

Town of Yarmouth

**MINUTES OF THE PLANNING BOARD MEETING OF
September 6, 2017**

The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **September 6, 2017** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Brad Goodwin, Tom Roche, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron.

Planning Board Absent: Chris Vincent

Staff Present: Kathy Williams, Town Planner

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

1. **Definitive Subdivision #1648H – Mod #1:** Planning Board Signature on Definitive Subdivision Plan.

Kathy Williams, Town Planner, noted that the subdivision had gone through the 20-day appeal period without an appeal and the Town Clerk has signed the Subdivision Plan. All the waivers and conditions imposed by the Planning Board have been included on the Definitive Subdivision Plan and can be signed by the Planning Board. The Subdivision has been sold to Brian Basler and the Covenant and Agreement have been modified to reflect this. Once these documents have been recorded at the Registry and returned to the Planning Office, the signed mylar will be released. Brian Basler is aware of this requirement. The Planning Board Chairman signed the mylar and five paper copies after the meeting.

2. **Discussion on Recreational Marijuana & Other Potential Zoning Amendments:**
 - a. **Recreational Marijuana:** Kathy Williams reviewed the attached summaries from Town Counsel, as well as her attached September 1st e-mail which outlines Town Counsel's presentation to the Board of Selectmen at their August 29th meeting. The BOS still need to decide whether they wish to ban some or all components of a Recreational Marijuana Establishment. As the Town of Yarmouth voted down Recreational Marijuana, this could be done at Town Meeting by majority vote and does not require a ballot vote. The Town currently has a zoning moratorium in place until December 31, 2018. To avoid the need for a Special Town Meeting, the Planning Board will need to develop a Zoning Amendment to site and regulate all components (cultivation, testing, product manufacturing, retail sales or any type of related business) for the 2018 ATM. The Board reviewed and discussed the attached existing zoning bylaw for Registered Marijuana Dispensaries (medical marijuana). There were a few questions for Town Counsel such as what amendments could be made from the floor at town meeting to an Article banning all recreational marijuana establishments (i.e. could there be an amendment to allow one or more of the various components), can Medical and Recreational marijuana facilities be housed in the same building, and can the Recreational Marijuana Establishment regulations be the same or can they be less/more strict than the Medical Marijuana facilities. Kathy Williams will follow-up with Town Counsel.
 - b. **Other Amendments:** Other amendments briefly touched on but not discussed in detail include the elimination of the ability to convert a motel building to housing per Section 404 (while retaining the raze and replace option); modifications to the VCOD village limits and

names; and various housekeeping items to be determined through discussions with the Building Commissioner and Town Planner.

- c. **Accessory Apartments:** Joanne Crowley brought up the article in the Cape Cod Times regarding accessory apartments and whether the Town should look into the possibility of loosening the current restrictions (i.e. only for affordable/family related, Special Permit and recording at the registry required) to further these type of accessory apartments which may be more affordable. Kathy Williams noted that the Town of Yarmouth has a high amount of residential development on very small lots and opening up accessory apartments too much may impact existing neighborhoods and would require monitoring to ensure these units remain for year round residents and not turn into seasonal rentals. Also, although smaller units sound affordable, there would be no requirement for them to be rent restricted and rents would be dictated by the housing market. These units would also not count toward our Chapter 40B 10% affordable requirements and would actually negatively impact it by adding new housing units without any affordable units. Tom Roche noted there is currently 109 units of affordable housing being proposed along Route 28, which will also redevelop our older motel stock. Kathy Williams noted that most other Towns do not have liberal zoning that allows multi-family housing at 16 units/acre like Yarmouth does along Route 28. Although this is not something that can be done for 2018 ATM, a periodic review of any section of the Zoning Bylaw to see if it can be adjusted to better serve the Town is always a good idea.

3. **Officer Elections and Committee Assignments**

a. **Officer Elections:**

- **Chairman:** On a motion by Norm Weare and seconded by Tom Roche, the Planning Board voted (5-0-1) to elect Brad Goodwin as Chairman, with Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor, and Brad Goodwin abstaining.
- **Vice Chairman:** On a motion by Brad Goodwin and seconded by Norm Weare, the Planning Board voted (6-0) to elect Tom Roche as Vice Chairman, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
- **Clerk:** On a motion by Tom Roche and seconded by Brad Goodwin, the Planning Board voted (6-0) to elect Joanne Crowley as Clerk, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

b. **Committee Assignments:**

- **CEDC:** On a motion by Brad Goodwin and seconded by Joanne Crowley, the Planning Board voted (6-0) to appoint Norm Weare to the Community and Economic Development Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
- **CHC:** On a motion by Tom Roche and seconded by Norm Weare, the Planning Board voted (6-0) to appoint Tom Baron to the Community Housing Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
- **Capital Budget:** On a motion by Brad Goodwin and seconded by Tom Roche, the Planning Board voted (6-0) to reappoint Joanne Crowley to the Capital Budget Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
- **CPC:** On a motion by Norm Weare and seconded by Tom Baron, the Planning Board voted (6-0) to reappoint Tom Roche to the Community Preservation Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.

