEBRUARY 04, 2009**

The Yarmouth Planning Board held a business meeting and public hearing on Wednesday, February 04, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Ms Post and Mr. Roche. Staff present: Mr. Sylvia.

Ms Post opened the meeting and the public hearing at 5:30 p.m.

### **PUBLIC HEARING**

a. Continued from January 21, 2009, Petition #106, Special Permit, M. A. Healy (DBA Kim Holdings, LLC), 817 Route 28, SY, map 33, lot 71. Mr. Michael Healy was present. Members reviewed and approved the draft decision, then closed the public hearing.

### **WORKSHOP**

a. Meet with Mr. Dennis Ducharme re petitioned article. Mr. Ducharme gave a PowerPoint presentation to the Board on his petitioned article to amend the Hotel/Motel Bylaw (Zoning Bylaw section 404.2.14) to eliminate the prohibition of time-share estate uses in the Hotel/Motel District 2 (HMOD2).

### **BOARD OF APPEALS ITEMS**

a. Agenda of February 12, 2009. The agenda was briefly reviewed without comment.  
b. Recent decisions: Board of Appeals decisions were reviewed without further action taken.

### **OTHER ITEMS**

a. Letter from Div. of Fisheries & Wildlife re 10 yr. dredging plan. Members noted this item without further action necessary.  
b. APD Determination of Non-Applicability – fyi. Staff reviewed this action with the Board.  
c. Resignation & interview update. Member Brad Goodwin's letter of resignation to the Board of Selectmen was noted. Staff updated members on 2 possible candidates for open seats.  
d. List of all articles on the ATM warrant. The list was reviewed and discussed. A memo to staff from Mr. Lawton regarding the "mounding bylaw" was reviewed.

### **NEW ITEMS**

No new items were discussed.

### **UPCOMING MEETINGS**

Members and staff reviewed upcoming meeting dates. It was noted that the formal zoning public hearing was scheduled for March 11<sup>th</sup>.

### **ADJOURNMENT**

On a motion by Mr. Tolley, seconded by Mr. Roche, members voted unanimously to adjourn at 7:40 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF FEBRUARY 11, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, February 11, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Vincent, Ms Post and Mr. Roche. Staff present: Ms Greene and Mr. Sylvia.

Ms Post opened the workshop at 5:30 p.m. New member Chris Vincent was welcomed.

### **WORKSHOP**

a. Davenport Companies presentation. Mr. Dewitt Davenport and Mr. Paul Rumul came forward. Mr. Trevor Meyer was also present. Mr. Rumul opened discussion on their request for a revision to the Motel Bylaw that would allow slightly more building height in the HMOD2, located on South Shore Drive in South Yarmouth. Those present discussed the concept, whether such an increase in maximum building height would be by right or by Special Permit, whether a 2 year limit to exercise a Special Permit might be a hindrance to re-development; how design review might be used and whether the Planning Board might be the Design Review authority, or whether the Design Review Committee should fill that role.

Ms Post explained that the Board has an obligation to the public and the need to find a middle ground in order to move forward with the proposed change. Options needed to be explored so that the Board could give the proposal its full support.

Ms Greene and Mr. Sylvia discussed.

Board members and staff discussed the issues, including the possibility that the Planning Board be the Design Review authority and to require a public hearing for that review; the consensus of the Board was to allow development by right with intense design review. Staff was so directed to draft bylaw language.

b. Affordable Housing article(s) review & discussion. Staff reported that the finished text had been delivered after 4:30 and would not be ready for distribution until the next meeting.

### **OTHER ITEMS**

a. List of all articles on the ATM warrant. This list of 50 articles was distributed to Board members for their information only. It was noted that more articles were likely to be added.

Staff and Board members reviewed a draft copy of the text of the article that would control residential/commercial building. Board members approved the text.

### **NEW ITEMS**

It noted that no resignation letter had yet been received from Steve DeYoung. Mr. Sylvia stated that he would speak with Mr. DeYoung about it. Committee assignments

were discussed; it was decided to discuss the issue at a future meeting.

**UPCOMING MEETINGS**

Meeting dates were briefly discussed. It was agreed to have a workshop meeting on February 25<sup>th</sup>.

**ADJOURNMENT**

On a motion by Mr. Tolley, seconded by Mr. Roche, the Board voted unanimously to adjourn at 7:53 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF FEBRUARY 18, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, February 18, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Ms Post, Mr. DiPersio and Mr. Roche. Staff present: Mr. Sylvia.

Ms Post opened the workshop at 5:30 p.m. New Planning Board member Tom DiPersio was welcomed.

### **WORKSHOP**

a. Presentation - K. Healy, Reindeer Lane Project. Mr. Kieran Healy came forward to present his plan to demolish 6 existing duplex dwellings on Reindeer Lane, West Yarmouth and construct 4 new 8 unit dwellings on the site. Site Plan Review comments were reviewed. Members and staff asked questions and made comments.

b. Sign Code Ad Hoc presentation. Ad hoc committee members Robert DuBois, John Barker, Steve DeYoung and Bill Richmond came forward to present their draft bylaw. Staff distributed the newest draft, which had been received just before the meeting. Mr. DuBois gave a presentation of changes made since the last meeting with the Board. Planning Board members asked questions and made comments.

c. Continue review of other amendments. Members and staff reviewed a schedule outlining the future review of all 12 draft amendments.

### **OTHER ITEMS**

a. Letter of resignation. Mr. Steve DeYoung's letter of resignation was reviewed and discussed. A Certificate of Appreciation for Mr. DeYoung's service was approved.

b. FEMA letter. This letter regarding flood map modernization and updating was reviewed. No action was thought to be necessary. Staff noted that a copy of the letter had been sent to the Town Engineer.

c. PUD info. Staff directed members' attention to information in their packets about Planned Unit Development bylaws. That information had been requested by the Board at their last meeting.

Board members and staff discussed the draft building height amendment, as it related to motels in the HMOD2 on South Shore Drive.

### **NEW ITEMS**

A Citizen Planner Training Collaborative (CPTC) 8<sup>th</sup> Annual Conference notice was discussed.

Staff directed members' attention to a letter received from Acting Town Counsel, Bruce Gilmore regarding Michael Healy's Special Permit.

Ms. Post noted that the Community & Economic Development Committee (CEDC) has changed meeting times to 5:30 every other Thursday.

Staff reminded members of the need to appoint a new Planning Board Clerk and review committee assignments. Staff was directed to put the item on the March 18<sup>th</sup> agenda.

**UPCOMING MEETINGS**

Staff informed members that at their next meeting would be on February 25<sup>th</sup>, when they would be reviewing draft zoning articles.

**ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to adjourn at 7:55 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF FEBRUARY 25, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, February 25, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Mr. Vincent, Ms Post, Mr. DiPersio and Mr. Roche. Staff present: Mr. Sylvia.

Ms Post opened the workshop at 5:30 p.m.

### **WORKSHOP**

a. Continue review of other amendments:

- Mr. Edwards, petitioned amendment to allow toasters in motel rooms. Mr. Michael Edwards, general manager at The Cove and Mr. Robert DuBois, came forward to present a petitioned zoning article. Mr. Edwards distributed copies of the draft text. The article, which would allow toasters in certain motel guest rooms of greater than 375 square feet in size, was read aloud by Ms Post. After a presentation and explanation by Mr. DuBois, Planning Board members asked questions and made comments. Mr. DuBois further clarified Fire Department issues. Text revisions were suggested.

Ms Post noted that the Board would be taking a position on the article after the required zoning public hearing scheduled for March 11<sup>th</sup>.

- Mr. Contos, petitioned amendment to disallow drive-through facilities. Mr. Harris Contos, petitioner of an zoning amendment to ban drive-through windows, came forward to discuss his article with the Board. After a PowerPoint presentation, Board members asked questions and discussed the petition. While all believed Mr. Contos' intention to be good, many felt that the issues with drive-throughs now facing the town was more one of enforcement.

Ms Post encouraged members of the audience to send comments to staff.

- Petitioned amendment to allow time-shares in the HMOD2. The petitioner, Mr. Dennis Ducharme, was not present. Ms Post read Mr. Ducharme's petitioned article that would allow time share condominiums in the South Shore Drive HMOD2. Mr. Robert DuBois came forward to further explain and discuss the article. Mr. Sylvia was asked to show Mr. Ducharme's statistics to the Town Assessor.
- R.O.A.D. amendments. Proposed changes to the Revitalization Overlay Architectural District (R.O.A.D.) provisions of the Zoning Bylaw were reviewed and discussed.

### **NEW ITEMS**

No new items were discussed.

### **UPCOMING MEETINGS**

Staff informed members that at their next meeting would be on March 4<sup>th</sup>, when they would be reviewing draft zoning articles concerning pervious paving; building height in HMOD2 and other districts; affordable housing articles, including inclusionary housing provisions, a timetable of construction, fees in lieu of affordable housing, and affordable lots. Mr. DuBois mentioned that the Sign Code Committee was still working on a final draft sign code, which would be given to staff when complete.

Ms Post reminded members that they should be aware of open meeting laws and remember to pass on any and all comments and information to staff, who will then forward all materials to other Board members.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Vincent, the Board voted unanimously to adjourn at 6:57 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MARCH 04, 2009**

The Yarmouth Planning Board held a business and workshop meeting on Wednesday, March 04, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Mr. Vincent, Ms Post, Mr. DiPersio and Mr. Roche. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 5:30 p.m.

### **DISCUSSION**

a. Jolly Captain & possible re-zoning request. M. Stusse. Attorneys Michael Stusse and Jay Murphy came forward to present a possible future zoning amendment that would allow the Jolly Captain Motel, a time-share condominium, to continue operation as a seasonal multi-family residence, rather than a motel for transients (as defined by the Zoning Bylaw). A list of similar properties in Yarmouth was presented. Mr. Murphy gave the Board a time-line of events concerning the past use of the Jolly Captain.

