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Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF January 21, 2015

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on **Wednesday January 21, 2015** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Angela Philbrook, Anthony Panebianco, Norm Weare, Chris Vincent, and Brad Goodwin.

Planning Board Absent: Tom Roche and Ken Driscoll

Others Present: Kathy Williams, Town Planner; Austin Cahill, Economic Development Planner; Julie Bonina; Howard Onik; Paul Swartz; Ken McGuire; Gary & Sandra Armstrong; and Kevin Enright.

Planning Board Chairman Norm Weare opened the meeting at 5:35 PM.

1. **Zoning Amendments for 2015 Annual Town Meeting:** Norman Weare began the Planning Board meeting by reviewing and briefing the room on the agenda topics for the night before summarizing the proposed zoning amendments included in the attached January 8, 2015 Memo to the Board of Selectmen. Mr. Weare also noted that the Public Hearing for the Zoning Amendments is scheduled for February 18, 2015 at 5:30 in the Hearing Room at Town Hall.
 - a. **Section 404 – Motel Bylaw amendments:** The Section 404 – Motel Bylaw edits were the first section reviewed by the board and there were no questions or comments from the Planning Board or the public.
 - b. **Zoning Map amendments for Route 28 lots:** Kathy Williams gave a brief Powerpoint presentation showing the parcels proposed for rezoning.
 - 1) **Public Comments:**
 - **Ken McGuire:** Mr. McGuire inquired as to the rezoning of the parcels at the corner of Traders Lane and Route 28. Kathy Williams indicated this was being done to promote business development on these parcels, which are both owned by the same person.
 - **Kevin Enright:** Mr. Enright is a resident of Saddleback Lane and does not feel the vacant parcels at the end of his street (east of Town & Country and west of the Cape Point Hotel) should be rezoned from R25 to B2/HMOD1. Mr. Enright indicated development of these wooded parcels would have a direct impact on the Saddleback neighborhood. The woods provide a buffer now that shields noise and provides privacy.
 - **Paul Swartz:** Mr. Swartz is partial owner of the vacant parcels (totally approximately 2 acres) and indicated that he originally purchased the property to prevent a Chapter 40B housing project from being developed there. Mr. Swartz understands the concern of Kevin Enright and indicated he is not looking to begin any immediate development, but that he intends to develop the property at some point in the future.

- Gary Armstrong: Mr. Armstrong is a resident of Coachman's Lane and commented on the potential impact to neighborhood wells (non-potable) associated with development of these parcels. Mr. Armstrong was in favor of development of tennis courts on the property, but not a high density residential development on only two acres. Wildlife impacts and proximity of development to abutting properties were also concerns expressed by Mr. Armstrong.
- Howard Onik: Mr. Onik is partial owner of the vacant parcels and indicated that although the parcels are wooded now, it is unrealistic to think they will remain so forever. Development of the parcels by the current owners, who are responsible developers, may be preferable to a Chapter 40B high density housing project.

2) Planning Board Comments:

- Brad Goodwin: Mr. Goodwin indicated that it is always difficult when residential areas abut a business district. He indicated at some point, the parcels would be made into residences with access off Saddleback Road, if they are not used for business. He was in favor of rezoning the parcels to B2/HMOD1 to encourage year round growth. Brad Goodwin ended his comment by asking the property owners to be respectful of their neighbors and to retain property line buffers in any future development plans.

c. **Section 414 – VCOD amendments**: The main emphasis of the amendments to Section 414 is to obtain the desired streetscape along Route 28. Kathy Williams, Town Planner, reviewed the proposed amendments, including proposed edits by Nate Kelly of Horsley Witten, the original consultant on the VCOD bylaw (see attached). There were no comments from the Planning Board or the public.

d. **Section 301 – Parking and Loading Requirement amendments**: The Planning Board reviewed the attached Section 301 edits. There were no comments from the public, but the following comments from the Planning Board members. Norm Weare indicated he was unsure about reducing the light pole height from 35' to 20'. Brad Goodwin concurred. Anthony Panebianco felt the lower height was better, that 20' was not too restrictive and would result in less light dispersion on abutting properties.

e. **Miscellaneous Amendments**: A brief overview of the attached miscellaneous amendments was presented. There were no comments from the Planning Board or the public on Section 202.5, Section 203.5 or Section 500 amendments. The only discussion was related to Section 303 – Signs as follows:

1) **Planning Board Comments**: Brad Goodwin thought the Planning Board should postpone Section 303 edits for another year. He felt the Planning board should not be telling the public how to cover their signs and does not believe the public will have enough time to make the adjustments this winter. Chris Vincent agreed with the comment made by Brad Goodwin. Anthony Panebianco was not in favor of postponing the Section 303 edits for another year and indicated there was a need to ensure a more aesthetically pleasing environment in the winter. Chairman Norman Weare felt the Planning Board should leave the Section 303 edits in as it affects few businesses and would like to see something done.

