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## Town of Yarmouth

### MINUTES OF THE PLANNING BOARD MEETING OF September 5, 2012

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

**Planning Board Present were:** Mr. Goodwin, Mr. Roche, Mr. Weare, Mr. DiPersio, Mr. Driscoll and Mr. Vincent

**Additional VCOD Members Present were:** Jack Hynes, and Dick Martin

**Staff & Consultants present:** Kathy Williams, Planner; Karen Greene, Director of Community Development; Nate Kelly, Horsley & Witten; Brian Braginton Smith, Tom Nickinello, Donna Hill, John Dalton, and Bob Dubois

Planning Board Chairman Tom Roche opened the meeting at 5:35 p.m.

1. **August 29<sup>th</sup> Presentation Public Comments:** Reviewed the attached summary of questions/comments compiled by Nate Kelly from the August 29, 2012 Public Presentation. Please note these are only negative comments that the board may need to address or respond to in the near future. Numerous positive comments were also given and will be included in the August 29th meeting minutes.
2. **Operational Regulations of Yarmouth Planning Board:** Discussed Draft 5 Operational Regulations of the Yarmouth Planning Board, dated September 4, 2012.
  - a. **By Right versus Special Permit Projects.** For either option, the Planning Board will be responsible for the Site Plan Review process which includes input from the Design Review Committee and the Site Plan Review Team. The SPR decision would either go to the Building Commission, if no Special Permit, and to ZBA if a Special Permit is required.
  - b. **Timeline:** Need to emphasize that timeline relates to a complete application. Discussed extending the review time by SPR and DR to 20 days.
  - c. **Public Hearing or Public Meeting:** Discussed the SPR decision by the Planning Board being conducted through a public meeting rather than a Public Hearing. Staff to confirm with Bruce Gilmore.
  - d. **Special Permits:** Discussed the need for applicants to go through the SPR process prior to going to the ZBA for a Special Permit.
  - e. **Checklist:** Reviewed the SPR checklist and discussed adding resource buffers, existing buildings, Stormwater management systems, waste disposal areas, zoning setbacks, drainage calculations and soils/adjusted high groundwater table to the checklist.
  - f. **Application form:** An application form needs to be developed for the VCOD SPR process.
3. **Use Table:** Briefly discussed the Use Table and footnotes, dated September 4, 2012 and need for a special permit for O8 – Other Professional Office due to concerns with what might meet the NAICS code definition for this category.
4. **VCOD Items:** Draft 10 of the VCOD Bylaw, dated September 4, 2012 was reviewed with Nate Kelly.

- a. Purpose: Earlier in the meeting, Tom Roche noted that the purpose had changed and should be changed back prior to submission to the BOS.
- b. 414.3.1 – VCOD Site Plan Review: Add language to indicate that the Building Commission cannot issue a building permit until the applicant has received PB SPR approval.
- c. 414.3.4 – Special Permits: Add the PB SPR approval as a special permit review criteria.
- d. 414.4.2.3 – Non conforming uses: Move the “No use variances will be allowed” to section 414.5.
- e. 414.5.1.1a – Residential component of mixed use: Discussed the 40-70% residential requirement for mixed use development and how that relates to the residential densities allowed in each district. Nate Kelly to clarify that the residential density refers to residential dwelling units and not hotels. Hotels would count toward meeting the 40-70% residential requirement of mixed use.
- f. 414.5.2.3 - Inclusionary Zoning: This issue needs to be discussed with the Community Housing Committee. Discussed adding inclusionary back into the VCOD and revising the existing affordable housing section of the bylaw. Timelines do not allow that to be done prior to the STM. Decided to wait and see what the CHC has to say on the matter at their meeting on September 10<sup>th</sup>.
- g. 414.6.1 – Building Height: How building height is measured needs to be included here.
- h. 414.6.3.1 – Dimensional Table: Need to add a note regarding the revision to the setback to 30’ within 100’ of the Rte. 28/Parkers River intersection. Also, it appears that note A can be eliminated now that cluster developments are not allowed in the VCOD.
- i. 414.7.1 – Parking Table: Discussed whether the maximum parking allowed is lenient enough to meet actual needs, but still prevent excessive parking/paved areas. The maximum parking allowances were reviewed and modified for some of the categories.
- j. 414.7.3 – Figure 1: Discussed modifying the figure to clearly show the public way and interior road.
- k. 414.8.1.4 – Site Design Sidewalks: Discussed the minimum sidewalk width and decided to keep it at 8’.
- l. 414.8.8.2 – Building Materials: Clarify materials that can and cannot be used.
- m. 414.8.10.1 – Lighting: Discussed adding a definition for measuring the height of light fixtures/pole.
- n. 414.8.11.9 – Signage: Discussed the need for a post sign for the Marina project in VC1.

