

J

'16JUL12PM1:39 REC

Town of Yarmouth

MEETING MINUTES OF THE PLANNING BOARD MEETING OF March 2, 2016

The Yarmouth Planning Board held a business meeting at 5:00 p.m. on Wednesday, **March 2, 2016** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Tom Roche, Chris Vincent, Norm Weare, Ken Driscoll, and Angela Philbrook.

Planning Board Absent: Brad Goodwin

Town Staff and Consultant Present: Kathy Williams, Town Planner; Rick Kelley, Tree Warden and Highway Superintendent; Karl vonHone, Director of Natural Resources; Jeff Colby, DPW Director; and Jeff Finitz and Jason Ringler of Louis Berger Group.

Guests: Richard Gegenwarth, Tracy Post, Erik Tolley, Mary Vilbon, Gerry Manning, Vida Morris, Arthur and Carol Coverly, James Saben, Jack Hynes, Linda Jean, Bob Churchill, and Kristen Ferry, DER.

Planning Board Chairman Norm Weare opened the meeting at 5:01 p.m.

1. **Public Hearing on Scenic Road Application** – Thacher Shore Road, Yarmouth Port. Yarmouth Tree Warden requested to remove one 29" diameter White Ash tree located within the road right-of-way in front of 176 Thacher Shore Road in Yarmouth Port.

Note: The Public Hearing for this item was originally conducted on February 3, 2016, but is being redone to address a procedural discrepancy. Public comment from those present was not formally solicited and an individual in the audience wanted to speak to this issue.

- a. **Hearing Opening:** Norm Weare, Planning Board Chairman, opened the public hearing at 5:02.
- b. **Public Hearing Notice:** The attached Joint Public Hearing notice which was published in the Register on February 11, 2016 and February 18, 2016 was read into the record. Abutters within 100' were notified of the public hearing through a mailing sent on February 18, 2016.
- c. **Presentation:** Rick Kelley, Yarmouth Tree Warden and Highway Superintendent, gave a brief presentation on the condition of the tree, the concern for the structural integrity of the tree and the desire to remove the tree in a controlled manner rather than an emergency event, as outlined in the attached application.
- d. **Planning Board Comments:** Tom Roche inquired as to whether there were any plans to replace the tree. Rick Kelley indicated they would try to determine if a tree can be located within the narrow right-of-way which would not be impacted by the overhead utility wires. Chris Vincent noted the tree was a hazard and should be taken down in a controlled manner.

- e. **Public Comments:** Richard Gegenwarth, chairman of the Old Kings Highway (OKH), noted the tree removal was discussed at one of their meetings. The tree itself is alive and leafing out, although there is some sawdust from insects. The tree has made it through wet snow storms and the branches have been cut away from the wires. If the tree had to be removed, he indicated he would like to see it replaced, perhaps with sycamore to go with existing trees. He felt it would be difficult to remove the roots, so a new tree would need to be planted somewhere else nearby. Mr. Gegenwarth indicated the OKH unanimously felt the tree should not just be taken down without replacing it.

Rick Kelley noted the abutting property owner tried to save the tree and due diligence has been done trying to work with a tree company and arborist. Although the tree does leaf out, it leafs out last and loses its leaves first. Mr. Kelley noted that 2/3rds of the heartwood is gone, with most of the weight of the tree above this location. The electric company prunes it now, but there would be an issue if it comes down. Mr. Kelly noted that people have been killed by falling tree limbs. As the right-of-way is only 33' wide in this area, he would need to work with the homeowner to see if a new tree location could be found.

- f. **Written Comments:** The Chairman noted the following attached e-mails which were in support of the tree removal.

- 1) Mal Condon, February 1, 2016
- 2) Charles Spooner, February 2, 2016 (tree is located in front of his property)

- g. **Board Decision:** Without further discussion, the Board voted as follows:

VOTE: On a motion by Tom Roche and seconded by Chris Vincent, the Board voted (5-0) unanimously to approve the removal of one 29" diameter White Ash tree located within the right-of-way in front of 176 Thacher Shore Road, Yarmouth Port due to its deteriorated state and the concern for public safety, with Tom Roche, Chris Vincent, Norm Weare, Ken Driscoll and Angela Philbrook voting in favor.

- h. **Close Public Hearing:** On a motion by Tom Roche and seconded by Chris Vincent, the Board voted (5-0) unanimously to close the Joint Public Hearing at 5:16 PM, with Tom Roche, Chris Vincent, Norm Weare, Ken Driscoll and Angela Philbrook voting in favor.

2. **Public Hearing on Parkers River Tidal Restoration Bridge Replacement Project:**

Informational presentation of the 25% Revised Design Submittal and project update on the Parkers River Tidal Restoration Project.

- a. **Hearing Opening:** Norm Weare, Planning Board Chairman opened the public hearing at 5:17.
- b. **Public Hearing Notice:** The Chairman read the attached Public Hearing Notice and introduced Louis Berger Group (LBG).
- c. **Presentation:** Jeff Finitz and Jason Ringler of LBG gave the attached Powerpoint presentation. Briefly, the presentation covered the following:

- Overview of the design plans to replace an existing 18' wide bridge with a 30' wide bridge to improve tidal flush and ecological health of the Parkers River Estuary.
- Outline of the current problems including restricted tidal flows, reduced salinity and sediment transport, degraded salt marsh, increased invasive species, high nitrogen concentration, algae blooms, lower dissolved oxygen, fish and shellfish kills, extended retention of storm surges, and high velocities that impact fish passage.
- Outline of the benefits of the project including improving tidal flushing, minimizing scour, improving coastal resiliency and water quality, reducing nitrogen loads, replacing an aging piece of transportation infrastructure and improving streetscape aesthetics.
- Review of phasing plan during construction and maintenance of two way traffic.
- Review of project timeline with the project currently in permitting and design with a tentative December 2016 construction start date.
- Review of the \$5.6 million project budget.