The draft bylaw, which would allow the change of use to multi-family, was reviewed. Board members then offered their comments, questions and opinions:

Mr. Tolley felt that the draft article was well written and a good solution. He questioned the 20 residential dwelling unit cap in 104.4 (C); Mr. Sears felt that, while he agreed that something might be done for cases like the Jolly Captain outside of the existing Motel Bylaw and district, he was also concerned about unintended consequences. He felt that text might be tied to the date of a motel license and date when it was condominiumized; Mr. Vincent had no questions; Mr. DiPersio felt that the text was well crafted and focuses on the issues; Mr. Roche stated that it was obvious that something must be done, but that it was difficult for the Jolly Captain because of the ownership. He noted that the current Zoning Bylaw section 404 requires 600 square feet for the addition of a kitchen, but that this text would allow less. It would be more palatable if it was better defined; Ms Post expressed a general comfort level with the text, but asked about upgrades to the units and noted that no rooms tax was generated by the Jolly Captain. She also questioned whether the establishment presently has a motel license and was a motel, as defined by the Zoning Bylaw.

The presenters agreed to get dates certain for when the listed properties were condominiumized and when they last held a motel license. Staff was directed to put the matter on the April 8<sup>th</sup> agenda for further review and discussion.

### **WORKSHOP**

- a. Continue review of other zoning amendments
  - R.O.A.D. amendments
    - Whole site redevelopment with new development
    - Motel applicability
    - Multi-family applicability

Ms Post read the full text of the proposed R.O.A.D. amendment and opened the meeting to comment from the public. Mr. Kieran Healy came forward to express his concern that redevelopment of old buildings may not be economically feasible and his opinion that the residential component should not be limited to 50%. Board members discussed these issues. Staff was directed to make some small changes to the text to reference the Board's Design Standards.

- Pervious paving counted toward impervious calculations

Ms Post read the full text of the draft article and put the matter up for discussion. Mr. Tolley voiced his opposition to the amendment. Pavement maintenance agreement enforcement issues were also discussed, as was a cap to the total amount (%) of parking area that could be paved with porous materials. Board members generally agreed to go forward with the article, as written.

- Affordable Housing
  - Inclusionary zoning for affordable housing
  - Timetable of construction of affordable housing
  - Fees in lieu of affordable housing
  - Unbuildable lots used for affordable housing

Chairman Post did not read the entire text of the articles. Members and staff discussed some small changes in the text. Staff was directed to get the changes from the committee and email them to all for further comment and approval. Ms Post reminded members that they must only correspond with staff on the issue, not each other.

Mr. Sylvia drew members attention to an excerpt from Bobrowski's *Handbook of Massachusetts Land Use and Planning Law* concerning changes to zoning articles from Town Meeting floor. Such changes were discussed.

- Building Height
  - Residential & Commercial
  - Hotel/motel

Staff led Board members through the latest draft text. Members asked questions and made comments.

## **NEW ITEMS**

On a motion by Ms Post, seconded by Mr. Sears, the Board voted unanimously to adopt a policy to meet twice annually with the Board of Appeals in January and June in a workshop setting.

## **UPCOMING MEETINGS**

Upcoming meeting dates were briefly reviewed. It was noted that the next meeting on

March 11<sup>th</sup> would be the formal public hearing for zoning articles on the Annual Town Meeting warrant.

**ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. DiPersio, Planning Board members voted unanimously to adjourn at 9:06 p.m.

## MINUTES OF THE PLANNING BOARD MEETING OF MARCH 11, 2009

The Yarmouth Planning Board held a Public Hearing on Wednesday, March 11, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Mr. Vincent, Ms Post, Mr. DiPersio and Mr. Roche. Staff present: Ms Greene, Ms Waygan and Mr. Sylvia.

Ms Post opened the Public Hearing at 5:30 p.m. with a reading of the public hearing notice.

### PUBLIC HEARING

a. Zoning Articles on the May 4, 2009 Annual Town Meeting Warrant. Articles were presented and explained. After each, comments and questions were solicited from the public and Planning Board members.

Ms Post closed the Public Hearing at 7:25 p.m.

Board members voted on their support for each article:

<i>Art. #</i>	<i>Recommendation, Moved &amp; 2<sup>nd</sup>, Vote</i>	<i>To Move/Recommend</i>	<i>To Explain</i>
15 (Height.)	Recommend – Roche/Sears – unanimous	Erik Tolley	E. Tolley
16 (Motel Hgt.)	Recommend – Roche/Sears – unanimous	Tom Roche	T. Roche
17 (Afford. Hs.)	Recommend – Sears/DiPersio – unanimous	Erik Tolley	E. Tolley
18 (Afford. lots)	Recommend – Sears/Vincent – unanimous	Erik Tolley	E. Tolley
35 (Accessory)	Recommend – Sears/Roche – unanimous	Tom DiPersio	T. DiPersio
36 (Terms)	Recommend – Sears/Vincent – unanimous	Tom DiPersio	T. DiPersio
37 (Drive-thru)	<b>NOT</b> recommend – Roche/Sears – unanimous	Chris Vincent	Petitioner
38 (Time share)	Recommend – Tolley/Roche – 6 -1- 0	Curt Sears	CEDC (P. Smith)
39 (Toasters)	Recommend – Sears/Vincent – unanimous	Chris Vincent	Petitioner
40 (Impervious)	Recommend – Sears/DiPersio – unanimous	Tracy Post	T. Post
41 (R.O.A.D.)	Recommend – Roche/Sears – unanimous	Tracy Post	T. Post
42 (Signs)	Recommend – Sears/Vincent – unanimous	Curt Sears	C. Sears

### NEW ITEMS

A memo from the Board of Selectmen asking the Planning Board to meet with them on March 31<sup>st</sup> was discussed. Members agreed to that meeting. Staff was directed to inform the Town Administrator's office that the Board would meet with the Selectmen, as requested.

### UPCOMING MEETINGS

Members briefly reviewed upcoming meeting dates.

### ADJOURNMENT

On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to adjourn at 8 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MARCH 18, 2009**

The Yarmouth Planning Board held a regular business meeting on Wednesday, March 18, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Tolley, Mr. Sears, Mr. Vincent, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **OPERATIONAL ITEMS**

a. Election of Officers. The absence of a Planning Board Clerk to fill the vacancy left by outgoing member Brad Goodwin was noted. On motion by Mr. Sears, seconded by Mr. Vincent, the Board voted unanimously to appoint Mr. Roche as Clerk.

Ms Post welcomed new member John Shea.

b. Committee assignments. Members reviewed previous assignments and addressed those left vacant by Mr. Goodwin's departure. On a motion by Mr. Sears, seconded by Ms Post, the Board voted unanimously to appoint Mr. Shea as their representative to the Capital Budget Committee; On a motion by Mr. Shea, seconded by Mr. Vincent, Mr. Sears was unanimously appointed as the Board's representative to the Marina Committee; on a motion by Mr. Roche, seconded by Mr. Tolley, the Board voted unanimously to appoint Mr. DiPersio as their representative to the Integrated Water Resource Protection Committee (IWRPC); on a motion by Mr. Sears, seconded by Mr. Roche, Mr. Vincent was unanimously appointed to serve as the Board's representative to the Selectmen's ad hoc Residential Wind Energy Committee.

### **OTHER ITEMS & CORRESPONDENCE**

a. Dennis Zoning Public Hearing Notice. This notice was briefly reviewed without comment.

b. Home Builders of MA Legislative Package – fyi. Members noted that this information was in their packets; no action was necessary.

c. R. Lawton memo cc Planning Board. The Board reviewed this memo, in which the Town Administrator thanked former Planning Board member Steven DeYoung for his service on behalf of the Selectmen.

### **NEW ITEMS**

Ms Post reminded members of the first public meeting concerning the Route 28 Market Analysis. On Wed., March 25<sup>th</sup> within the Planning Board meeting. Staff was asked to check that the notice was posted on the Town's Public Access Channel bulletin board.

A memo from Board of Appeals Chairman Steven DeYoung was reviewed. Mr. DeYoung suggests a workshop meeting on June 11, 2009. Staff was asked to confirm that date.

### **UPCOMING MEETINGS**

Upcoming meeting dates were reviewed.

**ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to adjourn at 5:53 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MARCH 25, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, March 25, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

a. Market Analysis public discussion: *Route 28 Today...and Tomorrow. A public discussion on the next steps for development.*

Ms Greene made a brief opening statement and introduced Cecil Group consultant Kenneth Buckland.

Mr. Buckland made a PowerPoint presentation of the on-going Route 28 Market Analysis to property owners in the target area. After his presentation, he opened the meeting to their comments and questions. Mr. Buckland then summed up the presentation, pointing out that for a village center concept to work, smaller properties would need to be joined

### **UPCOMING MEETINGS**

Upcoming meeting dates were briefly reviewed.

### **ADJOURNMENT**

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the Planning Board members voted unanimously to adjourn at \_\_\_\_\_ p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF APRIL 01, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, April 01, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Mr. Tolley, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **DISCUSSION**

a. Meet with Housing Authority Executive Director Donna Killeen regarding 2 ATM articles related to affordable housing. Ms Killeen, Mr. Ed Blackman and Ms Mary Ann Gray came forward to present articles and to seek support from the Planning Board. After the presentation and discussion, it was the consensus of the Board that support for the proposed revisions must be expressed by members individually at town meeting.

### **OPERATIONAL ITEMS**

a. Committee assignments. Mr. Vincent informed the Board that no conflict of interest exists and that he can carry out his assignment on the Ad Hoc Residential Wind Generation Bylaw Committee.

### **BOARD OF APPEALS ITEMS**

a. Agenda of April 09, 2009. Board members and staff reviewed the agenda; no comments were offered.

