

Town of Yarmouth

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March 4, 2015**

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday **March 4, 2015** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Norm Weare, Chris Vincent, Tom Roche, Ken Driscoll, Anthony Panebianco, and Angela Philbrook (arrived at 5:35PM)

Planning Board Absent: Brad Goodwin

Others Present: Kathy Williams, Town Planner; Austin Cahill, Economic Development Planner; and Bob Dunphy.

Planning Board Chairman Norman Weare opened the meeting at 5:30 PM.

1. **Lot Release for Definitive Subdivision Plan 1614G, Walden Way, Yarmouth Port.** Request for release of Lot 6 (18 Walden Way) from the Covenant for the Walden Way Subdivision (last lot for release): Kathy Williams, Town Planner, gave a brief summary as outlined in the attached March 2, 2015 memo. Bob Dunphy was also present, representing Walden Way LLC.

VOTE: On a motion by Chris Vincent and seconded by Ken Driscoll, the Planning Board voted (5-0-1) to approve Release of Lot 6 from the Covenant for Definitive Subdivision Plan 1614G, Walden Way, Yarmouth Port with Norm Weare, Chris Vincent, Tom Roche, Ken Driscoll, and Anthony Panebianco voting in favor; and Angela Philbrook abstaining as she arrived at 5:35 PM after the presentation.

2. **Discussion on Zoning Amendments for 2015 Annual Town Meeting:** Prior to the start of discussions, Norm Weare read the two attached e-mail comments on the draft amendments, summarized as follows:
 - **February 23, 2015 e-mail from Attorney Paul Tardif:** Attorney Tardif provided comments on Zoning Amendment #4 – Section 301, specifically regarding parking requirements and proposed clarifications on in-lot trees in parking areas.
 - **February 25, 2015 e-mail from Sharon Rooney of the Cape Cod Commission:** Sharon Rooney commented on Zoning Amendment #1 – Section 404, indicating that the proposed changes do not appear to impact the Growth Incentive Zone (GIZ) and that the Commission would be doing a 3D shadow analysis.
 - a. **Zoning Amendment #1 - Section 404 – Motel Bylaw amendments with Use amendments:** Kathy Williams reviewed the highlighted changes in the attached Zoning Amendment #1, draft 4 dated March 2, 2014. The Planning Board concurred with the proposed changes.
 - b. **Zoning Amendment #2 - Zoning Map amendments for lots on or near Route 28:** Kathy Williams reviewed the previously presented PowerPoint of the proposed Zoning Map changes. The Planning Board specifically reviewed the rezoning of the lot on Wendward Way (B1 to B2/HMOD1), the changes to the three lots off Beatrice Lane (mix of R25/B2/HMOD1 to all R25), and the rezoning of the three residential lots adjacent to the Town & County (R25 to B2/HMOD1). In addition, Kathy Williams proposed the rezoning of a Town owned parcel adjacent to the Mayflower Place Memory Care Facility from a mix of R25/B2/HMOD1 to all B2/HMOD1. The Planning Board was in agreement with the rezoning of all the proposed parcels, including the newly proposed Town parcel.