- d. **Planning Board Comments:** The Chair asked Planning Board members for comments on the Plan.

Norm Weare indicated he wants to see this project move forward as it fits into the Board's vision for Route 28 and he was happy the Board could host this meeting. He felt the requested CPA funding Article was a bargain in the long run.

Tom Roche noted the high quality presentation and asked about the depth of the proposed channel under the bridge. The channel will be lowered 3' to negative 6.4.

Chris Vincent inquired about the height of the railings on the bridge. The railing will meet MassDOT standards. Chris Vincent encouraged passing the CPA funding Article for this project at Town Meeting as these projects don't get any less expensive.

- e. **Written Comments:** None.

- f. **Public Comments:** The Chairman opened the floor up to the Public for comment.

- 1) **Tom Nickinello:** Mr. Nickinello noted that he was a heavy user of the Parkers River Bridge. He noted that the Route 134 Bridge in Dennis took some time to construct and the bridge material appears rusted. Jeff Finitz noted that the new Parkers River bridge will be pre-cast concrete with 6" concrete deck material and pavement. Only metal will be the railings which will be painted.
- 2) **Vida Morris:** Ms. Morris inquired about the two separate CPA application requests for \$800,000 each. Kathy Williams indicated that the second \$800,000 would only be used if other grant funds cannot be obtained. The project team is actively looking for other grant funds. Ms. Morris also inquired about the sewer project. Kathy Williams noted that the previous Comprehensive Wastewater Management Plan included the replacement of this bridge to mitigate nitrogen loads in the Parkers River Estuary.

- 3) Erik Tolley: Mr. Tolley noted that this was a good project for the Town of Yarmouth and it would help the estuary. He inquired as to whether Yarmouth would experience any significant vegetation die-off from the restoration project and whether the flushing would move sediment resulting in the need for dredging. He noted issues that had occurred in Dennis on a tidal restoration project there. Karl vonHone, Director of Natural Resources indicated that there may be some, but does not anticipate any significant vegetation change over as we have mostly saltwater vegetation. He also noted there may be some movement of sediment, but not to the extent seen in Dennis.
- g. **Closing of the Public Hearing**: On a motion by Tom Roche and seconded by Chris Vincent, the Board voted (5-0) unanimously to close the Parkers River Tidal Restoration Bridge Replacement Public Hearing at 5:52 PM, with Tom Roche, Chris Vincent, Norm Weare, Ken Driscoll and Angela Philbrook voting in favor.
3. **Discussion on Board of Selectmen Meeting on Zoning Amendments/Articles for 2016 Annual Town Meeting**: The Board held a brief discussion on the Board of Selectmen's vote to recommend all 4 Zoning Amendments at the March 1, 2016 BOS meeting.
4. **Meeting Minutes**:
 - a. February 17, 2016: On a motion by Chris Vincent, and seconded by Ken Driscoll, the Planning Board voted (5-0) to approve the meeting minutes of February 17, 2016 with Tom Roche, Chris Vincent, Norman Weare, Ken Driscoll and Angela Philbrook voting in favor.
5. **Board of Appeals Agenda & Decisions**: February 25, 2016 ZBA Agenda and recent Decisions distributed via e-mail.
6. **Board Member Items**: Norm Weare noted that Town Staff will be giving a public presentation on Wastewater at the April 6, 2016 meeting.
7. **Correspondence**: A February 10, 2016 letter from MassDOT was distributed to the Planning Board via e-mail which approved the removal of the No Turn on Red signs at the Route 28 and Forest Road intersection.
8. **Staff Updates**: Kathy Williams discussed items for future meetings including a possible support letter from the Planning Board for the proposed Packet Landing Pavilion and Restroom and final review of the Zoning Amendment Explanations.
9. **Next Meetings**:
 - a. March 16, 2016 – at 5:00 PM
 - b. April 6, 2016 – Wastewater Presentation at 5:00 PM
10. **Adjournment: VOTE**: On a motion by Chris Vincent, and seconded by Tom Roche, the Planning Board voted unanimously (5-0) to adjourn at 6:02 PM.

ATTACHMENTS:

- **March 2, 2016 Agenda**
- **Sign-In Sheet**
- **Scenic Road Hearing:** February 29, 2016 Memo from Kathy Williams; Public Hearing Notice; Scenic Road Permit Application with attachments; February 1, 2016 e-mail from Mal Condon and February 2, 2016 e-mail from Charles Spooner.
- **Parkers River Tidal Restoration Bridge Replacement:** Public Hearing Notice; and Powerpoint Presentation.
- **Draft Meeting Minutes:** February 17, 2016.

Approved on June 15, 2016:

On a motion by Tom Roche, seconded by Ken Driscoll, the Planning Board voted (3-0-1) to approve the meeting minutes of March 2, 2016, with Tom Roche, Norm Weare, and Ken Driscoll voting in favor, and Brad Goodwin abstaining.