

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF January 9, 2013

The Yarmouth Planning Board held a business meeting at 5:30 p.m. on Wednesday, January 9, 2013 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present were: Norm Weare, Ken Driscoll, Chris Vincent, Tom DiPersio, Brad Goodwin and Tom Roche

Planning Board Absent were: None

Others Present: Kathy Williams, Town Planner; John Donohue; Rachel Youngling; Christine Greeley; Paul Greeley; Paul Rumul; Dewitt Davenport; and Ross Balboni.

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

1. **2635 Definitive Subdivision – Black Thorne Way off South Sea Avenue:** Correction of previously issued Lot Release to reference the correct plan book and page number for the Subdivision Plan.

John Donohue gave a brief presentation outlining the issue as defined in the attached December 7, 2012 memo. Kathy Williams indicated that she had confirmed the document book and page numbers and conferred with Bruce Gilmore, Town Counsel, who had no issue with the re-release document as proposed by attorney John Donohue.

VOTE: On a motion by Brad Goodwin and seconded Tom Roche, the Board voted (6-0) unanimously to approve a corrected lot release for Subdivision 2635 to reference the correct Plan Book and Page number.

2. **Proposed Barnstable Medical Marijuana Treatment Center Overlay District :**

Kathy Williams gave a brief summary to the Planning Board of the attached letters submitted by residents of West Yarmouth expressing concerns for the location of the proposed Barnstable Medical Marijuana Treatment Center Overlay District (MMTCOD) which abuts the Yarmouth Town Line. Barnstable is also proposing a temporary moratorium to give additional time to further vet and define their zoning amendment. Per discussions with the Town of Barnstable planning department, planning staff has recommended that the January 14, 2013 hearing be opened and continued until January 28, 2013 where public testimony would be taken on both the moratorium and the MMTCOD.

Christine Greeley and Rachel Youngling of the Hyannis Park Civic Association discussed their concerns as outlined in their attached January 7, 2013 letter to the Barnstable Planning Board. The main concerns expressed at the meeting included increased traffic, lack of parking, proximity to residential neighborhoods, lack of Department of Public Health regulations, the lack of involvement by the hospital in locating the MMTCOD, potential increase in crime, and privacy issues associated with security cameras. The civic association is in favor of the proposed Barnstable Moratorium to provide more time to fully vet a proposed zoning amendment and potentially consider other locations away from residential neighborhoods.

The Planning Board members supported the moratorium for Barnstable and felt this would also be an appropriate measure for the Town of Yarmouth. The Planning Board will be discussing this issue

with the Board of Selectmen (BOS) at their January 15, 2013 meeting and will request direction from the BOS on how they would like to address this issue in Barnstable and Yarmouth.

3. **Zoning Amendments for ATM 2013:** The Planning Board discussed possible amendments to the Zoning Bylaw for the ATM in April 2013 as follows:
 - a. **Extended Stay Hotels:** Draft 4 of the Extended Stay Hotel Article, dated January 9, 2013 was distributed for review and discussion. The amended Article allows Extended Stay Hotels *by-right*, rather than Special Permit, and requires that 100% of the extended stay rooms meet the operational standards outlined for Extended Stay Hotels. It was felt this modification would encourage development by eliminating the unknown of a Special Permit. All Planning Board members agreed with these modifications and staff will forward the revised Article to the Board of Selectmen.
 - b. **Affordable Housing:** The Community Housing Authority met on January 7th and reviewed the proposed third option for cash in lieu payments which required an appraisal. This option came out of concerns by some members of the Affordable Housing Trust that additional funds should be required for high end development. Both the CHC and the Planning Board had issues with this option. The Planning Board wants the criteria to be simple to understand, result in a known cost for the developer, and not add costs to the developer. The Planning Board was not in favor of this third option and will discuss with the Board of Selectmen at their meeting on January 15th.
 - c. **Seasonal Employee Housing & On-Site Property Managers at Hotels/Motels:** There were no proposed changes to this Article from the last version reviewed by the Board. Kathy Williams gave a brief overview for the benefit of audience members. Tom Roche suggested removing the word "minimum" in Section 404.5.1.
 - d. **Site Plan Review and Design Review:** There were no proposed changes to this Article from the last version reviewed by the Board. Kathy Williams gave a brief overview for the benefit of audience members. Tom DiPersio suggested adding to Section 103.3.5 – Informal SPR to "encourage" applicants to submit for an informal review.
 - e. **Signs:** There were no proposed changes to this Article from the last version reviewed by the Board. Kathy Williams gave a brief overview for the benefit of audience members.
 - f. **Definitions:** Draft 1 of the Definitions Article was reviewed by the Board. Brad Goodwin inquired as to the meaning of "common parentage". Staff will look into this.
 - g. **FEMA:** Staff has received updated information regarding when revised draft FEMA flood maps will be available. Pre-FIRM products for Barnstable County will be discussed with communities in February 2013, with delivery of Preliminary FIRMs in March/April 2013 and an anticipated effective date of June 2014. Therefore, the FEMA floodmaps will not be on the 2013 ATM warrant.
4. **Board of Selectmen Meeting Preparation:** Kathy Williams, Chris Vincent and Norm Weare will work together to present the draft Articles to the Board of Selectmen. Norm Weare will cover the Affordable Housing Article.