- c. Zoning Amendment #3 - Section 414 – Village Center Overlay District (VCOD) amendments: Kathy Williams reviewed the highlighted changes in the attached Zoning Amendment #3, draft #8 dated March 2, 2015. The Planning Board concurred with the proposed changes.
 - d. Zoning Amendment #4 - Section 301 – Parking and Loading Requirement amendments: Kathy Williams reviewed the highlighted changes in the attached Zoning Amendment #4, draft #4 dated March 2, 2015. The Planning Board concurred with the proposed changes.
 - e. Zoning Article #5: Miscellaneous Amendments: Kathy Williams reviewed the highlighted changes in the attached Zoning Amendment #5, draft #5 dated March 2, 2015. The Planning Board concurred with the proposed change to the illustrative figure included in Section 203.5 – Corner Lots and there were no changes proposed to the Definition of Habitable Attics. Further discussion was conducted on the proposed changes to Section 202.5 – Use Regulation Table, specifically related to Temporary Outdoor Recreation use per comments received in the attached February 17, 2015 e-mail from David Reid. Kathy Williams distributed a revised definition at the meeting for discussion which set limits on the duration of events and differentiated between profit and non-profit event organizers. The Planning Board expressed concerns about limiting the amount and duration of Yarmouth special events and how this could potentially impact events that attract tourism to Yarmouth, especially as Yarmouth is trying to expand the shoulder seasons and year-round tourism. The Planning Board discussed limiting the number of consecutive days that an event could take place. The Planning Board also noted the possibility of requiring a special permit for events that exceed the allowed number of calendar days for events taking place in B1, B2, and B3 zones (non-residential zones). Kathy Williams will investigate the licensing requirements for various types of events and contact the Yarmouth Chamber of Commerce to garner additional input on their special events.
 - f. Zoning Amendments for 2015 Annual Town Meeting: The vote to recommend, explain and move the Articles was deferred to the meeting on March 18, 2015 to allow time to further refine the Temporary Outdoor Recreation amendments.
3. **Local Comprehensive Plan – Updated Chapters:** Voting to recommend, explain and move the Articles for the LCP Updated Chapters will also occur at the March 18, 2015 Planning Board meeting. Norm Weare noted that he would like to move and explain the LCP Articles.
4. **Meeting Minutes:**
- a. **February 11, 2015:** On a motion by Chris Vincent, and seconded by Tom Roche, the Planning Board voted (4-0-2) to approve the Planning Board Minutes of February 11, 2015 with Norm Weare, Chris Vincent, Tom Roche and Ken Driscoll voting in favor; and Anthony Panebianco and Angela Philbrook abstaining.
 - b. **December 3, 2014 and February 18, 2015:** Approval of these minutes was deferred due to lack of quorum of those members present at these meetings.
5. **Board of Appeals Agenda & Decisions:** The ZBA hearing on the Mill Pond Village project was continued to April 9th to allow the applicant to respond to the ZBA's request for additional information. Refer to the attached February 19, 2015 Memo from the Planning Board to the ZBA providing comment on this project.
6. **Board Member Items:** Tom Roche noted the possibility of using Community Preservation Act (CPA) funds for a tidal restoration project at Run Pond. Kathy Williams noted that CPA funds have been used for other tidal restoration projects as preservation of open space. Norman Weare noted this should be encouraging news to any residents surrounding the Run Pond area.

The Planning Board inquired as to the status of the Parkers River Bridge project. Kathy Williams indicated that the Louis Berger Group has been hired to complete the 75% Design and permitting. The project team met with MassDOT to address comments from the 25% Design phase and MassDOT was open to the widening of the street to increase sidewalk widths, but wanted trees located behind the sidewalk (not in a green strip adjacent to the roadway). Streetscape amenities such as decorative lighting and flagpoles are still part of the proposed project.

7. **Correspondence:** None.
8. **Staff Updates:** Kathy Williams noted that there will be a meeting on Friday, March 6th at 1PM at the Senior Center sponsored by Congressman Keating and Representative Whelan to discuss the FEMA Flood Insurance Rate Maps and flood insurance, and that all residents are encouraged to attend.
9. **Upcoming Meetings:**
 - a. March 18, 2015
 - b. March 24, 2015 – Board of Selectmen
 - c. March 25, 2015 – Finance Committee
10. **Adjournment:** **VOTE: On a motion by Chris Vincent and seconded by Ken Driscoll, the Planning Board voted (6-0) unanimously to adjourn at 6:10 PM.**

ATTACHMENTS:

- **Agenda March 4, 2015.**
- **Lot 6 Release for Walden Way Subdivision:** March 2, 2015 Memo from Kathleen Williams with the following attachments:
 - February 10, 2015 Letter from Ronald Rudnick, Walden Way LCC
 - February 6, 2015 Letter from Paul Sodano of Needham Bank
 - FAA Determination of No hazard to Air Navigation for Lot 6
 - Draft Lot 6 Quitclaim Deed with Restrictions
- **Zoning Amendments:**
 - Amend #1 – Section 404 Edits, draft #4 dated March 2, 2015
 - Amend #3 – Section 414 Edits, draft #8 dated March 2, 2105
 - Amend #4 – Section 301 Edits, draft #4 dated March 2, 2105
 - Amend #5 – Miscellaneous Housekeeping, draft #5 dated March 2, 2105
 - 202.5 Use Table & Notes Edits, Draft #5, March 4, 2015 (distributed at meeting)
 - February 25, 2015 Email from Sharon Rooney, Cape Cod Commission
 - February 23, 2015 Email from Attorney Paul Tardif
 - February 17, 2015 Email from David Reid
- **Draft Meeting Minutes:** December 3, 2014, February 11, 2015 and February 18, 2015.
- **Mill Pond Village:** February 19, 2015 Memo to ZBA from Planning Board

Approved April 1, 2015.

On a motion by Chris Vincent, and seconded by Ken Driscoll, the Planning Board voted (5-0-1) to approve the Planning Board Minutes of March 4, 2015 with Norman Weare, Chris Vincent, Tom Roche, Ken Driscoll, Angela Philbrook voting in favor and Brad Goodwin abstaining.