

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF July 18, 2018

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday, July 18, 2018 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Brad Goodwin, Tom Roche, Chris Vincent, Norm Weare, Lee Rowley, Joanne Crowley and Tom Baron

Planning Board Absent: None

Others Present: Kathy Williams, Town Planner; Dan Ojala, Down Cape Engineering, Janice Hallet Hewins, Jim Hallet and David Hatfield.

Planning Board Chairman Brad Goodwin opened the meeting at 5:31 p.m.

1. **Definitive Subdivision #2427B – PUBLIC HEARING:** The Applicant, Realty Advisory Inc, and the Owner, Sandyside Corporation, propose subdivision of two un-numbered parcels off Summer Street, Assessor's Map 93, Parcels 22 and 23. The two parcels contain 4.85 acres and are located entirely within the Aquifer Protection District, with the majority of the property in the B3 Business District and the area north of the transmissions lines being R40 Residential. The proposed Definitive Plan would create 3 commercial lots off a short road with cul-de-sac. Access to the lots would be through a common driveway. No waivers are being requested.
 - a. **Hearing Opening and Public Notice:** Brad Goodwin opened the public hearing at 5:32 PM. The attached public hearing notice was entered into the record and was published in the Register on June 28, 2018 and July 5, 2018 and sent to the abutter lists for the Definitive Plan on July 3, 2018.
 - b. **Written Comments:** Brad Goodwin noted for the record the receipt of written comments from the following:
 - David Hatfield/James Hallet Letter submitted July 17, 2018
 - July 18, 2018 e-mail from Dan Ojala responding to the above referenced letter
 - July 18, 2018 letter from Janie Hallet Hewins submitted at July 18, 2018 meeting
 - July 18, 2018 letter from Muriel Hallet submitted at the July 18, 2018 meeting.
 - c. **Presentation:** Dan Ojala of Down Cape Engineering gave a brief overview of the project and went through the Staff Comments, noting that he was in general agreement with the comments. He reviewed his attached July 18, 2018 written response regarding ownership of the property which was put into question through the written comments to the Planning Board noted above. He indicated that the property discussed in the written comment letters was actually the property to the east of the Summer Street Subdivision parcels, and not the land associated with this proposed subdivision. He also noted that the subdivision property had title insurance.

Kathy Williams, Town Planner, reviewed the attached July 12, 2018 Memo with Staff Comments. She noted the need for a more formal recordable document related to the maintenance of the road, utilities and common driveway; requested the conceptual grading plan for the common drive to ensure runoff does not enter the cul-de-sac; noted the need for street trees; a stormwater

operation and maintenance manual; methodology to prevent encroachment on abutting conservation land; and the need for a perc test on Lot 1.

d. **Public Comments:** As there were members of the public present who wished to discuss the letters they submitted to the Planning Board, the Chairman requested public comments first. David Hatfield and Janice Hallet Hewins both spoke, noting that they were withdrawing their comment letters (including that of Ms Hallet Hewins' mother Muriel Hallet), after hearing the explanation from Dan Ojala. Later in the meeting, David Hatfield inquired as to whether the subdivision would ever extend further north. Mr. Ojala noted that the parcel to the north was Town owned conservation land.

e. **Planning Board Comments/Questions/Discussion:**

- 1) Tom Roche, Lee Rowley, Norm Weare and Chris Vincent had no comments.
- 2) Joanne Crowley inquired as to why the definitive proposal includes 3 lots whereas the preliminary only included 2. Dan Ojala noted that after further consideration of the project, the developer preferred to have more lots for sale rather than condominiumizing various units on a single lot. Ms. Crowley also commented on the thoughtful comments from Town Staff and noted that more effort should be made in the future to minimize Town Staff review time by incorporating comments from the preliminary subdivision in the definitive subdivision submission.
- 3) Brad Goodwin noted the number of staff comments that needed to be incorporated into the drawings. He inquired as to the shared driveway and stormwater runoff. Dan Ojala noted that he had a conceptual design of the common driveway that he could share with the Board. Kathy Williams noted that Site Plan Review of the common driveway could be a condition of the Definitive Subdivision approval.

f. **Hearing Closed:** **VOTE: On a motion by Tom Roche and seconded by Chris Vincent, the Board voted (7-0) unanimously to close the Public Hearing at 6:08 PM.**

g. **Board Deliberation:** There was consensus among the Board members that they wanted the Staff Comments incorporated into the drawings prior to final deliberation.

VOTE: On a motion by Norm Weare and seconded by Chris Vincent, the Board voted (7-0) unanimously to extend deliberations on Definitive Subdivision 2427B to August 15, 2018 at 5:30 PM.

2. **Tom Baron – Planning Board Member Item:** Discussion on watersheds, wells, well contribution areas and the Aquifer Protection District (APD).

Tom Baron gave the attached powerpoint presentation. He noted that the current limits of the APD may not be accurate and may not offer adequate protections. He inquired as to whether the Planning Board would like to recommend to the Town Administrator's office that the Town pursue re-evaluation of the current Zone 2 limits, then new APD limits can be drawn and brought back to the Planning Board. Tom Baron answered questions from Lee Rowley and Tom Roche. The Planning Board took no formal action at this time.