### **OTHER ITEMS & CORRESPONDENCE**

a. Workshop Notice – Putting Wind to Work in a Changing Climate. Members reviewed this notice and directed staff to inform the Residential Wind Energy Bylaw Ad Hoc members of the workshop.

b. Cape Cod Times article regarding timeshare marketing. This article of interest was noted, as it related to a petitioned article that would revise the Motel Bylaw to allow time-share condominiums in the South Shore Drive Hotel Motel Overlay District 2 (HMOD2). As the article raised property value questions, Staff and Mr. Sears were asked to speak with the Town Assessor about the article and report back to the Board. Staff was asked to put the matter on the next agenda.

### **NEW ITEMS**

No new items were discussed.

### **UPCOMING MEETINGS**

Board members and staff reviewed upcoming meeting dates and times.

### **ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to adjourn at 6:24 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF APRIL 08, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, April 08, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Mr. Tolley, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Ms Greene and Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

a. Meet with Atty. M. Stusse to discuss possible future zoning. Attorneys Michael Stusse and Jay Murphy met with the Board to discuss a draft zoning amendment that would provide for the conversion of some former motel to condominium conversions that have become multi-family dwellings to be allowed uses. Since their last meeting with the Board on December 17, 2008, attorneys Stusse and Murphy had compiled a list of properties effected by the proposed action. The number of such properties was presented as 6, but it was felt by the presenters that the number was actually 3 or 4.

Revisions were made to the amendment text so that the text would only be applicable to licensed motels as of April 11, 2006 which had been converted to a condominium form of ownership. Further, a Special Permit would be required from the Board of Appeals and hard-wired fire alarms with central notification would be mandatory.

After discussion, staff was directed to send the text of the proposed amendment to the Board of Appeals for their review and comment. Attorneys Stusse and Murphy were asked to send the digital text file to staff.

b. Discuss petitioned Annual Town Meeting time-share article. Mr. Peter Smith of the Community and Economic Development Committee (CEDC) and the petitioner, Mr. Dennis Ducharme, came forward to discuss this article with the Board. Mr. DeWitt Davenport, a motel owner in the area, was present. The proposed article would amend the Zoning Bylaw's Motel provisions, section 404, to delete the prohibition of time share conversions in subsection 404.2.14.

After hearing Mr. Ducharme's presentation and after hearing from CEDC Chairman Peter Smith in support of the petitioned article, members discussed the text and asked questions. After their review and on a motion by Mr. Tolley, seconded by Mr. Roche, the Board voted 6-1-0 to support the article. Mr. Sears stated that while he voted against the motion, he did so because he needs more information.

c. Discuss other ATM warrant articles. Article 33, which would place a question on the next election ballot to petition the Commonwealth to withdraw Yarmouth from the authority of the Cape Cod Commission was reviewed. Staff was directed to speak with Town Administrator Robert Lawton to determine whether there has been a response from the Commission to a recent letter from the Board of Selectmen.

### **OTHER ITEMS & CORRESPONDENCE**

Ms Post reported on a recent conversation with Community Housing Committee (CHC) Chairman Ed Blackman, who wishes that the Planning Board would postpone their proposed amendment to the Revitalization Overlay Architectural District (R.O.A.D.) provisions of the Zoning Bylaw that would prohibit multi-family housing in the B3 portions of the R.O.A.D. overlay district and limit multi-family to mixed use projects in the B1 and B2 portions when the residential portion is no greater than 50% of the projects total floor area. It was the CHC's opinion that the amendment would limit affordable housing possibilities. Staff was directed to draft a memo to the CHC outlining the Boards thoughts and reasoning for not postponing the article.

### **NEW ITEMS**

An outline for a Route 28 market analysis was discussed.

### **UPCOMING MEETINGS**

Board members and staff reviewed upcoming meeting dates.

### **ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, the Planning Board voted unanimously to adjourn at 6:46 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF APRIL 15, 2009**

The Yarmouth Planning Board held a regular business meeting on Wednesday, April 15, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Tolley, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **OPERATIONAL ITEMS**

#### a. Minutes:

- July 02, 2008. On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to approve the minutes, as presented.
- July 09, 2008. On a motion by Mr. Roche, seconded by Mr. Sears, the Board voted unanimously to approve the minutes, as presented.
- July 23, 2008. On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to approve the minutes, as presented.

### **BOARD OF APPEALS ITEMS**

- #### a. Agenda of April 23, 2009. Board members reviewed this agenda with staff. No comments on any items were made.

### **OTHER ITEMS & CORRESPONDENCE**

- #### a. Discussion of Article 33 on the ATM Warrant – the Cape Cod Commission. This item was continued to the next workshop meeting.
- #### b. APD Determination of Applicability Notification – fyi. This notification was briefly reviewed with no further action felt to be necessary.

### **NEW ITEMS**

Board members reviewed an April 13th memo from Community Development Director Karen Greene to Town Administrator Robert Lawton in reply to his memo of April 7<sup>th</sup>, in regard to Regional Policy Plan update and the fact that Chapter H does not contain provisions for the hospitality industry.

Other memos written by staff at the direction of the Board were noted.

### **UPCOMING MEETINGS**

Planning Board members reviewed upcoming meeting dates. Members directed staff to add the review of Annual Town Meeting presentations and questions/answers as well as the continued discussion of ATM warrant article 33 to the April 22<sup>nd</sup> agenda. The workshop meeting of April 29<sup>th</sup> was cancelled, unless some new business requires it.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Shea, the Board voted unanimously to adjourn at 6:24 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF APRIL 22, 2009**

The Yarmouth Planning Board held a regular business meeting on Wednesday, April 22, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Mr. Tolley, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Cape Cod Commission Director Paul Niedzwiecki was present; Mr. Dick Martin was present.

Ms Post opened the meeting at 5:30 p.m.

### **OPERATIONAL ITEMS**

#### a. Minutes:

- August 06, 2008. On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to approve the minutes, as presented.
- September 03, 2008. On a motion by Mr. Roche, seconded by Mr. Tolley, the Board voted 4-0-3 to approve the minutes, as presented.
- October 01, 2008. On a motion by Mr. Tolley, seconded by Mr. Sears, the Board voted 4-0-3 to approve the minutes, as presented.

### **OTHER ITEMS & CORRESPONDENCE**

a. Discussion of Article 33 on the ATM Warrant – the Cape Cod Commission. Mr. Paul Niedzwiecki came forward to discuss this article, which would seek the withdrawal of Yarmouth from the Cape Cod Commission. Mr. Niedzwiecki stated that, in his opinion, the Commission had come a long way in the effectiveness of its operation and the changes in its ordinances in the 18 months since he became director. He also stated that he felt he now knows Yarmouth better, that a lot of good work was going on in the town and that if the Commission is no longer involved, there would be more work on Route 28 revitalization efforts for town staff.

After Mr. Niedzwiecki's presentation, Board members asked questions and made comments, including the need for more frequent updates from the Commission, more flexibility with project mitigation, and a commitment to a partnership with the town with common goals.

At the request of the Board, Mr. Niedzwiecki agreed to meet with them again in 3 to 4 weeks.

b. Review ATM Presentations and Q&As. Staff asked that members individually review their written presentations.

Mr. Dick Martin came forward to discuss the town meeting article that would amend the role of the Design Review Committee (DRC) in the review of motels project. Ms Post explained the reason for the change and agreed to meet with the DRC in future to discuss and explain their role in the review of motels, assuring Mr. Martin that DRC did,

indeed, have a role.

The need to review and change the Design Standards was discussed and a workshop with the DRC was tentatively set for the Planning Board's May 13<sup>th</sup> workshop.

Mr. Martin also expressed his displeasure in the proposed improvements and possible widening by Mass. DPW to Route 28. Members discussed the issue with him.

### **NEW ITEMS**

A notice from Town of Barnstable regarding upcoming zoning amendments was briefly reviewed.

Members briefly continued their discussion on the petitioned Town Meeting article that would seek removal of Yarmouth from the Cape Cod Commission.

### **UPCOMING MEETINGS**

Upcoming meeting dates were noted. Staff reminded members that a meeting of the Board within Annual Town Meeting had been posted. On a motion by Ms Post, seconded by Mr. Shea the Planning Board voted 6-1-0 that the Planning Board not recommend article 33.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Tolley, the Board voted unanimously to adjourn at 7:02 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MAY 04, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, May 04, 2009 Mattacheese Middle School, located on Higgins Crowell Road, West Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 6:15 p.m.

### **MEETING**

Members attended Annual Town Meeting and presented amendments to the Zoning Bylaw and reported to Town Meeting on each, as required by M.G.L., ch. 40A, §5. Twelve articles were on the warrant, 2 of which were petitioned.

At 10:10 p.m., Ms Post continued the meeting until 6:15 p.m. on May 5<sup>th</sup>.

On May 5<sup>th</sup>, Ms Post reopened the meeting and members continued with their Town Meeting duties.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. DiPersio, the Planning Board members voted unanimously to adjourn at 9:35 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MAY 13, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, May 13, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

a. Design Review. Design Review Committee (DRC) members Sara Porter, Dick Martin and Jack McCormack were present to meet with the Planning Board in order to discuss DRC's duties in the Design Review process and the need to refine the Planning Board's *Yarmouth Architectural and Site Design Standards*.

After considerable discussion of the issues and roles of both groups in the design review process and on a motion by Mr. Sears, seconded by Mr. Shea, the Board voted unanimously to create an ad hoc committee to refine the Design Review Standards and for that committee to meet with the Planning Board in 3 months time. Members of the ad hoc are to be Ms Porter, Mr. DiPersio, Mr. Roche and staff.

### **UPCOMING MEETINGS**

Upcoming meeting dates were briefly reviewed.

