

# Town of Yarmouth

## MINUTES OF THE PLANNING BOARD MEETING OF August 15, 2012

The Yarmouth Planning Board held a business meeting at 5:30 p.m. on Wednesday, **August 15, 2012** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present were:** Mr. Goodwin (at 5:36pm), Mr. Roche, Mr. Weare, Mr. DiPersio, Mr. Driscoll and Mr. Vincent

**TCOD Members Present were:** Dick Martin

**TCOD Members Absent were:** Jack Hynes and John Barker

**Also present:** Kathy Williams, Planner; Karen Greene, Director of Community Development (at 6 PM); Renie Hamman, RH Land Use Consulting; Jeff Nickinello, Tom Nickinello, Paul Rumul, Carlene Veara, and Bob Dubois.

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

### **1. Business Items:**

- a. Special Permit # 107 – Windrift Village 115 Route 28, West Yarmouth. Presentation of redevelopment plans for Phase II as required by condition #4 of Special Permit #107, prior to allowing occupancy permits for cottage units 3 & 5 to be issued.

Mary and Tom Ardan presented the current status of the project and outlined the progress that has been made on the cottages. The work remaining in Phase II is the landscaping in the parking lot and front of the building, and restriping of the parking lot. They are hoping to complete the cottages to allow for a move in date of October 1<sup>st</sup>. Phase II is proposed to be completed by June 30, 2013. Kathy Williams gave a brief outline of the August 13, 2012 Planner Report. Many of the board members had visited the site and were complimentary of the work done to date.

**VOTE: On a motion by Tom DiPersio and seconded Chris Vincent, the Board voted (6-0) unanimously to:**

- 1. **Accept the Phase II plans submitted as meeting Condition #4 of the Special Permit;**
  - 2. **Notify the Building Commissioner that the applicant has met Condition #4 and this condition would not impede the issuance of occupancy permits for cottage units #3 & 5; and**
  - 3. **Recommend to the Building Commissioner that these occupancy permits be issued as conditional until all of the Phase II work has been completed. If this work is not completed by June 30, 2013, or an extension provided by the Planning Board, the Building Commission can pull the conditional occupancy permits until such time as this work has been completed.**
- b. Lot Release for Plan 1614G, Walden Way, Yarmouthport. Request for release of Lot 7 of Walden Way Subdivision. Lots 1, 2, 3, 4 & 6 remain under covenant.

Bob Dunphy gave a brief outline of his request to release Lot 7 from the Walden Way covenant. Kathy Williams provided a brief summary of the August 13, 2012 Planners Report regarding lot/building coverage information provided by the applicant; fire truck access easement not required by the Fire Department; and a draft restrictive covenant from the applicant to prohibit

commercial truck access to Lot 7 from Walden Way. Bruce Gilmore, Town Counsel, had reviewed and approved the wording of the draft copy provided to the Planning Board. Mr. Dunphy distributed an executed and notarized copy of the Restrictive Covenant signed by James Peterson.

**VOTE: On a motion by Tom DiPersio and seconded Ken Driscoll, the Board voted (6-0) unanimously to approve a release of lot 7 from Covenant for Plan No.1614G Walden Way as requested by the developer in a letter received on July 30, 2012.**

**2. Meeting Minutes:**

- a. July 30, 2012: On a motion by Brad Goodwin and seconded by Tom DiPersio, the Planning Board voted (6-0) unanimously to approve the meeting minutes of July 30, 2012, as amended. Amendment included a spelling correction.
- b. August 1, 2012: On a motion by Brad Goodwin and seconded by Tom DiPersio, the Planning Board voted (6-0) unanimously to approve the meeting minutes of August 1, 2012.

**3. Barnstable Registry of Deeds Signature Sheet:** Three copies each of the signature sheets to the Recorder of the Land Court and to the Register of the Registry of Deeds were signed by the six members present.

**4. Milberg/Williams Extension Request:** In an August 3, 2012 letter, Michael Stusse requested an extension for the Milberg/Williams Definitive Subdivision/ Cluster Subdivision Special Permit from September 7, 2012 to October 26, 2012.

**VOTE: On a motion by Norm Weare and seconded Tom DiPersio, the Board voted (6-0) unanimously to approve the extension request from September 7, 2012 to October 2012.**

**5. TCOD Items:** Reviewed Draft 6, dated August 15, 2012 as follows (please note that this should be Draft 7 in the footer):

