



Board of Selectmen Regular Meeting Minutes October 18, 2016

The regular meeting was called to order at approximately 7:00 p.m. in the Town Hall Hearing Room by Chairman Jim Quirk. Selectmen present: Tracy Post, Mike Stone, Norman Holcomb, and Erik Tolley. Also attending: Interim Town Administrator, Peter Johnson-Staub.

1. Public Announcements & Comments.

Ms. Andrea St. Germaine, Yarmouth Liaison from the Dennis-Yarmouth Regional School District reported that a choral concert at D-Y High School will be held on Wednesday, November 2nd. The D-Y Dolphin Band won first place in Wrentham and Rhode Island competitions recently. The Massachusetts Association of School Committees is having its annual conference on November 2nd, 3rd, and 4th at the Resort and Conference in Hyannis. High school students and senior citizens participated in an Intergenerational Model UN at the Senior Center where the topic of discussion was clean water issues. Superintendent Woodbury will be attending a meeting to discuss the building projects for D-Y schools. The eligibility period for the school building projects 270 day period will begin as soon as Ms. Woodbury submits the letter.

Ms. Vida Morris commented on an apology she feels is due to the Cemetery Committee for what she feels was an unauthorized use of town counsel for review if the committee's charge. Ms. Morris also asked that a line item be included in the next budget presentation showing the savings of taxpayer money for the unspent town administrator salary for this year. Ms. Morris also asked that the Director of Community Development, the Town Planner, the Interim Town Administrator, and the Affordable Housing Trust be ready to explain their enthusiastic support for the affordable housing project being proposed for the former Cavalier property.

2. Public Hearing: Affordable Housing Proposal for Former Cavalier Site

a. Affordable Housing Trust Presentation. Mr. Bob Lawton, Vice-chair for the Affordable Housing Trust, Mr. Tom Roche, Mr. Ed Marchant, Director of Community Development Karen Greene, Affordable Housing/CDBG Program Administrator Mary Waygan, and Town Planner Kathy Williams were in attendance for the presentation. Mr. Lawton provided a brief history of the Trust and that the purpose of the Trust is to create and preserve affordable housing serving low and moderate income households. Mr. Lawton briefed the Board and the public on the efforts of the Trust to meet the suggested goal of 10% affordable housing units in Yarmouth's inventory of housing. Mr. Lawton then discussed the current proposal from Dakota Partners for this housing project.

b. Dakota Partners Presentation. Mr. Roberto Arista, Mr. Marc Daigle, and Mr. Steve Kominski from Dakota Partners were present to explain their company and to make the affordable housing presentation. Mr. Arista provided an overview of the site plan, the specifics of the project itself, and the three types of units to be included in the project. The presentation included exterior and interior drawings and pictures of the proposed buildings, units, and outside amenities. Mr. Arista also provided specific data on the proposed waste water treatment plant which will be a state of the art plant approved by MassDEP. He further addressed statistics associated with affordable

housing units and their relation to crime and property values, commenting that studies have shown no increase in crime or reduction in property values occur as a result of affordable housing units.

c. Public Input. Some of the public comments made included:

- Use of this property for affordable housing will result in the loss of prime commercial property forever;
- The congestion of residents on a small area of land exacerbates an already congested area of Route 28;
- Attorney David Reid spoke on behalf of the residents of the neighborhood in objection to the proposed project due to the density of population which would occur with the number of units proposed;
- The increase of services to the town and the increase in school costs;
- Loss of a commercial property;
- Support for the project due to the need for affordable housing for young professionals working in the community;
- Concern for potential crime associated with affordable housing;

d. Comments and Questions from the Board of Selectmen:

Selectman Tolley asked Building Commission Mark Grylls to explain the permitting process for a project like this and what this project has had to go through so far and what remains in the process. Mr. Grylls explained that this project has been through design review and site plan review; once site plan review determines that the project meets bylaw requirements, the Building Department can begin issuing building permits. Mr. Grylls further explained that a "by right" project means that a project meets all of the zoning bylaw requirements.

Selectman Holcomb commented that the Cavalier property has been a thorn in the side of the town for at least 10 years and has been the "poster child" for blight along Route 28. He related many comments and concerns from residents about when the town was going to do something about the property. As the need exists for affordable housing in the town, he supports this project.

Selectman Stone commented that he believes the number of units and residents are entirely too congested for the acreage the project will be built on. He is also concerned about the impact that density will have on traffic on Route 28 and surrounding neighborhoods, the lack of recreational space for older children, and the close proximity to traffic which will create a serious safety concern. Mr. Stone likes the design aspects of the project, but does not support the location. He stated he is well aware of the need for affordable housing and workforce housing in Yarmouth.