### **ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, Board members voted unanimously to adjourn at 6:43 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MAY 21, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, May 21, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Community and Economic Development Committee members present were Mr. McCormack, Mr. Smith, Mr. Barker, Mr. Hynes and Mr. DuBois.

Cape Cod Commission staff member Phil Dascombe was present.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

Consultant Kenneth Buckland of the Cecil Group was present to discuss the on-going Route 28 Corridor study and to discuss a proposed Economic Center. A map entitled "Yarmouth Center/Shore Drive" was distributed. Possible uses in the EC, such as amusements, entertainment, water parks and hotels, were discussed and how they would provide services and entertainment for those utilizing the hotels in the hotel/motel district on South Shore Drive (the HMOD2) and provide entertainment for other visitors and residents. The proposed Parker's River Marina and its importance to the proposed EC was discussed. Mr. Buckland presented PowerPoint slides showing examples of such amusement oriented areas, including: Old Orchard Beach, Maine; Santa Cruz and Santa Monica, California, Smuggler's Notch, Vermont, and; Spokane, Washington. Mr. Buckland urged those present to let the market and the land owners define the mix of uses in the proposed EC. Impediments, such as traffic and the lack of good Internet access for office uses were discussed.

Wetlands in the target area were noted, especially as they relate to any possible new road in the EC.

### **ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, Board members voted unanimously to adjourn at 7:03 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF MAY 27, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, May 27, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

Members discussed the previous week's presentation by Cecil Group consultant Kenneth Buckland of a Route 28 Corridor Study, including a possible Economic Center (EC). Some members expressed disappointment in the limited focus of the study and presentation. The areas between possible economic centers were discussed as was the need to un-develop some land in the Route 28 corridor. The Parker's River Marina was questioned and members expressed their doubts that the project might really happen due to the fact that a variance would be needed from MDEP to allow the entrance to the boat basin cross a small wetland.

Possible uses to allow in an EC were discussed. Ms Post expressed her desire not to let developers drive plans for any EC and stated that she liked the idea of circulation between South Shore drive and the proposed area, as was shown on the Cecil map presented at the last meeting. Mr. Sears noted that with any EC, there was still a traffic problem on Route 28. Mr. Roche stated that the board should start with village centers from the Bluestone study and refine them. He also felt that It would be helpful if those property owners with business ideas would come forward.

### **ADJOURNMENT**

After the discussion and on a motion by Mr. Vincent, seconded by Mr. Sears, Board members voted unanimously to adjourn at 6:35 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF JUNE 03, 2009**

The Yarmouth Planning Board held a regular business meeting and public hearing on Wednesday, June 03, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Mr. Driscoll, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting and the public hearing at 5:30 p.m. with a reading of the Public Hearing Notice.

### **PUBLIC HEARING**

R.O.A.D. 2009-1, Healy, Reindeer Lane, West Yarmouth. Ms Post opened the public hearing and read the public hearing notice aloud, as well as all comments from the public, Site Plan Review and Design Review.

Mr. Kieran Healy was present and came forward to present and explain his plan. Mr. Healy reviewed the history of the site from the construction of the existing buildings in 1950 and the existence of the Dolphin Inn.

Ms Post opened the meeting to comments from the public.

Ms Maryann Hill came forward to express her concerns about high ground water at the site and in the area, as well as noise and trash pickup.

Mr. Christos Kandaras, a Jerusha Lane resident, came forward to express his annoyance that the town misspells his name and to express his concern of the effects of the site's proposed septic system on an already high groundwater table. He felt that homeowners on Jerusha, Anastasia and Hunter's Circle had no recourse if there is flooding of their basements in the future. He asked if the applicant can maintain the property. He reiterated that his biggest concern was the water table and expressed his opinion that there were quite a few motels on Route 28 that could be used for low income housing. He mentioned concerns about building height, lighting and property fencing. He stated that he felt there was enough traffic and partying in the neighborhood now and that the project should not exceed 24 units.

Mr. Healy addressed the project fencing and lighting issues and stated that groundwater was at 2.5 feet. He further stated that there were 4 new proposed drainage systems and rain gardens to infuse runoff.

Mr. Kandaras rebutted Mr. Healy's explanations and complained of possible future water problems.

Ms Post asked Planning Board members for comment.

Mr. Vincent: Noted an army barracks look to the project, but felt it was better than the existing buildings. He expressed his concern with drainage, but felt that Mr. Healy was

handling the issue. He felt that an increase of the size of the proposed rain gardens might ease neighborhood concerns.

Mr. Sears: Stated that upkeep and density concerns had been expressed to him. If the application is not approved, he felt that it would be submitted as a 40B project. He felt that it serves the need for affordable housing.

Mr. Shea: Expressed concerns about density and felt the project did not meet the spirit and intent of the R.O.A.D. Bylaw, which is geared toward business development, not residential. Mr. Shea asked whether there were areas for larger dry wells.

Mr. Healy stated that the minimum depth of 5 feet for drywells was not available and that he was looking for LEED certification by using rainwater for irrigation, if possible.

Mr. Roche: Questioned the LEED system. He agreed with Mr. Shea about the spirit of the R.O.A.D. Bylaw in that it leans toward commercial development. He asked if any though was given to commercial use for the site. Mr. Healy answered that the lot is too hidden from the roadway for successful commercial use.

Mr. Roche asked questions regarding Fire Dept. review and the proposed dumpster location.

Mr. DiPersio: Asked what would be done with the Reindeer Lane road layout. Mr. Healy stated that he would be seeking a partial rescission and that he was talking with the owners of Taki's Pizza about a possible full rescission.

Mr. DiPersio noted that density was tied to drainage and stated that he had reviewed the site topography and the effectiveness of the proposed rain garden. Contour changes were needed. Drainage of the recreation area was also discussed. Mr. DiPersio noted that the site has a high water table and drains into the water table by 6 inches. Mr. Healy stated that the site was at elevation 2 feet. Mr. DiPersio felt that the drainage needs further review.

Ms Post: Asked what could be done to address the drainage issues that Mr. DiPersio mentioned. Mr. Healy stated that he felt his plan was "110% ok". Drainage design was discussed with Mr. DiPersio, who disagreed about the distance to the water table.

Ms. Post stated that the proposed density was too much for the site and not in the spirit of the Bylaw, but did not prefer a 40B project due to the lack of town control.

Mr. Roche suggested that the hearing be continued to allow Mr. Healy time to review both the drainage and proposed density. Mr. Healy stated that he cannot reduce the number of units and that he had already dropped 14 bedrooms. He cannot drop more.

Mr. Vincent and Mr. Sears stated that the density was acceptable, but that the Engineering Division needed to check the drainage.

Mr. Shea asked if the use of the R.O.A.D. Bylaw for this project was applicable.

On a motion by Mr. DiPersio, seconded by Mr. Vincent, the Board voted unanimously to continue the hearing to August 5<sup>th</sup> to ask for Engineering and Fire Department review with written comments.

## **DISCUSSION**

a. HMOD2 Project presentation. Mr. Dewitt Davenport, came forward to update the Board on the 2 South Shore drive motel redevelopment projects and to seek Planning Board input on the design aspects of the sites and buildings. Mr. Davenport introduced Mr. Trevor Meyer, Land Use Planner Jack Metee and Architect Shannon Alther of TMS Architects. Mr. Davenport made a PowerPoint presentation, describing his meetings with the Cape Cod Commission, MDEP and the Yarmouth Conservation Commission. He noted that hydrogeologic studies for the Red Jacket site had been completed. The soil absorption system and site grades were reviewed. Building designs were presented from many perspectives. Planning Board members asked questions about design during the presentation, making comments and suggestions on both the Red Jacket and Blue Water sites. The design review process was discussed, as was the role of the Design Review Committee.

## **NEW ITEMS**

Ms Post reported on the previous night's Board of Selectmen's meeting and the fact that the Selectmen will be asking the Planning Board about a residential wind bylaw for next town meeting.

Staff updated members on a request for the partial removal of pavement on a portion of Marsh Point Road and stated that the petitioner should submit detailed sketches of his proposal. Mr. Roche expressed his agreement.

## **UPCOMING MEETINGS**

Staff explained that it might be necessary to use the Board's June 10<sup>th</sup> meeting date for a public outreach meeting on the Route 28 economic study. A workshop meeting with the Board of Appeals was scheduled for the 11<sup>th</sup>. Other meeting dates were reviewed. It was decided to cancel the meeting of June 17<sup>th</sup>.

## **ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Roche, the Board voted unanimously to adjourn at 8:01 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF JUNE 10, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, June 10, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Driscoll, Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Mr. Phil Dascombe of the Cape Cod Commission and Mr. Robert DuBois of the Yarmouth Chamber of Commerce was also present.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

- Discuss Route 28 Market Analysis & Outreach. Mr. Kenneth Buckland of the Cecil Group, consultant for the town, was present to make a PowerPoint presentation on an on-going Route 28 Market Analysis. Mr. Buckland distributed materials to those present and summarized the project, which was to inventory businesses, build-out analysis, market research to determine future development potential and present options and alternatives for the entire Route 28 corridor. Mr. Buckland summarized market information prepared by Mr. Frank Mahady of FXM Associates.

The town is in competition with the region and nation. A general population decline was noted, as was the lack of high speed Internet access, which were seen as business detractors. The proposed marina project was seen as an opportunity for enhancing the town's identity and character; open space was seen as a way to add real value in land.

Mr. Buckland stated that he had interviewed local property owners, real estate professionals and businessmen. He found that the general perception was that town regulations were open and supportive of development, despite some complaints.

A map of a portion of Route 28 was distributed with a proposed program implementation outline for an economic center that Mr. Buckland felt might be created to stimulate redevelopment, provide open space and act to serve the South Shore Drive motel district with guest services.