- a. Name of District: Tom Roche proposed renaming the district the Village Centers Overlay District. There was general consensus that this might be a good idea. No vote was taken.
- b. Architectural & Site Design Standards: Tom Roche reiterated that these standards need to be mandatory. Discussed the potential need to tweak the standards to accommodate taller buildings. After discussion, there was a general consensus that the existing standards would also apply to taller buildings.
- c. SPGA: Tom Roche asked about the status of the SPGA. Nate Kelly is working on the procedure revisions.
- d. Section 414.3.4 - Special Permit Criteria: Quickly reviewed the additional items added to the special permit criteria without comment.
- e. Section 414.4.2.3: Reference to no use variances allowed should probably go elsewhere and not in the non-conforming section.
- f. Section 414.5.1: Discussed limiting commercial in residential developments, but no action taken. Discussed whether requiring a 40%-70% residential percentage in mixed use developments was too restricting, no action taken. Karen Greene discussed looking at a few examples. Discussed accessory uses and the definition of accessory use. Staff to review.
- g. Section 414.5.1.2 - Commercial Tenant sizes and Special Permit provisions: There was a long discussion on this issue while reviewing the new language in the 08-15-12 Draft. There was a concern about the special permit criteria to exceed the maximum tenant size, specifically that the 1:1 parking to building ratio; the need to go to two stories immediately

upon exceeding the maximum tenant size; the word footprint and reference to outdoor space; and whether the maximum footprint in Districts 3 & 4 should be 60,000 sf. There was general consensus to have two stories in District 2. No definitive decision was reached. This issue needs further discussion. Paul Rumul reiterated his concern about having too many things require a Special Permit and the cost/unknowns to developers regarding special permits.

- h. Section 414.6.1 – Table of Max Building Ht: General consensus was that note A to this table was confusing and that Design Review will address this issue.
- i. Section 414.6.3.1 – Table of Dimensional Requirements: The impervious coverage in District 4 was voted down to 80%, not the 85% shown in the draft. Staff will make correction. Chris Vincent suggested changing the frontage minimum of District 1 to 125 to prevent people subdividing into small lots with 75' frontage. Group agreed and staff will make the change.
- j. Section 414.7.1 – Table of Parking Requirements: Tom Roche mentioned the need to modify the parking requirements for Restaurants and Medical Facilities.
- k. Section 414.7.8.2 – Parking Space and Travel Lane Dimensions: Discussed stall depths and general consensus to have a stall width of 10', but reduce the stall depth to 18'. The angled parking would be edited accordingly.
- l. Section 414.8.1.6: Discussed the setback from Parker's River and Route 28 to preserve the viewshed. Group not sure that the 100' river setback was the right number and if a Route 28 setback isn't also required. Additional review required.
- m. Tree Calipers: Dick Martin reiterated his desire to have a standard for minimum 3" caliper trees in the design standards.
- n. Traffic Study: Tom Roche asked Tom Nickinello on the status of the traffic study Lou Nickinello is having completed. Tom Nickinello indicated that the traffic strips are down for traffic counts which are expected to be completed shortly.

6. **Presentation:** Discussed the presentation for the August 22<sup>nd</sup> meeting.

7. **Correspondence:** The following correspondence was distributed at the meeting without comment:

- Letter from MassDEP to Cape Wind Associates regarding issuance of Notice of Grant of Tidelands Occupancy.
- August 10, 2012 memo from the Cape Cod Commission regarding Simpkins School Redevelopment.
- August 14, 2012 Memo from Tom Higbee summarizing his informal survey of residents regarding the proposed TCOD.

8. **Other Business:** None

9. **Next Meetings:**

- a. August 22, 2012 – Public Outreach Meeting
- b. August 27, 2012 – TCOD Ad Hoc/Planning Board Meeting
- c. August 29, 2012 – Second Public Outreach Meeting

10. **Adjournment:**

VOTE: On a motion by Norm Weare, seconded by Tom DiPersio, the board voted (6-0) unanimously to adjourn at 7:30 p.m.

## ATTACHMENTS:

- Agenda 08/15/12
- Special Permit #107 Packet: August 13, 2012 Planner Report; August 1, 2012 letter from Mary and Tom Ardan; Original Decision for Special Permit #107; and edited Site Plan and Landscaping Plan showing Phase I and Phase II.
- Walden Way – Lot 7 Release Packet: August 13, 2012 Planner Report; July 30, 2012 letter from James Peterson and Robert Dunphy requesting release of Lot 7 of the Walden Way subdivision; July 30, 2012 letter from Robin Wilcox of Sweetser Engineering outlining the building and lot coverage on Lot 7; July 31, 2012 e-mail from Jonathan Sawyer of the Yarmouth Fire Department indicating no need for fire access easement to Peterson's Market from Walden Way; Plan of Land in Yarmouth, Mass as prepared for Dublin Construction, dated November 20, 2003; and a signed copy of Restrict Covenant for Lot 7 regarding no commercial truck access off Walden Way to Lot 7 (Peterson's Market) was submitted at the 08/15/12 meeting.
- July 30, 2012 and August 1, 2012 draft meeting minutes.
- August 15, 2012 letter for signature to Recorder at Land Court and August 15, 2012 letter for signature to the Register at the Registry of Deeds.
- August 3, 2012 letter from Michael Stusse to Thomas Roche regarding an extension for Milberg/Williams.
- Letter from MassDEP to Cape Wind Associates regarding issuance of Notice of Grant of Tidelands Occupancy.
- August 10, 2012 memo from the Cape Cod Commission regarding Simpkins School Redevelopment.
- August 14, 2012 Memo from Tom Higbee summarizing his informal survey of residents regarding the proposed TCOD.

***Approved on August 22, 2012***

***On a motion by Brad Goodwin and seconded by Chris Vincent, the Planning Board voted (6-0) unanimously to approve the meeting minutes of August 15, 2012.***