Selectman Post admitted that this project is a difficult decision for everyone in the community. However, the need for affordable housing for working families is also a serious concern. Ms. Post asked about the taxes on this property. Mr. Arista stated that the tax rate will be the same as other residential properties in Yarmouth. Ms. Post also asked if a cost-for-services analysis has been done. Mr. Johnson-Staub responded that no analysis has been done for this project but it is clear that the taxes generated by this project will quickly be used up to pay for the services required by the number of residents that will occupy the units. Ms. Post asked the Dakota Partners about the management company that will be managing the properties. Mr. Arista explained that Hallkeen Management is used by Dakota Partners for all their properties (approximately 1,000 units). He further explained that Hallkeen employs full-time, on-site managers

and supervisors for their properties. They maintain a 24-hour emergency service number for residents to contact should the need arise. Selectman Post indicated that she supports the project and asked what the process is from this point.

Chairman Quirk indicated that the next step is site plan review and then the final decision will rest with the Affordable Housing Trust. He also indicated that the town has addressed the need and options to develop affordable housing. Additionally, the need for economic development is an ongoing discussion with many challenges, primarily the lack of a sewer system at this time.

3. Utility Post Request - Old Hyannis Road

Chairman Quirk indicated that he needs to step aside for this agenda item as he is the attorney for the owners of the property and does not want there to be any appearance of a conflict of interest. Vice-Chairman Stone asked DPW Director Colby to provide some background on this petition. Mr. Colby explained that on June 15, 2016, the town received a request from Eversource to install nine new utility poles and four anchors on Old Hyannis Road to provide electrical service for the development of six residential lots. On the 28th of July 2016, a pole hearing was held at which several abutters attended. At the hearing, several abutters expressed concern about the impact these new overhead utility lines would have and questioned why the lines couldn't be installed below ground. The hearing continued with Eversource and the applicants agreeing to explore the possibility of installing underground utilities. On September 26, 2016, the applicant requested to move forward as the process wasn't moving quickly enough with Eversource and requested this hearing.

Ms. Jessica Elder from Eversource was present for the hearing. She explained that the petition for nine utility poles and four anchors was submitted as requested from the applicant in which no underground utility services were requested. She stated Eversource has no other issues with the town other than obtaining permission to install the poles.

Mr. Doug Labelle was representing the applicant. He stated the application to Eversource for overhead service was submitted since all other service in the area is overhead service. At the request of some of the abutters, the applicant discussed the possibility of underground service but Eversource informed Mr. Labelle it would be several months before Eversource would be able to design an underground system. To avoid any further delays in developing the properties, Mr. Labelle is requesting the Board to approve the petition for overhead service.

Selectman Post asked what the results of the first pole hearing were. An email from one of the abutters, Mr. Mark Corliss, was included in the packet and summarized the concerns of the abutters. Mr. Stone read the email into the record. In part, the abutters' concerns were that the area in question already has underground service; the width of the road is insufficient to install utility poles; and the area in question is in a historic district. Ms. Post asked Mr. Colby if he had any concerns about what is being proposed. Mr. Colby stated underground utilities are not required for this area which was approved by the Planning Board, with no conditions for underground utilities. He also indicated that the road is fairly narrow and that installation of utility poles will necessitate a large amount of tree removal.

The Board had concerns about why this petition is even before them and stated they are not comfortable acting on this petition without additional information or photographs of the area in question, particularly since no abutters to the petition are present for this hearing. Mr. Colby explained that the poles are on the opposite side of the road from the abutters that objected to this petition or are on corners of the neighborhood or on the newly developed properties.

Selectman Post asked Fire Chief Simonian if the width of the roadway, with the addition of new utility poles, will impact public safety. Chief Simonian commented that his department did have to respond to an emergency a few years ago and it was a narrow road though the equipment was able to safely transit. He would have to look at the location of the proposed poles to determine if there will be a public safety issue. Ms. Post asked the Eversource representative, Ms. Jessica Elder, if there is a requirement for setbacks from roadways for utility poles, and can Ms. Elder tell from the plans what the actual distance is from the road to the pole. Ms. Elder does not know what, if any, setbacks exist for poles, and though when she inspected the area in July, the stakes had been set but she does not know the distance from the stakes to the roadway. Ms. Post asked if any of the poles are located on town property; Ms. Elder stated all the poles are on town property.

Selectman Stone asked Ms. Elder how long it would take to complete an underground design. Ms. Elder commented that it is quite a process and would probably take about 3 months.