Planning Board members asked questions about other areas for redevelopment on Route 28, the importance of the marina project and the size of the proposed center and kinds of businesses that might be drawn to it. Other possible uses of the marina land were discussed. Offsetting the growth potential of the economic center by down zoning other areas was reviewed. The need for Cape Cod Commission assistance with down zoning, traffic, waste and other issues was discussed. Mr. Buckland felt that the Commission was integral to the process and explained that his project scope did not include providing services through that part of the process.

Board members discussed Commission involvement, Districts of Critical Planning Concern (DCPCs), Growth Incentive Zones (GIZs), and down zoning for offsets with

CCC staff member Phil Dascombe.

The need to present the issues and plan to property owners (stakeholders) in the proposed economic center was discussed. A meeting was tentatively set for August 12<sup>th</sup>. It was hoped that the town might have answers from the state regarding the marina by that time.

**NEW ITEMS**

No new items were discussed.

**ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Shea, Board members voted unanimously to adjourn at 7:57 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF JULY 01, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, July 01, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Ms Greene and Mr. Sylvia.

Also present: Design Review Committee members Sara Porter, Jack McCormack, Dick Martin and Charles Adams; Yarmouth Chamber of Commerce Director Robert DuBois, and; Cape Cod Commission staff members Sharon Rooney and Phil Dascombe.

Mr. Sears opened the meeting at 5:30 p.m. Ms Post arrived shortly thereafter and resumed her duties as Chairman.

### **DISCUSSION**

a. HMOD2 Projects. Dewitt Davenport, Paul Rumul, Trevor Meyer and Architect Shannon Alther came forward to present draft plans for the redevelopment of Red Jacket properties on South Shore Drive. After an introduction by Mr. Davenport, Mr. Alther made a presentation of the Red Jacket site plans. Mr. Alther noted that changes had been made since their last presentation to the Board, including the addition of curves and bump-outs to the building. Building colors, rooflines and railing systems had also been changed. Changes to the duplex cottage locations to create a boulevard effect to the entry were felt to be necessary, as was the need to match the cottage design to that of the main building.

Ms Post opened the meeting to questions and comments.

Ms Porter asked questions regarding the selection of building materials, including composite shingle colors and window casing widths. She expressed her opinion that the architect had done a good job with the presented changes to the building and that the changes to the patio areas substantially softened the structure.

Mr. McCormack asked if the cottage buildings would be replaced or moved, to which Mr. Davenport replied that they would be entirely replaced and further explained lot coverage calculations and parking space numbers.

Ms Post asked whether all Bylaw provisions would be met, to which Mr. Davenport replied that he felt they would, with the exception of the roof pitch requirements of the Design Standards.

Mr. Martin stated that he liked the proposed changes, especially the more traditional balcony railings, as opposed to the glass railings previously proposed. He also expressed his approval of the curving boulevard-like driveway design. He suggested adding buffers to the Barkentine Circle area of the parking lot.

Plan revisions for the Bluewater, Edge of the Sea and Riviera Beach properties were

presented. The proposed site and new building design would replace all existing buildings and consolidate the properties. One new 3 part building with connectors was shown on the plans. Mr. Alther noted differentiation of color and façade projection, as well as the lowering of building height at the ends of the buildings nearest abutters. He also noted that the design drew the eye upward. Building materials were to be similar to those proposed for the Red Jacket property.

Planning Board members discussed design elements and made comments and suggestions on possible changes.

#### **OTHER ITEMS & CORRESPONDENCE**

ANR 2928, Dumont, Taffy Lane, South Yarmouth. Members reviewed the plan. On a motion by Mr. DiPersio, seconded by Mr. Shea, the Board voted unanimously to endorse the plan.

#### **NEW ITEMS**

No new items were discussed.

#### **UPCOMING MEETINGS**

Members briefly reviewed upcoming meeting dates.

#### **ADJOURNMENT**

On a motion by Mr. Shea, seconded by Mr. Roche, the Board voted unanimously to adjourn at 6:32 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF JULY 22, 2009**

The Yarmouth Planning Board held a workshop meeting on Wednesday, July 22, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Ms Post, Mr. DiPersio, and Mr. Roche. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **INTERVIEWS**

- a. Barbara DePasquale
- b. Ken Driscoll
- c. Jack McCormack

Board of Selectmen Appointments Chair Suzanne McAuliffe was present to introduce Board members to the candidates for the open Planning Board seat and lead the interviews. She explained that Mr. McCormack was ill and would not be attending. Board members interviewed candidates individually.

### **OTHER ITEMS & CORRESPONDENCE**

Staff reminded members of upcoming reappointments. Mr. Sears and Mr. DiPersio both expressed their desire to serve another 3 years.

### **NEW ITEMS**

No new items were discussed.

### **UPCOMING MEETINGS**

Future meeting dates were reviewed.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. DiPersio, Board members voted unanimously to adjourn at 6:47 p.m.

## MINUTES OF THE PLANNING BOARD MEETING OF AUGUST 05, 2009

The Yarmouth Planning Board held an informal public hearing on Wednesday, August 05, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Mr. Driscoll, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting and Public Hearing at 5:30 p.m.

### **PUBLIC HEARING, Continued**

a. R.O.A.D. Petition #2009-1, Kieran J. & Joan M. Healy, 543 Route 28, WY, Map 31, Lots 136.1 – 136.6. Ms Post explained that the meeting had been continued from June 3, 2009. The petitioner, Mr. Kieran Healy, came forward to discuss his plans and explained comments received from the Yarmouth Fire Department and steps taken on the plan to accommodate Fire Department equipment access. A more sweeping angle was made at the entrance; one parking space was removed to accommodate it. In regard to comments from Engineering, after meeting with Mr. Anctil and Town Engineer Rick deMello, small changes were made to the drainage system. Submitted drainage calculations show that all rain runoff is carried by the 4 drainage systems. Rain gardens will be used for additional infiltration, if needed. It was noted that memos from The Engineering and Fire Departments were in members' packets. Staff confirmed that no new correspondence on this application had been received since the June 3<sup>rd</sup> meeting.

Mr. DiPersio asked what method had been used for drainage calculations. Mr. Healy replied the "standard method" had been used. In answer to a question about the use of rain barrels, Mr. Healy replied that the barrels would be used for irrigation, then overflow into the drainage system. When asked, Mr. Healy stated that the drainage system will retain all runoff on site. He reported that the groundwater offset credit was satisfactory to the Health Division.

Mr. Roche asked about turn radius templates used for designing fire apparatus access. Mr. Healy replied that both Engineering and the Fire Departments are satisfied with the design. Mr. Roche expressed his opinion that the project density is too great and further felt that it was the Planning Board's goal to create mixed-uses and that the narrow entrance to site is limiting.

Mr. Shea restated concerns regarding density and the applicability of the R.O.A.D. Bylaw to this project.

Mr. Post questioned Board Members about the possible precedence set with approval of the Windrift project in 2005. Ms. Post requested a list of zoning relief needed.

Relief requested was:

1. Section 202.5, Use Regulation Table and footnote 24, for the creation of Code A12 Multi-family dwellings on a site in the B2 Business Zone, but said site not subject to

the provisions of section 404, the Motel Bylaw;

2. Section 202.5, Use Regulation Table, and 203.5, Table of Dimensional Requirements, for density in excess of the maximum of 2 dwelling units in 40,000 square feet for the B2 Business zone in which the project is located;
3. Section 301.4.4 for non-vegetative material (fencing) in the required buffers, and;
4. Section 301.4.7 for driveway separation of less than 250 feet.

Mr. Roche asked if there was another curb cut in front of Cape Hart TV. Mr. Healy replied that there was, but it was not under his control.

Ms Post noted that it appeared that 3 members still have issues with project density.

Members discussed particular conditions of approval for motion to approve.

On a motion by Mr. Sears, seconded by Mr. Vincent, the Board voted unanimously to approve the R.O.A.D. petition 2009-1 with the following conditions:

1. A maximum of 25 residential dwelling units (units) shall be allowed on the 1.52± acre site (24 residential units and 1 manager's residential unit);
2. Units: 12 units shall be affordable in perpetuity and 13 units shall be market rate. All affordable units shall comply with Department of Housing and Community Development (DHCD) Local Initiative Program guidelines for Local Action Units in order to ensure the units qualify for the DHCD Ch. 40B Subsidized Housing Inventory. A DHCD Rental Regulatory Agreement shall be recorded at the Barnstable County Registry of Deeds to maintain unit affordability in perpetuity. The project shall remain 100% rental for a minimum of 15 years. After 15 years, if the affordable units are sold, a DHCD Homeowners Regulatory Agreement must be recorded for each affordable unit at the Barnstable County Registry of Deeds to maintain affordability in perpetuity. There shall be a maximum of 33 bedrooms on the site, in seventeen (17) – 1 bedroom units and eight (8) – 2 bedroom units. Units shall be distributed as follows:

Building #1 shall contain 8 units, 4 of which shall be 1 bedroom and 4 of which shall be 2 bedroom. 2 - 1 bedroom units shall be affordable and 1 such affordable unit shall be located on each floor. 2 - 2 bedroom units shall be affordable and 1 such affordable unit shall be located on each floor. The first floor 2 bedroom affordable unit shall also be American Disabilities Act (ADA) compliant.

Building #2 shall contain 8 units, 4 of which shall be 1 bedroom and 4 of which shall be 2 bedroom. 2 - 1 bedroom units shall be affordable and 1 such affordable unit shall be located on each floor. 2 - 2 bedroom units shall be affordable and 1 such affordable unit shall be located on each floor. The first floor 2 bedroom affordable unit shall also be American Disabilities Act (ADA) compliant.

Building #3 shall contain 8 units, all of which shall be 1 bedroom; 4 units shall be affordable. Only 2 affordable units shall be located on each floor. 1 affordable unit on the first floor shall also be American Disabilities Act (ADA) compliant.