5. **Public Meetings on Draft Articles:** Public presentations on the draft Articles are set for January 23rd and January 30th. Publicity, formal invitations and stakeholder notification will go out this week.
6. **ZBA Agenda & Decisions:** The January 10, 2013 Board of Appeals Agenda was distributed to the Board without comment.
7. **Correspondence:** Discussed the attached Cape Cod Commissions January 7, 2013 e-mail and summary memo from Sharon Rooney regarding Green Infrastructure concepts for the future Marina site on Route 28. The CCC would like to give a presentation on January 16th to garner input from the Planning Board.
8. **Board Items:** Discussed the seventh member and new talent form. The Planning Board would like to participate in the interview process.
9. **Staff Update:** Future business items were discussed including a Preliminary Subdivisions for 196 Pleasant Street and Milberg/Williams and Definition/Special Permit for 251 Route 28. Mayflower Place is working on developing their final mitigation measures through the CCC DRI process and staff will provide an update next week.

10. Next Meetings:

- a. January 16, 2013
- b. January 23, 2013 – Public Meeting
- c. January 30, 2013 – Public Meeting
- d. February 5, 2013
- e. February 11, 2013 – Finance Committee
- f. February 12, 2012 – Board of Selectmen
- g. February 13, 2012
- h. February 20, 2012 – Public Hearing on Articles

11. Adjournment:

VOTE: On a motion by Tom Roche, seconded by Tom DiPersio, the board voted (6-0) unanimously to adjourn at 6:36 p.m.

ATTACHMENTS:

- PB Agenda 01/09/2013
- December 7, 2012 letter from John Donohue of Fuller, Rosenberg, Palmer & Beliveau regarding the re-release of the lots for Subdivision 2635 – Black Thorne Way to correct an erroneous plan book and page number.
- Correspondence regarding Medical Marijuana Treatment Centers:
 - i. January 9, 2013 letter from Cape Cod Healthcare
 - ii. January 7, 2013 letter from Hyannis Park Civic Association
 - iii. January 7, 2013 e-mail from Matthew Dumas
- Draft Barnstable Moratorium on Medical Marijuana Treatment Centers.
- January 14, 2013 Barnstable Planning Board agenda regarding Public Hearing on Medical Marijuana.
- January 9, 2013 Draft letter to Barnstable Planning Board from Yarmouth Planning Board regarding Barnstable Medical Marijuana Overlay District.

- Draft 4 – Extended Stay Hotels, dated January 9, 2013
- January 4, 2013 Memo from Kathy Williams, Town Planner, to Erik Tolley, Board of Selectmen Chairman, regarding zoning Articles for ATM 2013, including draft copies of all six articles.
- January 9, 2013 Draft Public Meeting Invitation Memo from Chris Vincent to Stakeholder Distribution List.
- January 10, 2013 Board of Appeals Agenda.
- January 7, 2013 e-mail and summary memo from Sharon Rooney of the Cape Cod Commission regarding Green Infrastructure concepts.
- January 8, 2013 FEMA Map update from Stefanie Coxe of Congressman William Keating's office.
- January 8, 2013 e-mail from Pam Barns regarding an update on the Seventh Planning Board Member with one new talent form.

Approved on January 16, 2013

On a motion by Tom DiPersio and seconded by Norm Weare, the Planning Board voted (4-0) unanimously to approve the Planning Board meeting minutes of January 9, 2013.