

12/20/10-42:45 REC

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF September 26, 2012

The Yarmouth Planning Board held a workshop meeting at 5:30 p.m. on Wednesday, **September 26, 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

Others Present: Kathy Williams, Planner; Karen Greene, Director of Community Development; Peter Kenney, Paul Rumul, and Dewitt Davenport.

Planning Board Chairman Chris Vincent opened the meeting at 5:30 p.m.

1. **Signature Authorization:** The Planning Board needed to vote to allow any of the three officers to individually endorse subdivision plans. The Board voted as follows:

VOTE: On a motion by Tom DiPersio and seconded Norm Weare, the Board voted (6-0) unanimously to authorize the Chairman, Vice-Chairman and Clerk, individually, to endorse on a plan the approval of the Board, or to make any certificate under the Subdivision Control Law.

2. **Meeting Minutes:**

- a. **September 5, 2012 Meeting Minutes:** 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.
- b. **September 17, 2012 Meeting Minutes:** On a motion by Tom Roche and seconded by Norm Weare, the Planning Board voted (5-0-1) to approve the meeting minutes of September 17, 2012. Tom DiPersio abstained.
- c. **September 19, 2012 Meeting Minutes:** On a motion by Brad Goodwin and seconded by Norm Weare, the Planning Board voted (6-0) unanimously to approve the meeting minutes of September 19, 2012

3. **Articles to Move/Recommend & Explain for STM:** The Board needed to vote on the Planning Board member who would be moving, recommending and explaining the three Zoning Articles at the Special Town Meeting as follows:

- a. **Article 7:** On a motion by Brad Goodwin and seconded by Tom DiPersio, the Planning Board voted (6-0) unanimously to have Chairman Chris Vincent move, recommend and explain Article 7.
- b. **Article 8:** On a motion by Tom DiPersio and seconded by Tom Roche, the Planning Board voted (6-0) unanimously to have Brad Goodwin move, recommend and explain Article 8.
- c. **Article 9:** On a motion by Tom Roche and seconded by Norm Weare, the Planning Board voted (6-0) unanimously to have Brad Goodwin move, recommend and explain Article 9.

4. **VCOD Map:** Kathy Williams distributed a revised VCOD map, dated September 26, 2012. This plan had a very minor edit to the lot between the Shaws and Job Lots in VC4 to include the entire lot within the VCOD. A small corner had been excluded in previous renditions of the map.
5. **Inclusionary Zoning and Preparation for BOS meeting:** Per discussions at the last meeting, Kathy Williams distributed the attached one page outline of the reasoning used by the Planning Board to reach the current compromise on inclusionary zoning in VC2. Kathy Williams outlined some concerns relayed to her regarding this issue, specifically with regard to setting a maximum limit on the number of residential units to be excluded to clearly identify the impacts on affordable housing units, and to set better time limits on the extension of the Site Plan Review decision to avoid projects getting permitted, but not being constructed in a timely fashion. Concerns were expressed regarding the difficulty of a developer knowing whether another developer is working in parallel and may get the exclusion on affordable housing that they may have been relying on for the viability of their project. Tom Roche mentioned the multiple 100% affordable housing projects which will be coming on line soon (i.e. John Simpkins School and Great Island). Tom Roche also mentioned that when the inclusionary zoning bylaw was passed, it was anticipated that it would need to be revisited in 5+ years due to varying economic times. The Planning Board is on the Agenda to discuss this issue with the Board of Selectmen at the 7:30 BOS meeting.
6. **VCOD Articles:** Reviewed the Sixth Draft of the Articles dated September 26, 2012. The Planning Board accepted the proposed changes.
7. **Correspondence:** The following correspondence was distributed without comment.
 - Board of Appeals September 27, 2012 Agenda
 - Notice of License Application pursuant to MGL Chapter 91, for an application at 137 Mayflower Terrace to maintain an existing dock, ramp and float.
 - Aquifer Protection Bylaw Determination of Non-Applicability for 134 Ansel Hassett Road
 - Town of Barnstable notice of Decision, dated September 17, 2012
 - October 10, 2012 Barnstable Zoning Board of Appeals Notice of Public Hearings
 - September 17, 2012 notification of Project Change for the Sagamore Line Reinforcement Project, Western Segment Phases I & II, Colonial Gas Company d/b/a National Grid.
 - Webinar notification for ecosystem approach to infrastructure development
8. **Board Items:** Tom Roche mentioned the Cape Cod Hospital expansion and the Yarmouth Medical Overlay District may be back on the forefront. Tom DiPersio indicated he will not be at the October 3, 2012 Planning Board meeting. Chris Vincent indicated he would not be present at the October 24, 2012 Planning Board meeting.
9. **Staff Update:** Kathy Williams requested that Mike Stusse attend the 10-03-12 meeting to discuss Milberg/Williams Definitive/Cluster subdivision withdrawal request. Awaiting a response on availability.
10. **Next Meetings:**
 - a. September 26, 2012 – Planning Board Meeting with Board of Selectmen
 - b. October 3, 2012 – Planning Board meeting
 - c. October 10, 2012 – VCOD Public Hearing

11. Adjournment:

VOTE: On a motion by Brad Goodwin, seconded by Tom DiPersio, the board voted (6-0) unanimously to adjourn at 6:35 p.m.

ATTACHMENTS:

- PB Agenda 09/26/12.
- PB Agenda 09/26/12 for the Board of Selectmen Meeting
- Draft September 5, 2012 Meeting Minutes
- Draft September 17, 2012 Meeting Minutes
- Draft September 19, 2012 Meeting Minutes
- Sixth Draft of VCOD Articles, dated September 26, 2012
- Draft reasoning regarding limits on inclusionary zoning in VC2
- VCOD Map, dated September 26, 2012
- Board of Appeals September 27, 2012 Agenda
- Notice of License Application pursuant to MGL Chapter 91, for an application at 137 Mayflower Terrace to maintain an existing dock, ramp and float.
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- Webinar notification for ecosystem approach to infrastructure development
- Signed September 26 2012 Letter to Land Court
- Signed September 26, 2012 Letter to Barnstable Registry of Deeds

Approved on October 3, 2012

On a motion by Brad Goodwin and seconded by Norm Weare, the Planning Board voted (5-0) unanimously to approve the Planning Board meeting minutes of September 26, 2012.