Building #4 shall contain 1 unit on the second floor, which shall be 1 bedroom. There shall be two (2) – 600 square foot offices located on the first floor, which shall be the site's commercial component.

Residential unit size in all buildings shall be 710 – 720 square feet for 1 bedroom units and 920 square feet for 2 bedroom units.

3. All Design Review Committee comments and recommendations outlined on a Design Review Comment Sheet dated April 27, 2009 shall be incorporated;
4. A post and rail fence shall be placed on the pavement side of the project's northerly and southerly rain gardens;
5. Drainage system design shall be to the standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land in Yarmouth and meet Engineering Division approval;
6. Sprinklers shall be incorporated in buildings #1, #2 and #3, as noted in a memo from the Yarmouth Fire Department dated July 21, 2009. Building #4 does not require sprinklers, per Fire Department email memo of August 31, 2009. Smoke alarms shall be incorporated in all buildings;
7. The existing lots must be combined and Reindeer Lane must be rescinded, at least to the rear of the property located at 547 Route 28, presently known as Takis Pizza;
8. All utilities serving the site shall be placed underground;
9. Vegetative screening shall be planted and maintained to screen the project from the property located at 547 Route 28 (a.k.a., Takis Pizza) and shall meet the standards outlined in Zoning Bylaw section 301.4.5. In addition, 3 inch caliper buffer trees shall be planted every 20 feet, as per the standards of Bylaw section 301.4.4;
10. The site shall be fenced. In the event that abutters remove existing fences or the existing fences fall into disrepair, the petitioners shall replace those fences with fences of a minimum of six (6) feet in height. No fence(s) on the westerly property line shall be located any closer than 40 feet from the Route 28 road layout;
11. The Planning Board encourages the petitioners to seek LEED certification, and; all residential units shall remain residential in use in perpetuity and not used for any commercial purpose in future.

Ms Post closed public hearing at 6:45 p.m.

New member Kenneth Driscoll was welcomed.

### **OPERATIONAL ITEMS**

- a. Minutes of October 15, 2008. After review and on a motion by Mr. Roche,

seconded by Mr. Sears, Board members voted unanimously to approve the minutes, as presented.

**6:35 BOARD OF APPEALS ITEMS**

a. Agenda of August 13, 2009. Board members and staff reviewed the agenda without taking any further action.

b. Recent decisions: There was a brief general discussion about some decisions. No further action taken.

**OTHER ITEMS & CORRESPONDENCE**

CCC notice – davenport development agreement public hearing. Members noted this notice was in their packets.

**NEW ITEMS**

Board members briefly discussed the Cape Cod Commission's proposed changes to Chapter H, Municipal Application for Revisions to Developments of Regional Impact Thresholds, Barnstable County Ordinance 09-13.

**UPCOMING MEETINGS**

Upcoming meeting dates were reviewed. Ms Post and Mr. Shea indicated that they would not be able to attend the August 19<sup>th</sup> meeting.

**ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. DiPersio, the Board voted unanimously to adjourn at 7:05 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF SEPTEMBER 02, 2009**

The Yarmouth Planning Board held a regular business meeting on Wednesday, September 02, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Sears, Mr. Driscoll, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **BUSINESS ITEMS**

a. R.O.A.D. 2009-1. Review and endorse Certificate of Approval. The applicant, Mr. Kieran Healy was present as the Board reviewed the draft approval document. On a motion by Mr. Sears, seconded by Mr. Shea, the Board voted 6-0-1 (Mr. Driscoll abstaining) to accept the approval document, as amended.

### **OPERATIONAL ITEMS**

- a. Election of Clerk. On a motion by Mr. Sears, 2<sup>nd</sup> by Mr. Shea, the Board voted unanimously to appoint Mr. Roche as Board clerk.
- b. Upcoming election of officers on September 16, 2009. Members noted the upcoming election.
- c. Committee assignments review and update.
  - Letter from CHC re representative

Members reviewed committee assignments. Ms Post will continue as representative to the Community & Economic Development Committee (CEDC); Mr. Sears will continue as representative to the Marina Committee; Mr. DiPersio will continue to serve on the Integrated Water Resource Planning Committee (IWRPC), Mr. Roche will continue to work with the Community Preservation Committee (CPC) and Mr. Vincent will continue to represent the Board on the Selectmen's Residential Wind Bylaw Ad Hoc. Members decided to limit their participation in the Capital Budget Committee and the Community Housing Committee to liaisons, if needed. Mr. Sylvia was directed to draft a memo to the Selectmen's Appointments Chairman with this information.

An August 24<sup>th</sup> memo from Community Housing Committee (CHC) Chairman Alan Aarons was reviewed. In it, Mr. Aarons asks that the Planning Board appoint a replacement for the vacancy created when former member Eric Tolley was elected as Selectman. After discussion, staff was directed to draft a reply in which the Planning Board expresses its intention to provide an as-needed liaison to the CHC.

### **BOARD OF APPEALS ITEMS**

a. Agenda of September 10, 2009. Board members and staff reviewed the agenda in detail without taking further action.

### **OTHER ITEMS & CORRESPONDENCE**

a. Discussion – Possible future amendments to the architectural standards. Members and staff reviewed draft amendments.

- b. Discussion – Route 28 Market Analysis recommendations
- Review draft map.

A draft map was briefly reviewed. Staff was directed to ask Community Development Director Karen Greene whether it would be possible for consultant Ken Buckland to meet with the Board in a workshop.

- c. Discussion – Wastewater issues and regulations. Mr. DiPersio explained the need for stormwater regulations, perhaps as part of the Planning Boards Rules & Regulations Governing the Subdivision of Land. Staff was directed to speak with DPW Director George Allaire, Town Engineer Rick deMello and Conservation Agent Brad Hall about a possible workshop in November.
- d. Discussion – Village Green memo and letter. A memo from the Town Administrator and a memo from Selectman Bud Groskopf were reviewed and discussed. Mr. Lawton asked for comments and concerns regarding Mr. Groskopf's "Village Green concept" with pavilion (bandstand) on the property between the former Simpkins School and the MacArthur School. A letter from the Lassen family was also reviewed. Staff was directed to draft a reply to Mr. Lawton, stating that the project may have merit, but more information would be needed to form an opinion. First it would be best to know what is happening with the two schools, what the neighborhood opinion was, whether parking adequate parking was available.
- e. Subpoena For Production of Documentary Evidence – staff report. Mr. Sylvia updated members on a written request to provide documents in relation to a Board of Appeals decision. No action was necessary.
- f. Seminar Notice – Permitting Renewable Energy Projects. This September 21st seminar was noted.

### **NEW ITEMS**

Staff distributed copies of the September 29, 2009 Special Town Meeting Warrant.

### **UPCOMING MEETINGS**

Members reviewed upcoming meeting dates. The workshop of September 9<sup>th</sup> was cancelled. Staff was directed to post the meeting cancellation notice.

### **ADJOURNMENT**

On a motion by Mr. Driscoll, seconded by Mr. Vincent, the Board voted unanimously to adjourn at 7:35 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF SEPTEMBER 16, 2009**

The Yarmouth Planning Board held a regular business meeting on Wednesday, September 16, 2009 in the Hearing Room at the Yarmouth Town Hall, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Vincent, Mr. Driscoll, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **OPERATIONAL ITEMS**

- a. Annual election of officers. Staff was directed to put the election on the October 7<sup>th</sup> meeting agenda since Mr. Sears was not present.
- b. Committee assignments review and update. Members' were given an updated table of assignments discussed at the last meeting. No further action was taken.

### **BOARD OF APPEALS ITEMS**

- a. Agenda of September 24, 2009. Board members and staff reviewed the agenda in detail without taking further action.

### **OTHER ITEMS & CORRESPONDENCE**

- a. Legal Notice – Dennis Board of Appeals.
- b. Notice of Waterways License Application.
- c. Variance Approval, Title V, Nick-em Way, Prelim. Plan 2928, So. Yarm.

All three items were noted with no further action taken.

- d. Update, Subdivision Ref. #2777B, Hawk's Wing Estates Subdivision. Staff updated members on the project, which lacks a finish layer of paving.
- e. Discuss possible letter to Selectmen regarding Site Plan Review. The Board discussed attendance at Site Plan Review and the need to ensure that all participants regularly attended. Staff was asked to speak with the Building Commissioner about the matter. The Board felt that if a department was not able to attend, they should at least send comments or a representative.

### **NEW ITEMS**

A September 15, 2009 memo from CEDC Chairman Peter Q. Smith was reviewed. Mr. Smith expressed his board's desire to meet with the Planning Board to discuss vision for and potential uses of a Central District. He suggested a workshop meeting on October 14. Planning Board members felt that they needed a workshop first to set goals, etc. Staff was asked to try to get an advance copy or outline of the Cecil Group report for October 7<sup>th</sup> and to set up the Hearing Room for a round table workshop discussion with the Community & Economic Development Committee on that date.

Members expressed their desire to meet with Mr. Lou Nickinello and his architect Erik Rodin in November or December. The possibility of a November 11<sup>th</sup> meeting was discussed as well as the need to invite CEDC members to attend. Staff was asked to

contact Mr. Rodin to determine whether he might be available on that date.

A September 14, 2009 letter from Mr. Brad Goodwin was reviewed. In his letter, Mr. Goodwin suggested that there were very few recreational amenities to draw families to Yarmouth and that an indoor water park should be considered. After discussion, staff was directed to answer Mr. Goodwin by email and inform him that the Board would get back to him formally after their meeting with Mr. Nickinello and his architect.

### **UPCOMING MEETINGS**

Members reviewed upcoming meeting dates.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Shea, the Board voted unanimously to adjourn at 6:25 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF OCTOBER 07, 2009**

The Yarmouth Planning Board held a business and workshop meeting at 5:30 p.m. on Wednesday, October 07, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Vincent, Ms Post, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 5:30 p.m.

