

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**February 6, 2013**  
**AMENDED MAY 15, 2013**

The Yarmouth Planning Board held a business meeting at 5:30 p.m. on Wednesday, **February 6, 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 Roche, Tom DiPersio, and Brad Goodwin

**Planning Board Absent were:** None

**Others Present:** Kathy Williams, Town Planner; and Dan Ojala, Down Cape Engineering

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

**1. Business Items:**

- a. ANR **2407O** – Henry P. Tufts, 35 & 45 North Sandyside Lane and 5 Carriage Lane, Yarmouth Port (Map 113/Parcels 12.1.1, 13.1 & 14.1). ANR to adjust lot lines between three parcels, with no new lots being created.

Dan Ojala of Down Cape Engineering gave a brief presentation. Kathy Williams referred to the February 4, 2013 Planner report and indicated that the Town Surveyor had no issues.

**VOTE: On a motion by Tom DiPersio, seconded by Norm Weare, the board voted (6-0) unanimously to endorse the ANR Plan **2407O**.**

- 2. Discussion on Draft Articles:** Kathy Williams distributed the attached draft Articles for review and comment by the Board in preparation for the update to the Board of Selectmen scheduled for February 12, 2013.

- a. **Extended Stay Hotels:** Briefly reviewed the few edits as attached in Draft 7. Brad Goodwin questioned the need for a permanently installed 2-burner cooktop, versus allowing use of a portable stove top. The permanently installed cooktop requirement was included based on input from the Fire Department. After discussion, the Board generally agreed to require the permanent cooktop and to present the Article as shown in Draft 7 to the Board of Selectmen.
- b. **Affordable Housing:** Norm Weare outlined his concerns from his attached memo to Mary Waygan. Also discussed the attached memo from the Community Housing Committee which voted unanimously to recommend the proposed article with the deletion of Section 412.4.5.3 regarding the third option for calculating the cash payment as shown in the attached Draft 5. After discussion, the Board also voted to delete this section as follows:

**VOTE: On a motion by Norm Weare, seconded by Tom DiPersio, the board voted (6-0) unanimously to delete Section 412.4.5.3 from the draft Affordable Housing Article.**

- c. **Seasonal Employee Housing & On-Site Property Managers at Motels/Hotels:** Discussed the potential of increasing the percentage of seasonal employee housing allowed at Motels/Hotels from 15% to 20%. After discussion, the Board voted to keep the percentage at 15% as follows:

**VOTE: On a motion by Tom DiPersio, seconded by Ken Driscoll, the board voted (5-1) to maintain the percentage of seasonal employees at motels/hotels at 15%. Brad Goodwin opposed.**

The Planning Board also discussed Section 404.4.3.1 which allows for one owner occupied unit in addition to the on-site property managers. Board generally concurred with this modification.

- d. **Signs:** Per comments received from the public, discussed the possibility of modifying the number of foreground colors in business center signs from 3 per tenant to a specified number of overall foreground colors. A draft option was included in the attached Draft 5 of the Sign Article for consideration by the Board. After discussion, the board voted as follows:

**VOTE: On a motion by Tom DiPersio, seconded by Norm Weare, the board voted (6-0) unanimously to keep the original language regarding number of foreground colors in business center signs as shown in Section 303.5.4.3 in the attached Draft 5.**

**VOTE: On a motion by Tom Roche, seconded by Tom DiPersio, the board voted (6-0) unanimously to approve the language shown in Section 303.5.4.5 in the attached Draft 5.**

- e. **Definitions:** Reviewed the edits shown in the attached Draft 3 of the Definitions Article and the board accepted the proposed changes for submission to the BOS.
- f. **Medical Marijuana:** Reviewed the edits shown in the attached Draft 1 of the Temporary Moratorium on Medical Marijuana Treatment Centers and the board accepted the proposal for submission to the BOS.

### **3. Meeting Minutes:**

- a. **January 30, 2013:** On a motion by Tom DiPersio, seconded by Norm Weare, members voted 5-0-1 to approve the minutes of January 30, 2013. Brad Goodwin abstained.

4. **ZBA Agenda & Decisions:** Distributed the February 14, 2013 ZBA Agenda and briefly discussed ZBA Appeal 4433 for Dig It Construction which is for a special permit for a construction use within the Aquifer Protection District. Very limited information was included in the ZBA application and staff will look into this further.

### **5. Correspondence:** The following correspondence was distributed:

- a. February 25, 2013 Barnstable Public Hearing Notice on proposed zoning amendments.

6. **Board Items:** Norm Weare indicated that he had spoken with Jim Quirk regarding the planning board being involved in the interviews for a 7<sup>th</sup> member. Jim Quirk indicated this would require a posted public meeting. There was a general discussion regarding having the interviews at 4:30 PM prior to a regular planning board meeting, which could take place off-camera. The planning board voted on the following:

**VOTE: On a motion by Brad Goodwin, seconded by Tom DiPersio, the board voted (6-0) unanimously to hold a public meeting to interview a 7<sup>th</sup> board member prior to a regular meeting, but not have it televised.**

7. **Staff Update:** The Board had a brief discussion on the attached summary of the proposed Zoning Reform Bill.

8. **Next Meetings:**

- a. February 11, 2013 – Finance Committee (Norm Weare)
- b. February 12, 2013 – Board of Selectmen
- c. February 13, 2013 – Consider cancelling depending on results of 2/12/13 BOS meeting.
- d. February 20, 2013 – Public Hearing on Articles

11. **Adjournment:**

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

**ATTACHMENTS:**

- PB Agenda 02/06/2013
- ANR Plan 2407O Packet– Henry Tufts: February 4, 2013 Planner Report, Form A, ANR Plan 2407O prepared by Down Cape Engineering.
- Draft 7 Extended Stay Hotels Article, dated January 24, 2013
- Comment memo from Norm Weare to Mary Waygan
- February 5, 2013 memo from Mary Ann Gray, Chairman of Community Housing Committee to Chris Vincent, Chairman of Planning Board.
- Draft 5 Affordable Housing Article, dated February 6, 2013.
- Draft 7 Seasonal Employee Housing at Motels/Hotels and On-Site Property Managers at Motels/Hotels, dated February 6, 2013.
- Draft 5 Signs Article, dated February 4, 2013.
- Draft 3 Definitions Article, dated February 4, 2013.
- Draft 1 Temporary Moratorium on Medical Marijuana Treatment Centers, dated January 29, 2013.
- Draft January 30, 2013 Planning Board Meeting Minutes
- February 25, 2013 Barnstable Public Hearing Notice on proposed zoning amendments.
- February 14, 2013 ZBA Agenda.
- ZBA Appeal 4433 – Dig It Construction.
- Summary of Zoning Reform Bill.

***Approved on February 27, 2013***

**On a motion by Norm Weare, seconded by Tom DiPersio, members voted (6-0) unanimously to approve the minutes of February 6, 2013.**

***Amended on May 15, 2013***

**On a motion by Brad Goodwin and seconded by Ken Driscoll, the Planning Board voted (5-0) unanimous to amend the previously approved Planning Board meeting minutes of February 6, 2013 to amend the reference to ANR Plan #4707O to the correct ANR Plan #2407O.**