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Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF July 11, 2012

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, July 11, 2012 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Members Present were: Mr. Vincent, Mr. Weare, Mr. Roche, Mr. DiPersio, and Mr. Driscoll.

Members Absent were: Mr. Goodwin

Also present – Kathy Williams, Town Planner; Carlene Veara; Judith Still; Tom Higbee; and Tom Nickinello

Chairman Roche opened the meeting at 5:30 p.m.

1. **Update on Nick-Em Way (2926A – Milberg-Williams Definitive Subdivision with Special Permit for Single Family Cluster Development)**. Kathy Williams stated that two meetings had occurred with the applicant or their representative. These meetings were summarized in the correspondence distributed to the Planning Board including the June 28, 2012 letter from Michael Stusse and the July 3, 2012 letter from Kathy Williams. As the hearing is still open, no discussion occurred. Kathy Williams updated the Planning Board on the status of the variance requests for this project before the Board of Appeals (BOA). The applicant was proposing to withdraw their variance for minimum lot size in a cluster development and resubmit with two variance requests for the minimum lot size and to reduce the 100' dwelling setback from wetlands required for cluster subdivisions. The withdrawal will be addressed at the BOA meeting on July 12, 2012. The BOA meeting date for the two variances is August 9, 2012.
2. **Update on Walden Way (1614G – Dunphy Lot Release)**: Applicant is working on getting required items as outlined by the Planning Board in preparation for a resubmission for lot releases.
3. **Workshop - Town Center Bylaw**:
 - a. **Map Modifications**: Discussed modifications shown on the new TCOD Map dated July 5, 2012, including removal of the FEMA flood mapping, defining zones B1 and B2 through color changes, outlining the northern and southern district boundaries, and modifying the District 4 boundary south of Walgreens. Also discussed the rezoning of some business district lots to the adjacent residential zoning. Some of these proposed zoning changes were shown on the new map and others discussed at the meeting include parcels west of the proposed Marina site, and two lots west of the Irish Village. Discussed District 4 southern limits. Chris Vincent indicated the Bass River Trailer Park was okay with being in the TCOD, but had requested being in District 4 rather than District 3. Discussed the inclusion of two lots (cemetery and residential parcel) in District 4 and whether these residentially zoned parcels were meant to be in the TCOD. Discussed the Walgreen lot, which appears to be a single lot with two zoning districts. B2 area north of Shaws was intentionally left out of District 4 as it is not suitable for intense development. All map modifications and

changes to be discussed and confirmed at the July 16, 2012 Ad Hoc Committee meeting. Kathy Williams suggested providing 11x17 versions of each district, which may improve legibility.

- b. Summary of Outreach to date: Discussed information contained in various July 3, 2012 memos from Karen Greene. Karen has reached out to the owner of the Lighthouse landing to see if he would prefer to be in District 2 or 3. We have confirmation of a July 16, 2012 Ad Hoc meeting with the Building Commissioner and the Town Counsel. The preferred date for the BOA will be addressed at their July 12, 2012 meeting.
 - c. Additional Supporting Materials: Lou Nickinello, Bass River Sports World, has been contacted and he is working to develop visual depictions of development made possible through the TCOD bylaw on his properties in District 3. Existing visualizations for District 1 were prepared by the Cape Cod Commission. Supplemental visualizations for the east end of District 3 may be possible through the Cape Cod Commission or private consultant. Tom Roche indicated he felt the Cape Cod Commission would be willing to do additional visualizations on another segment of the TCOD, but not the full length. Request Phil Dascombe's software showing Winslow Gray area.
 - d. Outreach schedule: With the special town meeting set for October 22, 2012, the Planning Board discussed possible dates for further public outreach with the next date proposed for August 8, 2012. All the visualizations may not be completed at this time, but Planning Board felt the revised map, blow-up of pictures from the CCC District 1 visualizations, the revised TCOD Bylaw and the proposed changes to the Rules and Regulations should be sufficient to start the public outreach process. Notification of available materials should be made on Chanel 18.
4. Update on Board of Appeals Agenda: BOA Agenda for July 12, 2012 was provided to the Board. Refer to discussion under Item 1.
 5. Other Business/Correspondence: The following correspondence was distributed at the meeting without comment.
 - Abutter Notification of a Public Hearing from the Town of Dennis for July 23, 2012
 - Legal Ad from the Town of Barnstable for the July 25, 2012 Zoning Board of Appeals
 5. Board Member Items – NONE
 6. Next Meetings:
 - a. July 16, 2012 - Ad Hoc Committee Meeting with Building Commissioner and Town Counsel
 - b. July 18, 2012 – Business Meeting
 - c. Tentative July 25th Meeting with Board of Appeals to review TCOD, to be confirmed at the BOA July 12th meeting.

7. **Adjournment:**

VOTE: On a motion by Mr. Weare, seconded by Mr. DiPersio, the board voted (5-0) unanimously to adjourn at 6:00 p.m.

ATTACHMENTS:

- June 28, 2012 Letter from Michael Stusse to Simon Milberg and Paul Sweetser summarizing his June 28th meeting with Karen Greene and Elizabeth Hude.
- July 3, 2012 Letter (with attachments) from Kathy Williams to Paul Sweetser summarizing our June 29, 2012 meeting with Karen Greene and Elizabeth Hude.
- July 3-5, 2012 e-mails with Paul Tardif, Esq.
- July 3, 2012 Memo from Karen Greene to Planning Board with an update on the TCOD.
- July 3, 2012 Memo from Karen Greene to Board of Appeals Members.
- July 3, 2012 Memo from Karen Greene to Mark Grylls, Building Commissioner.
- July 3, 2012 Memo from Karen Greene to Bruce Gilmore, Town Counsel.
- July 3, 2012 Memo from Karen Greene to Planning Board regarding discussions with Lou Nickinello.
- Revised TCOD Map, dated July 5, 2012.
- Abutter Notification of a Public Hearing from the Town of Dennis for July 23, 2012
- Legal Ad from the Town of Barnstable for the July 25, 2012 Zoning Board of Appeals

Approved on July 25, 2012

On a motion by Mr. Driscoll, seconded by Mr. Vincent, members voted (5-1) to approve the minutes of July 11, 2012 as amended (Brad Goodwin abstained).