

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING AND PUBLIC HEARING OF October 10, 2012

The Yarmouth Planning Board held a business meeting and public hearing at 5:30 p.m. on Wednesday, **October 10, 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

Staff & Consultants present: Kathy Williams, Planner; Karen Greene, Director of Community Development and Renie Hamman RH Land Use Consulting.

Public Present: Refer to the attached sign-in sheet.

Planning Board Chairman Chris Vincent opened the meeting at 5:31 p.m.

1. Public Hearing – VCOD Zoning Bylaw: Presentation & Public Comments:

- a. **Hearing Opening:** Chris Vincent, Planning Board Chairman opened the public hearing at 5:32.
- b. **Public Hearing Notice:** The attached public hearing notice which was published in the Cape Cod Times on September 24, 2012 and October 2, 2012 was read into the record.
- c. **Presentation:** Chris Vincent and Kathy Williams gave a powerpoint presentation outlining the VCOD Zoning Bylaw and addressing concerns that have arisen from public comment. Refer to the attached powerpoint.
- d. **Public Comments:** The following public comments were received:
 1. **Holly Anderson** – Asked if the Planning Board could better explain how the design standards are mandatory in the VCOD but the VCOD is optional. (*Chris Vincent explained the difference between a zoning overlay and mandatory design standards when using the overlay zoning*). She wanted to confirm that the hope is to eventually have the street look consistent as a whole and hoped that the incentives in the VCOD will spur development under the VCOD. Stated that in the presentation the water park/hotel only looked to be about two stories and asked if there was something that she could visualize what 65 feet would look like. (*Brad Goodwin mentioned that the poles at the driving range are 80 feet tall*). She asked if the hotel around the water park was also going to be 65 feet tall. (*PB answered yes, it could be 65'*). She mentioned that she was very impressed with the proposed public access to Swan Pond but asked what the time frame was for that and would the public access be created in conjunction with development of the water park/hotel. (*PB explained that that was the plan and explained open space mitigation from the Cape Cod Commission*). She then asked who owned the proposed water park/hotel property. (*Brad Goodwin introduced the Nickinello family*).
 2. **Lou Nickinello** – Stated he represented himself and the next generation. Explained that his family has been in business for over 50 years and are very interested in working with the Town and neighbors to create the open space. Explained that the project consisted of both commercial and residential uses. Stated that this would take a joint effort to make it happen and that they as a family are committed to

doing that and he hopes to continue for another 50 years and to create a destination for year-round visitors. Mr. Nickinello indicated that his family stands ready to work with the Town.

- e. **Comments from Planning Board:** At the completion of the presentation, the chairman asked the planning board members if they had any comments. Brad Goodwin expressed his compliments at getting the presentation down to less than 30 minutes. Tom Roche concurred. Norm Weare had no comment. Tom DiPersio indicated the presentation was well done and he was looking forward to a positive vote at STM. Ken Driscoll indicated that the VCOD represents 11 months of hard work, give and take and input. The Planning Board and Ad Hoc Committee did a good job and the VCOD is ready to go and can sell itself.
- f. **Closing of Hearing:** VOTE: On a motion by Brad Goodwin, seconded by Tom Roche, the board voted (6-0) unanimously to close the public hearing at 6:20 PM.

2. **Planning Board Recommendations on Zoning Articles:** At the end of the October 10th formal Public Hearing, Board members voted on their recommendations for each article. Please note that this is an affirmation of the Planning Board recommendations made on September 12, 2012.

a. **Article 7 – VCOD:**

VOTE: On a motion by Chris Vincent and seconded Tom DiPersio, the Board voted (6-0) unanimously to recommend Article 7 Village Centers Overlay District.

b. **Article 8 – Rezoning Area #1:**

VOTE: On a motion by Brad Goodwin and seconded Tom DiPersio, the Board voted (6-0) unanimously to recommend Article 8 to rezone Area 1 from B1 to R25.

c. **Article 9 – Rezoning Area #2:**

VOTE: On a motion by Brad Goodwin and seconded Chris Vincent, the Board voted (6-0) unanimously to recommend Article 9 to rezone Area 2 from B1 to R25.

3. **ZBA Appeal #4414 – 252 Route 28 – Gas Station/Convenience Store:** Planning Board reviewed the draft letter to the ZBA developed by staff. All Planning Board members felt the curb cut on Route 28 closest to Cosy Home Terrace was dangerous and should be eliminated. The removal of this curb cut would also provide for more landscape buffer. The Planning Board requested that the draft letter be modified to include reference to the Site Plan Review comments from the Design Review Committee, the Planning Division and Community Development, all of which recommended the removal of this third curb cut. Staff to make the modification and send to the ZBA for their meeting on October 11th.

4. **Correspondence:** None.

5. **Board Items:** None.

6. **Staff Update:**

- a. **Design Review and Site Plan Review Projects:** Kathy Williams briefly described two projects which were going before the Design Review Committee and/or Site Plan Review. One project was for an expansion of the inflatable park at 518 Route 28 to include air inflatables in addition to the water inflatables. The other was for a transload facility at the regional transfer station by Exit 8. This project would bring materials in by rail, and

temporarily warehouse them for truck transport. This is a state project, which may result in the Town getting an easement to extend the rail trail to the nearby recreational area. Kathy Williams asked the Planning Board if they would like to stay in the loop on Design Review/Site Plan Review projects. It was agreed that when a project comes in, staff will notify the Planning Board and let them know the plans are available for review in the office.

- b. **STM:** Kathy Williams informed the board that Bruce Gilmore, Town Counsel, would not be at the STM and that Mike Ford would be present. Staff has a call into Mike Ford to update him on the zoning articles.
- c. **Habitat for Humanity - Laban Lane project:** This comprehensive permit application before the ZBA will be discussed by the Planning Board at the October 17th business meeting. Staff to work up draft comment letter for review. All comments are due to the ZBA on October 19th.

7. Next Meetings:

- a. October 15, 2012 – Finance Committee at 6:30 PM Room A
- b. October 17, 2012 – Business Meeting
- c. October 22, 2012 - STM

1. Adjournment:

VOTE: On a motion by Tom Roche, seconded by Norm Weare, the board voted (6-0) unanimously to adjourn at 6:42 p.m.

ATTACHMENTS:

- Agenda 10/10/12.
- Public Presentation Sign-In Sheet, October 10, 2012.
- Public Hearing Notice
- Print-out of Powerpoint Presentation, dated 10-10-12
- Hand-outs from Public Presentation: VCOD Map dated September 26, 2012 and VCOD Summary dated October 2012.
- Finance Committee Agenda for October 15, 2012
- ZBA Application and plans for Appeal # 4414 – 252 Route 28, West Yarmouth – Gas Station & Convenience Store.
- October 8, 2012 draft comment letter from the PB to the ZBA regard Appeal # 4414
- Final October 11, 2012 comment letter from the PB to the ZBA regard Appeal # 4414
- Draft memo to B Hinchey regarding Planning Board member recommendations after the formal Public Hearing

Approved on October 17, 2012

On a motion by Brad Goodwin and seconded by Tom Roche, the Planning Board voted (6-0) unanimously to approve the Planning Board meeting minutes of October 10, 2012.