- **AHT:** On a motion by Norm Weare and seconded by Lee Rowley, the Planning Board voted (6-0) to reappoint Tom Roche to the Affordable Housing Trust, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
 - **DISUC:** On a motion by Norm Weare and seconded by Brad Goodwin, the Planning Board voted (6-0) to reappoint Tom Roche to the Drive-In Site Utilization Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
 - **DRC:** On a motion by Tom Roche and seconded by Norm Weare, the Planning Board voted (6-0) to reappoint Chris Vincent to the Design Review Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
 - **Pre-Development Selection:** On a motion by Norm Weare and seconded by Tom Roche, the Planning Board voted (6-0) to reappoint Brad Goodwin to the Pre-Development Funding Selection Committee, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.
4. **Meeting Minutes:**
- a. **July 25, 2017 (BOS):** On a motion by Brad Goodwin, and seconded by Tom Roche, the Planning Board voted (5-0-1) to approve the Planning Board Meeting Minutes of July 25, 2017, with Brad Goodwin, Tom Roche, Norm Weare, Joanne Crowley and Tom Baron voting in favor, and Lee Rowley abstaining.
 - b. **August 16, 2017:** On a motion by Tom Roche, and seconded by Lee Rowley, the Planning Board voted (6-0) to approve the Planning Board Meeting Minutes of August 16, 2017, with Brad Goodwin, Tom Roche, Norm Weare, Joanne Crowley, Tom Baron and Lee Rowley voting in favor.
5. **Board of Appeals Agenda & Decisions:** The attached August 24, 2017 ZBA Agenda was distributed via e-mail.
6. **Committee Updates from Board Members:**
- a. **Community Preservation Committee (CPC):** Tom Roche noted the CPA funds available for affordable housing, open space, historic preservation and recreation. He outlined the number of projects that have benefited from these funds, but noted that all or a portion of this funding may need to be re-appropriated in FY 2020 to address our wastewater needs.
 - b. **Drive-In Site Utilization Committee (DISUC):** Lee Rowley inquired as to the status of the project and Tom Roche outlined the current process to date.
7. **Board Member Items:**
- a. Tom Baron inquired about the status of wastewater. Kathy Williams noted that the Town is working with Dennis and Harwich. Tom Baron emphasized the need to move forward quickly as the costs will only go up.
 - b. Brad Goodwin inquired about the removal of the quills. Kathy Williams noted that now that the Attorney General approved the Zoning Amendments, the Building Department will work on notification to businesses. He also inquired as to the status of the Parkers River Bridge, which has been delayed until the fall of 2018.
8. **Correspondence:** The following correspondence was distributed via e-mail:
- CCC GIZ Extension Public Hearing Notice for September 14, 2017
 - Dennis Public Hearing notice to ban Recreational Marijuana in the Zoning Bylaw for September 18, 2017
 - Attorney General Approval of Zoning Amendments from 2017 ATM, dated August 30, 2017

9. **Staff Updates:** The ULI meeting originally scheduled for September 19, 2017 will need to be postponed. Current dates being considered are October 4th and October 11th. Norm Weare indicated he could not do the 11th, but Brad Goodwin noted he would be able to cover that date. The Public Hearing with the Cape Cod Commission (CCC) for the GIZ Extension is scheduled for September 14th at 3 PM in Barnstable.
10. **Upcoming Meetings:**
- a. September 14, 2017 – CCC GIZ Extension Public Hearing
 - b. September 20, 2017
11. **Adjournment: VOTE:** On a motion by Brad Goodwin, seconded by Tom Baron, the Planning Board voted unanimously (6-0) to adjourn at 6:40 PM.

ATTACHMENTS:

- **September 6, 2017 Agenda**
- **Recreation Marijuana Discussion:**
 - August 9, 2017 Client Advisory on Marijuana Bill from MTC, dated August 9, 2017
 - August 28, 2017 e-mail from Kate Feodoroff from MTC
 - September 1, 2017 e-mail from Kathy Williams, Town Planner
 - Existing Zoning Bylaw Section 415 – Registered Marijuana Dispensaries & Overlay District Map
- **Officer Elections and Committee Assignments:**
 - Excerpt from the Operational Regulations of the Yarmouth Planning Board regarding officers and their duties and election of officers.
 - Table of current Planning Board Committee Assignments
- **Draft Minutes:** July 25, 2017 (BOS) and August 16, 2017
- **Miscellaneous Correspondence:**
 - CCC GIZ Extension Public Hearing Notice for September 14, 2017
 - Dennis Public Hearing notice to ban Recreational Marijuana in the Zoning Bylaw for September 18, 2017
 - Attorney General Approval of Zoning Amendments from 2017 ATM, dated August 30, 2017
 - ZBA Agenda for August 24, 2017

Approved on October 4, 2017:

On a motion by Norm Weare, and seconded by Tom Baron, the Planning Board voted (6-0) to approve the Planning Board Meeting Minutes of September 6, 2017, with Brad Goodwin, Tom Roche, Norm Weare, Lee Rowley, Joanne Crowley, and Tom Baron voting in favor.