### **OPERATIONAL ITEMS**

- a. Annual election of officers. As 2 members were not present, this item was postponed until the next meeting.
- b. Committee assignments review and update. This item was also postponed.
- b. Minutes:
  - Sept. 15, 2008. On a motion by Mr. Roche, seconded by Mr. Shea, members voted unanimously to accept the minutes, as presented.
  - Oct. 29, 2008, Nov. 12, 2008, Dec. 03, 2008, Oct. 22, 2008, Nov. 05, 2008, and Nov. 19, 2008. On a motion by Mr. Sears, seconded by Mr. Roche, members voted unanimously to accept the minutes, as presented.

### **BOARD OF APPEALS ITEMS**

- a. Agenda of October 22, 2009. Members and staff reviewed the agenda without taking any further action.
- b. Recent decisions. Decisions were briefly reviewed, without further action.

### **OTHER ITEMS & CORRESPONDENCE**

- a. CPTC Workshop Course Schedule. Staff informed Board members of this training series. Ms Post asked members to inform staff if they wished to attend any session.

### **WORKSHOP**

- a. Discuss economic center concept. A preliminary draft of the Cecil Group market analysis was briefly reviewed, but a full discussion was postponed. It was noted that appendices noted in the report were missing. The Cecil Group will meet with Board on the 21<sup>st</sup> of October, when questions can be posed to Ken Buckland. Ms Post informed members that she, staff, Bob DuBois, Sharon Rooney and Paul Niedzwiecki met that day. Ms Greene reported that certain areas of the report needed to be expanded and that the 21<sup>st</sup> would be a good time to ask questions. After the report is finalized, the Cape Cod Commission has offered to help with zoning, site plans and visualizations for the economic center. A meeting with the Commission is tentatively scheduled for November 4<sup>th</sup>. The Board should decide when to update the Selectmen. All agreed that the timeline was ambitious.

### **NEW ITEMS**

Mr. Sears informed the Board that he had attended the Board of Appeals hearing for the West Yarmouth CVS project and felt that the Planning Board should have commented

on the project. Some members felt that the Board has created zoning that the ZBA should uphold. Staff suggested that if there are zoning requirements that they do not want to see varied, they should make that restriction in the Zoning Bylaw text.

Staff reminded Board members that they would be meeting with the Board of Appeals in January and that perhaps it would be a good opportunity to discuss these issues.

Ms Post noted that a copy of the new Regional Policy Plan (with maps) was available in the Planning Division office. The material is also available on the Commission's website. Staff is also capable of duplicating the CD of the RPP, if Board members wished to have copies.

Ms Greene updated members on the Commission's changes to Chapter H.

### **UPCOMING MEETINGS**

Upcoming meeting dates were reviewed. Members confirmed that no extra meeting will be needed on October 28<sup>th</sup>.

#### **b. Executive Session**

- Possible future open space land. Ms Post asked for a motion to go into executive session without returning to the regular meeting. Mr. Sears made that motion, which was seconded by Mr. Roche. A roll call vote was taken with all members voting individually in favor.

### **ADJOURNMENT**

On a motion by Mr. Vincent, seconded by Mr. Sears, Planning Board members voted to close their executive session and adjourn. A roll call vote was taken with all members voting individually in favor of the motion. The meeting adjourned at 6:50 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF OCTOBER 14, 2009**

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, October 14, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Vincent, Mr. Driscoll, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Design Review Committee (DRC) members Mr. McCormack, Ms Porter and Mr. Martin were present.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

a. Design Review. Members of the Planning Board and the Design Review Committee met in a round table setting to review and discuss possible revisions to the Planning Board's Architectural and Site Design Standards to be based on a new Cape Cod Commission document *Contextual Design On Cape Cod*.

Although the DRC had not had the opportunity to review the Commission document in detail, those present agreed that changes were needed that were more appropriate to smaller scale commercial development, to make changes to roof pitch requirements and to make changes to the application materials by adding reference to Revitalization Overlay Architectural District (R.O.A.D.) projects.

Mr. McCormack gave the boards an update on the Commission's impressions about the Davenport South Shore Drive redevelopment project.

A follow-up meeting of the two groups in February to work on the update was agreed upon.

### **NEW ITEMS**

Members took up the annual election of officers. On a motion by Mr. Roche, seconded by Mr. Vincent, Ms Post was unanimously elected as Chairman. On a motion by Mr. Vincent, seconded by Mr. DiPersio, Mr. Sears was unanimously elected Vice-Chairman. On a motion by Mr. Sears, seconded by Mr. DiPersio, Mr. Roche was unanimously elected as Clerk. On a motion by Mr. Roche, seconded by Mr. Sears, members voted unanimously to authorize officers to sign any and all documents on behalf of the Board.

Members then discussed committee assignments. On a motion by Mr. Roche, seconded by Mr. Vincent, Ms Post was assigned as the Board's representative to the Community & Economic Development Committee. On a motion by Ms Post, seconded by Mr. Shea, Mr. Sears was assigned as the Board's representative to the Marina Committee. On a motion by Mr. Shea, seconded by Mr. Sears, Mr. DiPersio was assigned as the Board's representative to the Integrated Water Resource Planning Committee. On a motion by Mr. Roche, seconded by Mr. DiPersio, Mr. Vincent was

assigned as the Board's representative on the Selectmen's ad hoc Residential Wind Energy Committee. On a motion by Ms Post, seconded by Mr. Vincent, Mr. Roche was assigned as the Board's representative on the Community Preservation Committee. No assignments were made to the Community Housing Committee or the Design Review Committee.

Members discussed the televising of workshops. Mr. Driscoll, Mr. DiPersio, Mr. Sears and Mr. Shea spoke against televising. Mr. Vincent and Mr. Roche offered no opinion.

### **UPCOMING MEETINGS**

Upcoming meeting dates were reviewed. It was noted that the Cecil Group would be making a presentation on October 21<sup>st</sup>.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Vincent, Board members voted unanimously to adjourn at 7:32 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF OCTOBER 21, 2009**

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, October 21, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Driscoll, Mr. Vincent, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Cape Cod Commission Director Paul Niedzwiecki and staff member Sharon Rooney were present.

Ms Post opened the meeting at 5:30 p.m.

### **PRESENTATION**

a. Cecil Group presentation of draft Route 28 market analysis report.

Mr. Kenneth Buckland of the Cecil Group came forward to present his draft report. The photo inventory and buildout analysis were not yet complete. He stated that there was a better chance of success concentrating efforts on one economic center.

Members made comments and asked questions.

Mr. Niedzwiecki came forward to express his opinion that the presented plan has promise and that the Board should go ahead with planning and expect to make mistakes along the way. He felt that the most important issues were infrastructure and the need for certainty and predictability in expedited permitting.

Members discussed the need for property owner commitment to the plan and expressed their willingness to move forward with the economic center concept.

Ms Greene stated that she would work with the Commission to create a strategy to accomplish the plan.

The presentation having been completed, Ms Post called for a short intermission before moving on to other agenda items.

### **OPERATIONAL ITEMS**

a. Sign letters to Land Court and Registry re election of officers. Members endorsed the letters.

b. Minutes:

- Dec 10, 2008, Dec 17, 2008, Jan. 07, 2009, Jan. 14, 2009, Jan. 21, 2009, Feb. 04, 2009, Feb. 11, 2009. On a motion by Mr. Roche, seconded by Mr. Sears, members voted unanimously to approve the minutes, as presented.
- Feb. 18, 2009. On a motion by Mr. Roche, seconded by Mr. Vincent, members voted 5-0-2 (Mr. Shea and Mr. Driscoll abstaining) to approve the minutes, as presented.

### **OTHER ITEMS & CORRESPONDENCE**

a. Cape Cod Commission Reporter. Staff asked members if they want the publication and, if so, in what format – hard copy or email. Members responded with their preferences.

Staff noted that a seminar on public meeting regulations and conflict of interest laws will be held on Friday, Oct 30<sup>th</sup>, at 10 a.m. in the Assembly of Delegates Chamber in Barnstable Village.

### **NEW ITEMS**

Ms Post noted that a new stormwater bylaw was on the warrant in Dennis. She asked staff to get a copy and stated that a workshop was needed with D.P.W. Director George Allaire, possibly in December. Mr. Vincent reminded members that the residential wind energy bylaw was ready and scheduled to be presented to the Board on December 9<sup>th</sup>.

Deadlines for submitting Annual Town Meeting articles to the Selectmen were discussed.

### **UPCOMING MEETINGS**

Upcoming meeting dates were reviewed. Members confirmed that no extra meeting would be needed on October 28<sup>th</sup>.

### **ADJOURNMENT**

On a motion by Mr. Shea, seconded by Mr. Vincent, Planning Board members voted unanimously to adjourn at 7:09 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF NOVEMBER 04, 2009**

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, November 04, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Driscoll, Mr. Vincent, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

#### **a. Meet with Cape Cod Commission Staff.**

- Discuss work plan. Commission Executive Director Paul Niedzwiecki came forward with staff member Phil Dascombe. Commission staff members Sharon Rooney and Leslie Richardson were also present. Ms Rooney distributed a timeline document to those present. Mr. Dascombe explained the timeline and gave a PowerPoint presentation on the its illustration of both the Local Comprehensive Plan update and a district feasibility analysis for an economic center in the Route 28 corridor.

After the presentation, Board members asked questions regarding the two work items and the order in which they would be addressed. Mr. Niedzwiecki felt that the Comprehensive Plan update should have the initial focus so that as much as possible could be presented at next annual town meeting. Ms Greene stated that the Land Use section should be handled first, since it takes into account much of the proposed work on Route 28, including road improvements, sewers, and possible economic center.

Mr. Niedzwiecki stated that a district feasibility analysis should start with a review of both the Bluestone and Cecil Group reports. The district outlined by Cecil is a good start, but the Commission is committed to helping Yarmouth within the entire Route 28 corridor.