3. **Discussion on Zoning & Housing Reform Bills:** Kathy Williams gave a brief overview of the attached Zoning and Housing Reform Bills, which are being reviewed by the legislature.

4. **Meeting Minutes:**
 - a. **May 2, 2018:** VOTE: On a motion by Norm Weare, seconded by Tom Roche, the Planning Board voted (5-0-2) to approve the meeting minutes of May 2, 2018, with Brad Goodwin, Tom Roche, Norman Weare, Joanne Crowley, and Tom Baron voting in favor, and Lee Rowley and Chris Vincent abstaining.
 - b. **June 6, 2018:** VOTE: On a motion by Tom Roche, seconded by Tom Baron, the Planning Board voted (6-0-1) to approve the meeting minutes of June 6, 2018, with Brad Goodwin, Tom Roche, Norman Weare, Lee Rowley, Joanne Crowley, and Tom Baron voting in favor, and Chris Vincent abstaining.
5. **Zoning Board of Appeals Agendas and Decisions:** Attached ZBA Agendas sent via e-mail.
6. **Committee Updates from Board Members:**
 - a. **Drive-In Site Utilization Committee (DISUC):** Tom Roche noted that the DISUC will be going before the Board of Selectmen on July 24th to provide a revised charge, update on status and review next steps for the committee.
7. **Board Member Items:** Tom Roche noted he will not be available for the August 15, 2018 Planning Board meeting.
8. **Correspondence:** Attached miscellaneous correspondence sent via e-mail.
9. **Staff Update:** Kathy Williams gave a brief update on the status of the following:
 - a. **ULI/TAP Report:** Per one of the recommendations of the ULI/TAP Report, the Cape Cod Commission (CCC) is identifying paths and possible bike routes to connect the former Drive-In site to the Cape Cod Rail Trail.
 - b. **Route 6A Streetscape Improvements Project:** The Town has hired consultant VHB to develop conceptual streetscape improvements based on the work previously completed by the Town and the CCC, and will be having public meetings in the fall. The project also includes watermain replacement along Route 6A. As a State road, the Town will need to work closely with MassDOT on any proposed improvements.
10. **Next Meetings:**
 - a. August 1, 2018
 - b. August 15, 2018
6. **Adjournment:** VOTE: On a motion by Chris Vincent, seconded by Norm Weare, the board voted (7-0) unanimously to adjourn at 7:10 p.m.

ATTACHMENTS:

- **Agenda for July 18, 2018 and Sign-in Sheet**
- **Definitive Plan 2427B:** July 12, 2018 Staff Report Memo from Kathy Williams with attachments, including:
 - Public Hearing Notice
 - Staff Comments from:
 1. Kathy Williams, Town Planner, dated July 3, 2018
 2. Amy von Hone, Health Department – Assistant Director, dated June 29, 2018
 3. Doug Wrock, Town Surveyor, dated June 28, 2018
 4. Kelly Grant, Conservation Administrator, dated June 29, 2018

5. Kevin Huck, Fire Department, dated June 28, 2018
 6. Mark Grylls, Building Commissioner, dated June 27, 2018
 7. Nick Aguiar, Town Engineer, dated June 15, 2018
- Application Form C
 - Drainage Calculations with Drainage Sketch
 - Plans: Prepared by Down Cape Engineering, dated & stamped May 24, 2018
 1. Subdivision Plan of Land Off Summer Street Yarmouth Port MA
 2. Road Profile Plan To Accompany Subdivision Plan of Land Off Summer Street Yarmouth Port MA
 3. Detail Sheet To Accompany Subdivision Plan of Land off Summer Street Yarmouth Port MA
 - Written Comments from:
 1. David Hatfield/James Hallet submitted July 17, 2018 & July 18, 2018 response e-mail from Dan Ojala
 2. July 18, 2018 letter from Janie Hallet Hewins submitted at July 18, 2018 meeting
 3. July 18, 2018 letter from Muriel Hallet submitted at the July 18, 2018 meeting.
 - **Watersheds, wells, well contribution areas and the Aquifer Protection District (APD):** Powerpoint Presentation and supplemental materials submitted by Tom Baron. Zoning Bylaw Section 406 – APD.
 - **Summary of Key Housing/Zoning Bills**
 - **Draft Minutes:** May 2, 2018 and June 6, 2018
 - **Miscellaneous Correspondence:**
 - CCC Executive Director Update Memo, July 12, 2018
 - Barnstable Public Hearing Notice on Zoning Changes for June 25, 2018 – medical marijuana.
 - Barnstable Public Hearing Notice on Zoning Changes for June 25, 2018 – recreational marijuana
 - CCC Update Memo dated June 20, 2018
 - CCC – The Reporter - June 2018
 - CDBG Program Request for Proposals
 - June 27, 2018 e-mail on major zoning bills
 - Chapter 91/401 Water Quality Certification public Notice for Bass River Dredging.
 - ZBA Agenda June 14, 2018
 - ZBA Agenda June 28, 2018
 - ZBA Agenda for July 26, 2018

Approved on August 15, 2018:

On a motion by Norm Weare, seconded by Joanne Crowley, the Planning Board voted (5-0) to approve the meeting minutes of July 18, 2018, with Brad Goodwin, Norman Weare, Lee Rowley, Joanne Crowley, and Tom Baron voting in favor.