

Town of Yarmouth

**MINUTES OF THE PLANNING BOARD MEETING OF
November 2, 2016**

The Yarmouth Planning Board held a Business Meeting at 5:15 p.m. on Wednesday November 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, Joanne Crowley and Tom Baron.

Planning Board Absent: Brad Goodwin and Ken Driscoll.

Town Staff Present: Kathy Williams, Town Planner; and Mark Grylls, Building Commissioner

Guests: Mary Vilbon, Yarmouth Chamber of Commerce Director.

Chairman Norman Weare opened the meeting at 5:15 PM.

1. **Discussion on Potential Zoning Amendments for 2017 Annual Town Meeting:** Norm Weare reviewed the two attached Memos dated October 31, 2016 from Kathy Williams, Town Planner.
 - a. **Incentivizing Commercial Development:** Norm Weare noted the Planning Board Workshop meeting scheduled for November 9, 2016 at 5:15 to allow residents, interested parties and the business owners to offer their input on ways to increase, incentivize and promote commercial development along Route 28 through our Zoning Bylaw Regulations, while maintaining our community character.
 - b. **Special Permits in the APD:** Kathy Williams outlined the results of a recent meeting with Health Department staff and the Building Commissioner to discuss eliminating the Zoning Board of Appeals (ZBA) Special Permit requirements for certain Uses in the Aquifer Protection District (APD), as they are already licensed by the Board of Health (BOH). The BOH was hesitate to do anything that could be construed as regulating Uses, which they do not do. Also, Special Permits allow for enforcement by the Building Department, which is experienced in enforcement and have an easier process than the BOH which involves the court system. Lastly, Special Permits allow for additional conditions to be placed on a Use that may take into consideration comments from the Design Review Committee (DRC) and the Site Plan Review Team (SPR). For these reasons, the Planning Board opted to not propose any changes to the Special Permit requirements in the APD at the ATM.
 - c. **Fuel Storage Tanks in the APD:** Input was also obtained at the same staff meeting on an issue identified by the Health Department. This involves two scenarios: one related to fuel delivery services in the APD for such businesses as UPS, Eversource and FedEx, and one for above ground fuel tanks located on DOT registered trailers or trucks. Although the Fire Department doesn't allow for above ground storage tanks, the use of a trailer grayed the issue and resulted in the Fire Department permitting such a tank at the transfer station. The Health Department is concerned that the fuel delivery for fleet trucks may ultimately turn into a long term storage of fuel within the APD in a DOT registered truck. Kathy Williams outlined the proposed language from the October 31, 2016 memo which would essentially ban above ground fuel storage everywhere, but allow for fuel

delivery in the APD for the duration required to dispense the gas and only under the supervision of the fuel delivery personnel. The Board felt this was something that should be pursued for ATM.

- d. **Home Occupations:** Joanne Crowley noted a recent article in the Cape Cod Times regarding a home occupation for a septic company and the associated additional truck traffic and wanted to be sure the proposed language for our bylaw would not allow for those types of impacts. Kathy Williams briefly went over the attached October 31, 2016 memo which outlined limited home occupations, noting the various provisions that would restrict impacts to the neighborhood, including no increase in residential traffic. Mark Grylls, Building Commissioner, noted some concerns about home occupations that could result in fire hazards, such as a furniture refinishing business (stain rags) and woodworking (combustible dust). In general, the Board wanted to err on the side of caution to protect the residential neighborhoods, but allow for some additional home accessory uses. Based on Board discussions, some additional modifications to the home occupation language included:
 - Identifying a maximum square footage of the dwelling unit that could be used for home occupation in addition to a percentage.
 - Eliminate wood burning, but allow for wood carving with hand tools.The Board also discussed where this information would be located in the Bylaw. The Board was amenable to including it as an Accessory Use and include a Special Provision Section that outlined the requirements. The Board felt this was something that should be pursued for ATM.
- e. **Banners on Utility Pole/Decorative Lighting:** Norm Weare noted the recent meeting he had with Kathy Williams and Mary Vilbon to discuss the banners. Kathy Williams noted that the banners may be best regulated through the Board of Selectmen similar to their Community Event Sign Policy. Mary Vilbon noted that there were locations along Route 28 that may not be suitable for banners due to the amount of existing foliage. Mary Vilbon also talked about some similar characteristics to all the banners to help with branding. The Board was interested in pursuing the Banners for ATM.
- f. **Other Amendments:** Other minor scale amendments regarding signs, landscaping, and definitions are still being pursued but were not discussed at the meeting.

2. **Meeting Minutes:**

- a. **July 20, 2016:** On a motion by Tom Roche, and seconded by Chris Vincent, the Planning Board voted (5-0) out of necessity to approve the Planning Board Meeting Minutes of July 20, 2016, with Tom Roche, Chris Vincent, Norm Weare, Joanne Crowley and Tom Baron voting in favor.
- b. **September 7, 2016:** On a motion by Tom Roche, and seconded by Tom Baron the Planning Board voted (4-0-1) to approve the Planning Board Meeting Minutes of September 7, 2016, with Tom Roche, Norm Weare, Joanne Crowley and Tom Baron voting in favor, and Chris Vincent abstaining.
- c. **October 5, 2016:** On a motion by Chris Vincent, and seconded by Tom Roche the Planning Board voted (5-0) to approve the Planning Board Meeting Minutes of October 5, 2016, with Tom Roche, Chris Vincent, Norm Weare, Joanne Crowley and Tom Baron voting in favor.
- d. **October 19, 2016:** On a motion by Tom Roche, and seconded by Tom Baron the Planning Board voted (4-0-1) to approve the Planning Board Meeting Minutes of October 19, 2016, with Tom Roche, Norm Weare, Joanne Crowley and Tom Baron voting in favor, and Chris Vincent abstaining.

3. **ZBA Agenda and Decisions:** October 27, 2016 ZBA Agenda sent via e-mail

4. **Board Member Items:** None

5. **Correspondence:** None
6. **Staff Updates:** None
7. **Upcoming Meetings:** November 9, 2016 at 5:15 PM - Workshop.
8. **Adjournment: VOTE:** On a motion by Tom Roche, and seconded by Chris Vincent, the Planning Board voted (5-0) to adjourn at 6 PM.

ATTACHMENTS

- **2017 ATM Zoning Amendments:** October 31, 2016 Memo from Kathy Williams, Town Planner regarding miscellaneous zoning amendments.
- **Home Occupations:** October 31, 2016 Memo from Kathy Williams, Town Planner, regarding limited Home Occupations.
- **Draft Minutes:** July 20, 2016, September 7, 2016, October 5, 2016 and October 19, 2016.
- **ZBA Agenda:** October 27, 2016

Approved on November 9, 2016:

On a motion by Tom Roche, and seconded by Tom Baron, the Planning Board voted (5-0-2) to approve the Planning Board Meeting Minutes of November 2, 2016, as amended, with Tom Roche, Chris Vincent, Norm Weare, Joanne Crowley and Tom Baron voting in favor, and Brad Goodwin and Ken Driscoll abstaining.