Board members asked questions and offered their ideas and impressions.

A possible December update was offered by Mr. Niedzwiecki.

### **OPERATIONAL ITEMS**

#### **a. Minutes:**

- Feb. 25, 2009. On a motion by Mr. Roche, seconded by Mr. DiPersio, members voted unanimously to approve the minutes, as presented.
- Mar. 04, 2009. On a motion by Mr. Roche, seconded by Mr. DiPersio, members voted unanimously to approve the minutes, as presented.
- Mar. 11, 2009. On a motion by Mr. DiPersio, seconded by Mr. Vincent, members voted unanimously to approve the minutes, as presented.
- Mar. 18, 2009. On a motion by Mr. Shea, seconded by Mr. DiPersio, members

- voted 5-0-1 (Mr. Driscoll abstaining) to approve the minutes, as presented.
- April 01, 2009. On a motion by Mr. Roche, seconded by Mr. Shea, members voted 5-0-1 (Mr. Driscoll abstaining) to approve the minutes, as presented.
  - April 08, 2009. On a motion by Mr. Shea, seconded by Mr. Roche, members voted 5-0-1 (Mr. Driscoll abstaining) to approve the minutes, as presented.
  - April 15, 2009. On a motion by Mr. Shea, seconded by Mr. Roche, members voted 4-0-2 (Mr. Vincent and Driscoll abstaining) to approve the minutes, as presented.
  - April 22, 2009. On a motion by Mr. Shea, seconded by Mr. Roche, members voted 4-0-2 (Mr. Vincent and Driscoll abstaining) to approve the minutes, as presented.

### **BOARD OF APPEALS ITEMS**

- a. Agenda of November 12, 2009. Members and staff briefly reviewed the agenda without further comment.
- b. Recent decisions. These items were noted, but not reviewed.

### **OTHER ITEMS & CORRESPONDENCE**

- a. Cape Cod Commission Reporter. Staff asked members if they want the publication and, if so, in what format – hard copy or email.

### **NEW ITEMS**

Mr. Vincent gave members an update on progress made in the drafting of a Wind Energy Bylaw. A more comprehensive update was promised for the December 9<sup>th</sup> workshop meeting. Mr. Vincent will give a copy of the text to staff, who will distribute it to Board members for their comments.

### **UPCOMING MEETINGS**

Upcoming meeting dates were reviewed.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Vincent, Planning Board members voted unanimously to adjourn at 6:49 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 02, 2009**

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, December 02, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Driscoll, Ms Post, Mr. DiPersio and Mr. Roche. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### **WORKSHOP**

a. South Shore Drive draft motel redevelopment plan presentation. Mr. DeWitt Davenport and Mr. Paul Rumul were present to present draft plans for redevelopment of Davenport Properties motels on South Shore Drive. Also present from Davenport Companies were

Yarmouth Community & Economic Development Committee (CEDC) members J. McCormack, P. Smith and R. DuBois were present. Ms Post, present as Planning Board Chairman, was also present acting as a CEDC member. Design Review Committee member Dick Martin was present, with Mr. McCormack and Mr. DiPersio also representing that committee.

Mr. Sylvia introduced Mr. Davenport and Mr. Rumul. Mr. Davenport introduced Mr. Rumul and members of his project team: John Verity, Trevor Meyer, Christian Davenport, Tom Moore and Architect Shannon Alther. Mr. Rumul then made a PowerPoint presentation of a basic review of the project and the reasons for their redevelopment plans, which were recovery from a natural disaster or other catastrophic loss that would allow rebuilding to standards that are better able to meet the needs of today's travelers.

Mr. Alther presented architectural plans and details.

After the presentation, Mr. Davenport and his team answered questions from Planning Board members and others present.

The Cape Cod Commission's Development Agreement process was then reviewed, as was the town's review process. Mr. Rumul thanked all those that have worked on the project.

Ms Post thanked the Davenport team for their presentation and called for a brief intermission.

On a motion by Ms Post, seconded by Mr. McCormack, CEDC members voted unanimously to adjourn at 6:38 p.m.

### **OPERATIONAL ITEMS**

a. Minutes:

- May 04, 2009. After review and on a motion by Mr. Roche, seconded by Mr. DiPersio, members voted 4-0-1 (Mr. Driscoll abstaining) to approve the minutes, as presented.
- May 13, 2009. After review and on a motion by Mr. DiPersio, seconded by Mr. Roche, members voted 4-0-1 (Mr. Driscoll abstaining) to approve the minutes, as presented.

### **BOARD OF APPEALS ITEMS**

a. Recent decisions. Recent Board of Appeals actions were reviewed with further action taken.

### **OTHER ITEMS & CORRESPONDENCE**

- a. Community Housing Committee memo. Members and staff reviewed this memo regarding affordable housing standards.
- b. *Cape Cod Commission Reporter* delivery update. Staff informed members that the names of those wanting the Reporter delivered had been submitted to the Commission.
- c. Conflict of Interest documentation update. Members were reminded to submit their Conflict of Interest documentation to either staff or the Town Clerk.

### **NEW ITEMS**

A memo from the Board of Appeals concerning outdoor lighting was reviewed. Staff was directed to forward the memo to the Design Review Committee for their comment and suggestions.

Members discussed a stormwater policy that needs to be adopted for application to all projects.

### **UPCOMING MEETINGS**

Future meeting dates were reviewed.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. DiPersio, members voted unanimously to adjourn at 7:17 p.m.

## MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 09, 2009

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, December 09, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Driscoll, Mr. Vincent, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia.

Ms Post opened the meeting at 5:30 p.m.

### WORKSHOP

#### a. Review zoning articles for ATM

- Motel conversion (petitioned). Staff reminded Board members that they had last met with Attorneys Jay Murphy and Michael Stusse on April 8<sup>th</sup> and at that time, they had agreed to provide staff with a digital file of their article. Mr. Sylvia reported that he had spoken with Attorney Murphy on November 30<sup>th</sup>. During that discussion, Mr. Murphy stated that he was in contact with Mr. Stusse, who was to take a lead on this project. Mr. Murphy hoped that the Planning Board would take over the article and present it at Town Meeting. Mr. Sylvia reported that he had spoken over telephone with Mr. Stusse earlier in the day and that Mr. Stusse would be reviewing his notes and would call back by Friday, December 11<sup>th</sup>. Board members directed Mr. Sylvia to tell Mr. Stusse that they wished to meet with him to update the article.
- FIRM reference updates. Draft text was reviewed with no further action felt necessary.
- Residential wind energy systems. Mr. Vincent distributed text of a new draft bylaw, which members reviewed. Comments and suggestions were offered.
- "Green Communities" revisions. Staff explained the need for this article to comply with the Green Communities Act (M.G.L., ch. 25A, §10 (C)) and how compliance might be achieved by either allowing manufacturing by right or by allowing research and development facilities by right. Board members agreed that the former would be better. Text of the draft bylaw allowing R&D facilities in the B2 business zone were reviewed.

#### b. Design Standards update review. Staff updated members on work to date.

#### c. Update on other items

- Route 28 buildout analysis
- Comprehensive Plan
- Time-line

Board members and staff briefly reviewed these items.

#### d. Dark-sky lighting regulations review and discussion. Board members reviewed outdoor lighting standards and definitions from the International Dark Sky Association for possible inclusion in their Design Standards. Staff was directed to send copies of the standards to the Design Review Committee for their comments.

**NEW ITEMS**

Members reviewed a memo for general distribution from Community Housing Committee Chairman Alan Aarons, in which he seeks ideas and comments on his committee's draft Affordable Housing Standards. Ms Post reported that she had spoken with Mr. Aarons and told him that the Planning Board would not be responding to his email as a group, but may as individuals.

**UPCOMING MEETINGS**

Upcoming meeting dates were reviewed. The possible meeting of December 23<sup>rd</sup> was cancelled.

**ADJOURNMENT**

On a motion by Mr. Sears, seconded by Mr. Vincent, Planning Board members voted unanimously to adjourn at 7:33 p.m.

## **MINUTES OF THE PLANNING BOARD MEETING OF DECEMBER 16, 2009**

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, December 16, 2009 in the Hearing Room at the Yarmouth Town Offices, located at 1146 Route 28, South Yarmouth, MA. Members present were: Mr. Sears, Mr. Driscoll, Mr. Vincent, Ms Post, Mr. DiPersio, Mr. Roche and Mr. Shea. Staff present: Mr. Sylvia and Ms Greene.

Ms Post opened the meeting at 5:31 p.m.

### **WORKSHOP**

a. Presentation of initial draft Land Use Comprehensive Plan chapter; status update on other chapters. Cape Cod Commission staff member Sharon Rooney was present and came forward to discuss the process of drafting and approving the Local Comprehensive Plan (LCP) and to outline assistance to be given by Commission staff.

Ms Greene started that presentation with a brief background of the town's LCP.

Ms Rooney gave a summary of the required LCP elements and reported that 11 Cape towns have LCPs now, that Barnstable is updating theirs and Dennis is has preliminary certification only. She noted that those town with complete LCPs presented them comprehensively, not in sections. Ms Post asked if there was any advantage to presenting individual chapters for approval. Ms Rooney replied that there was no advantage to that method and reminded the Board that a certified LCP was required to get the benefits (e.g., to be able to enter into Development Agreements).

Ms Greene presented a draft LCP Vision Statement that should be presented at May Annual Town Meeting and asked for comments.

### **NEW ITEMS**

No new items were discussed.

### **UPCOMING MEETINGS**

Upcoming meeting dates were reviewed. The possible meeting of December 23<sup>rd</sup> was cancelled.

### **ADJOURNMENT**

On a motion by Mr. Roche, seconded by Mr. Shea, Planning Board members voted unanimously to adjourn at 6:26 p.m.