Nate Kelly to make the modifications to the Draft Bylaw per the above discussions prior to submission to the Board of Selectmen for their September 11, 2012 meeting.

5. **Articles**: Although distributed for review, the Articles were not discussed at the meeting.
6. **Draft Memo to BOS**: Reviewed the contents of the attached memo to BOS for input from the Planning Board. Tom Roche to sign the memo on September 6<sup>th</sup>.
7. **Explanation**: Reviewed the attached draft explanation to be read at the STM. This explanation would be included in the information to the BOS.
8. **Articles and the Four Districts**: The Planning Board discussed whether the four districts should be voted separately or as one Article. There was a lengthy discussion on merits and concerns with keeping the Articles together. Concerns were expressed about the risk of having all districts voted down at the STM if voted as one and the potential of walking away with something if voted separately. Brad Goodwin indicated that VC 3 is the engine and although losing a vote is painful, thinks it is in the best interest of the town and wants the Town to have their say and vote on the

villages as one. Chris Vincent indicated that since conception, the villages have been designed as one and they should stand together. Norm Weare expressed concerns about the need to write four Bylaws if the villages are separated. Ken Driscoll indicated he feels strongly that we should go forward with all four districts and that we have the ability to sell it and need to do something now. Tom Roche indicated he had heard a lot of public comments regarding Village 3 and would like to see the lot coverage dropped to 75% and only allow greater building height with a special permit. He doesn't want to gamble on losing VC 1 and VC 2 as they complement each other. Tom DiPersio expressed concerns about allowing for a 65' building height without the need for a Special Permit and would prefer a lot coverage reduction to 75%. Brad Goodwin indicated that a concession on the 65' was already made when the setback of 350' was set and he has been talking to people who are starting to support it. Chris Vincent also stated that people have been talking to him with a lot of positive comments. After a lengthy discussion on the issue, the Board voted as follows:

**VOTE: On a motion by Brad Goodwin and seconded by Ken Driscoll, the Planning Board voted (4-2) in support of one Article for VC1, VC2, VC3, and VC4. Tom Roche and Tom DiPersio opposed.**

The vote will be incorporated into the memo to the Board of Selectmen.

**9. Board of Selectmen Presentation:** Discussed trying to keep the presentation 30-45 minutes.

**10. Correspondence:** None

**11. Board Items:** Brad Goodwin to go to school open houses.

**12. Next Meetings:**

- a. September 10, 2012 - Combined VCOD Ad Hoc Committee and Planning Board meeting.
- b. September 11, 2012 – Board of Selectmen
- c. September 12, 2012 – Public Hearing
- d. September 19, 2012 – Officer Elections and committee assignments

**13. Adjournment:**

VOTE: On a motion by Norm Weare and seconded by Tom Dipersio, the board voted (6-0) unanimously to adjourn at 8:37 p.m.

**ATTACHMENTS:**

- Agenda 09/05/12.
- August 29, 2012 Public Presentation Partial comments
- Draft 10 of the VCOD Bylaw, dated September 4, 2012
- Use Table and footnotes, dated September 4, 2012
- Draft 2 of the Articles, dated September 4, 2012
- Draft 5 Operational Regulations of the Yarmouth Planning Board, dated September 4, 2012
- Draft Letter to the Board of Selectmen from Tom Roche, dated September 6, 2012
- Draft Explanations of Article 4.

***Approved on September 26, 2012***

**On a motion by Brad Goodwin and seconded by Tom Roche, the Planning Board voted (6-0) unanimously to approve the meeting minutes of September 5, 2012.**