2) **Public Comments**: Howard Onik stated that he used to replace his sign panel in the winter off-season, but when he was notified he would have to pay a permit fee, he began just covering the sign. If the businesses knew there would be no sign fee,

many businesses would opt for the off-season sign panel. Kathy Williams indicated the goal was to eliminate the usage of blue tarps and duct tape that are currently covering some off-season signs and require a standardized cover for a more aesthetically pleasing look.

2. **Updates of the Local Comprehensive Plan (LCP) for 2015 Annual Town Meeting:** Wetlands Chapter; Wildlife & Plant Habitat Chapter; and Affordable Housing Chapter.

Norm Weare noted that these are only three of the approximately twelve chapters of the LCP that need updating. The Board briefly discussed the comments from the Board of Selectmen meeting outlined in the attached Draft Meeting Minutes for January 13, 2015. Chairman Norman Weare indicated the draft chapters are in excellent shape. The Public Hearing for the draft LCP Sections is scheduled for February 11, 2015 at 5:30 in the Hearing Room at Town Hall.

3. **Meeting Minutes:**

- a. December 3, 2014: Approval of these minutes was deferred due to a lack of quorum of members who attended the December 3rd meeting.
- b. December 10, 2014: **On a motion by Brad Goodwin, and seconded by Chris Vincent, the Planning Board voted (4-0-1) to approve the Planning Board meeting minutes of December 10, 2014; with Anthony Panebianco, Norm Weare, Chris Vincent, and Brad Goodwin voting in favor; and Angela Philbrook abstaining.**
- c. December 17, 2014: **On a motion by Chris Vincent, seconded by Brad Goodwin, the Planning Board voted (4-0-1) to approve the Planning Board meeting minutes of December 17, 2014, with Angela Philbrook, Norm Weare, Chris Vincent and Brad Goodwin voting in favor; and Anthony Panebianco abstaining.**
- d. January 7, 2015: **On a motion by Anthony Panebianco, and seconded by Brad Goodwin, the Planning Board voted (4-0-1) to approve the Planning Board meeting minutes of January 7, 2015, with Angela Philbrook, Anthony Panebianco, Norm Weare, and Brad Goodwin voting in favor; and Chris Vincent abstaining.**
- e. January 13, 2015: Approval of these minutes was deferred due to a lack of quorum of members who attended the January 13th meeting.

4. **Board of Appeals Agenda & Decisions:** The following information was distributed to the Planning Board via e-mail without discussion:

- a. ZBA Agenda for January 22, 2015.
- b. ZBA Decision #4570 – 908 West Yarmouth Road
- c. ZBA Decision #4568 – 7 Shannon Court.

5. **Board Member Items:** Norm Weare indicated he would be away from March 6th through March 21st. Brad Goodwin noted he would be away March 23rd thru the 27th.

6. **Correspondence:** Kathy Williams indicated that the Growth Incentive Zone map and table listing all motels within the GIZ were distributed to the Board. The GIZ modifies the review thresholds from the Cape Cod Commission (CCC) Development of Regional Impact (DRI) review, basically eliminating this requirement and making development on these properties easier and less costly.

7. **Staff Updates:** None

8. **Upcoming Meetings:**

- a. February 4, 2015
- b. February 11, 2015 – Public Hearing on LCP Chapters
- c. February 18, 2015 – Public Hearing on Zoning Amendments

9. **Adjournment:** On a motion by Chris Vincent, seconded by Anthony Panebianco, the Planning Board voted unanimously (5-0) to adjourn the meeting at 6:25pm.

ATTACHMENTS:

- **Agenda January 21, 2015 and Meeting Sign In Sheet.**
- **Zoning Amendments:** January 8, 2015 memo from Norm Weare, Planning Board Chairman, to the Board of Selectmen and attached Zoning Amend #1 - Section 404 Motel Edits (Draft #3, dated 12/31/14); Amend #2 – Zoning Map Edits (Draft #2, dated 12/30/14); Amend #3 – Section 414 VCOD edits (Draft #2, dated 12/22/14); Amend #4 – Section 301 Parking Edits (Draft #2, dated 12/31/14); and Amend #5 – Miscellaneous Edits (Draft #3, dated 1/8/15).
- **VCOD Zoning Amendment:** Draft #2, dated December 22, 2014 with comments from Nate Kelly of Horsley Witten.
- **Meeting Minutes:** December 3, 2014, December 10, 2014, December 17, 2014, January 7, 2015 and January 13, 2015.
- **Draft Planning Board Schedule:** January 15, 2015
- **Miscellaneous Correspondence sent via e-mail since the last PB meeting:**
 - i. ZBA Agenda for January 22, 2015.
 - ii. ZBA Decision #4570 – 908 West Yarmouth Road
 - iii. ZBA Decision #4568 – 7 Shannon Court.
 - iv. E-mail from Town Counsel regarding sign panels.
 - v. Map of Growth Incentive Zone (GIZ) Motel Properties and Table 1 list of Motel properties in the GIZ.

Approved on February 18, 2015

On a motion by Brad Goodwin, and seconded by Angela Philbrook, the Planning Board voted (4-0-1) to approve the Planning Board Minutes of January 21, 2015 with Angela Philbrook, Norm Weare, Chris Vincent and Brad Goodwin voting in favor; and Tom Roche abstaining.