The Board discussed the property line layouts, the proposed locations for the utility poles, and the utility easements with Mr. Labelle. Mr. Johnson-Staub suggested that the Board could approve the pole location petition subject to satisfactory review by staff, the DPW and the Fire Department; or the Board could adopt Mr. Labelle's offer to push the pole locations back 20', re-stake the pole locations, photo the area and provide that information to the Board. Selectmen Stone suggested the Board adopt Mr. Johnson-Staub's suggestion to approve the petition subject to revising the details that are satisfactory to DPW and the Fire Chief.

Selectman Holcomb stated he is not comfortable with the Board giving up its approval or delegating that responsibility to the DPW Director. He believes the Board needs to see the actual layout of the area and the pole locations before voting on the matter. Mr. Labelle stated his plans and accommodations to his neighbors are well within the town's bylaws and he cannot afford for the Board to delay voting on the matter any longer.

The issue of clearing trees was brought up by Selectman Post and she asked whether a tree hearing would be necessary. The Board then discussed whether Old Hyannis Road is considered a scenic road and, if so, tree removal would require a hearing. Mr. Johnson-Staub stated he would get that information to the Board and if a hearing is required, we will schedule a hearing.

MOTION: To move that the Board of Selectmen to approve the nine poles and four anchors with the following conditions:

- 1) That poles #3 and #5 will be located as far to the west as possible, remaining within the road layout and not as depicted on the edge of the travel portion of the road;
- 2) The remaining poles #4, #6, #7, #8, #9, and #10 will be located as far to the east as possible;
- 3) This meeting's minutes will reflect that the property owner has volunteered to move the poles to the east a minimum of 25 feet off the edge of the pavement;
- 4) Final pole location is subject to the approval of the DPW Director; and
- 5) All work to be done will be done so as to minimize tree removal as necessary for the installation of the poles and lines.

Motion by: Erik Tolley

Seconded by: Tracy Post

Yea 4 Nay 0

The meeting was turned back over to Chairman Quirk.

4. Board of Selectmen

a. Board and Committee Actions.

- Parks & Rec

- Terry Walker	\$	150.00
- Katherine Keefe	\$	150.00
- Ina Bresner	\$	150.00
- Michele Piers	\$	150.00
- Peter Kidwell	\$	150.00
- Michelle Burnette	\$	150.00
- Chris Dunphy	\$	150.00
- Marge Ohnemus	\$	150.00
- Louis Preziosi	\$	150.00
- Edward Hamelin	\$	150.00
- Taylor Dakers	\$	150.00
- Frank Judge	\$	150.00
- Kristine Mooseker	\$	150.00
- Bryan Thomas	\$	150.00
- Amy Holgerson	\$	150.00
- Lauren O'Donoghue	\$	150.00
- Linda Pulaski	\$	150.00
- Janet/Peter Grant	\$	150.00
- Jamie Pastiglione	\$	150.00
- Myrtle Elizabeth Still Estate	\$	1,500.00
- Jane/Kenneth Eberle	\$	2,500.00
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TOTAL

\$ 6,900.00

MOTION: To move that the Board of Selectmen approve the consent agenda, with thanks.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5

Nay 0

b. Town Administrator Updates. Mr. Johnson-Staub advised the Board that Mr. Robert Lawton has been appointed as Interim Town Administrator and will be working a Tuesday and Wednesday schedule beginning after Peter's departure on November 4th. He did meet with Mr. Lawton on Monday to discuss the transition plan and he has also scheduled a meeting for November 1st for Mr. Lawton to meet with the management team.

6. Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting.

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 5

Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Memo to BOS from Interim Town Administrator / Chairman, Affordable Housing Trust dated October 14, 2016 re: 881 Route 28 - Affordable Housing Proposal
- PowerPoint presentation from Dakota Partners
- Copy of Letter to Interested Parties from Interim Town Administrator/Chairman, Affordable Housing Trust dated October 7, 2016 re: Proposed Redevelopment of the former Cavalier Motor Lodge property
- Memo to BOS from DPW Director dated October 5, 2016 re: Pole Hearing for Utility Poles on Old Hyannis Road
- Copy of Petition
- Email from Mr. John Mincieli to BOS dated October 9, 2016 re: Resignation from the Scholarship Committee
- BOS Projected 2016 Agenda Items
- BOS Meeting Minutes of September 20, 2016
- Memo to Interim Town Administrator from YFD dated September 28, 2016 re: Gift
- Memo to BOS from Parks & Rec dated October 4, 2016 re: Donations
- Memo to Interim Town Administrator from YFD dated October 7, 2016 re: Gift
- Letter to BOS from Interim Town Administrator dated October 4, 2016 re: Notice of Resignation
- My Choice Matters: Parenting to Prevent Substance Abuse Flyer
- Community Shred Event Flyer
- Flu Shot Clinics Flyer