

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF
October 3, 2018

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday October 3, 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 (until 6:10), Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron

Planning Board Absent: None

Staff Present: Kathy Williams, Town Planner

Guests: Mary Vilbon, Director of Yarmouth Chamber of Commerce

Chairman Brad Goodwin opened the meeting at 5:30 PM.

1. **Discussion on Potential Zoning Amendments for 2019 Annual Town Meeting:** The Planning Board reviewed the attached October 1, 2018 Memo from Kathy Williams, Town Planner, related to potential zoning amendments.
 - a. **Accessory Dwelling Units:** The Board reviewed the attached first draft of amendments to Section 407 – Accessory Apartments dated October 1, 2018. These amendments were related to easing up on the requirements for Affordable Accessory Apartments with regard to deed restrictions, rental rates, documentation and allowing for more choice in selecting an income eligible tenant. There was considerable discussion related to the current minimum lot size of 10,000 sf and whether that was adequate or needed to be increased. There was a general consensus that this minimum lot size may be adequate. The Board also discussed the possibility of a third option for an accessory apartment (besides affordable and family related) which would not have these restrictions, but might have different criteria to be allowed such as larger lot sizes and meeting all dimensional requirements without needing relief. It was also noted that Title 5 and Zone 2 for Wells are currently restricting factors in developing an accessory apartment, but this should not be relied upon as a land use regulation. The Board also felt that income verification needed to happen more than just upon initial application. Discussed annual income verification or verification every 2 years to match the building department inspection schedule. Also discussed whether the definition of “family” needed to be amended to give the ZBA more flexibility in allowing family related apartments for non-traditional families or “family like” relationships. Kathy Williams noted that any significant increase in rental units would result in the need for additional staffing in the Building and Health Departments. (Note: Chris Vincent left the meeting at 6:10 at the end of this discussion.)
 - b. **Stormwater:** Kathy Williams noted that Town Staff will be meeting with the DPW and their stormwater consultant on October 24, 2018 to go over potential modifications to the Zoning Bylaw and the Rules and Regulations Governing Subdivision of Land required to meet MS4 Stormwater Discharges from Municipal Sources. Further discussions will be required with the Planning Board to see what edits can be made for the 2019 ATM.

- c. Residential Building Height in Flood Zones: Lee Rowley noted that as flood levels increase, it may be appropriate to give some relief in building height for a couple feet to get above the Base Flood Elevation. Kathy Williams noted that the Base Flood Elevation in some areas is significantly higher than the current ground elevation and relief would be for more than a couple feet. Brad Goodwin noted that the Board may not want to take on increases in residential building heights at the same Town Meeting as an increase in density related to the Accessory Apartments. There was general agreement with this statement and consensus was to not modify the bylaw at this time.
- d. Signage:
- Electronic Message Centers - LED Signs: Staff to work up language to allow for LED signs for gas prices on both free standing and pump toppers for review by the Board. Kathy Williams also noted the Board may wish to allow Community Information Boards (CIBs) to be Electronic Message Centers.
 - Temporary Commercial Signs: Mary Vilbon of the Yarmouth Chamber noted that she was doing research with the business community and other Towns to get a better understanding of the type of temporary seasonal sign that may be appropriate as she works to develop bylaw language for review by the Planning Board. Mary Vilbon noted she would solicit input from Town Staff for the draft language.
- e. Outdoor Entertainment: Mary Vilbon noted that she spoke with Board of Selectmen member Mike Stone about potentially changing the zoning requirements for outdoor entertainment, who indicated he would be interested in looking at it, but several board members are concerned about timing, amplified music and who regulates it. Suggestion was made to talk with Tracy Post and Erik Tolley, as they were past Planning Board members, and also Linda Hill in Licensing. Staff will work on draft language to eliminate the Special Permit requirement for outdoor entertainment in the B1/B2 zoning districts if an Entertainment License is obtained from the Board of Selectmen.
- f. VCOD - Building Height: Board discussed including mechanical equipment in draft language to exclude ancillary features, such as chimneys, spires, cupolas, pediments, cornices, railings, antennas or other similar structures not intended for human occupation, from the height limitations in VCOD VC2 only. Consider adding a maximum height for these types of features.
- g. VCOD Off-site Affordable Rental Units: Kathy Williams spoke with Mary Waygan, Affordable Housing Administrator, about the specific language to allow for off-site affordable rental units, in addition to off-site homeownership. Will need to evaluate further to see if appropriate language can be developed. Ultimately, input will be needed from the Community Housing Committee and Affordable Housing Trust.
- h. Drive-thru menu sign: Kathy Williams noted that Building Department staff measured the size of existing drive-thru menu signs and noted the dimensions as follows:
- | | |
|------------------------|-------------------------------|
| McDonalds: | 100" long by 58" high (41 sf) |
| Dunkin' - S Yarmouth: | 88" long by 85" high (52 sf) |
| Dunkin' - Station Ave: | 88" long by 85" high (52 sf) |
| Wendy's: | 120" long by 79" high (66 sf) |

Staff to work up language to better define these types of signs related to size and location.

2. Cape Cod Commission Regional Policy Plan (RPP) Update: Kathy Williams briefly reviewed her attached October 1, 2018 Memo providing an overview of the Cape Cod Commission (CCC) Regional Policy Plan (RPP) Update, and encouraging the Board members to attend the October 24th sub-regional meeting. The RPP is currently in the 60-day public comment period which ends on November 19th. Staff is planning on providing written comments.

3. **Meeting Minutes:**

- a. September 19, 2018: **VOTE: On a motion by Norm Weare, seconded by Tom Roche, the Planning Board voted (6-0) to approve the meeting minutes of September 19, 2018, with Brad Goodwin, Tom Roche, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.**

4. **Board of Appeals Agenda & Decisions:** None.

5. **Committee Updates from Board Members:**

- a. Capital Budget Committee: Joanne Crowley noted that the Capital Budget Committee has met several times and have started the individual Department reviews which will continue through October. She also noted that the Town is looking at their Disaster Recovery needs more closely as a result of the burst sprinkler pipes at Town Hall and the impacts on the IT department. Capital Budget will see more requests related to this item. She also noted there are two Capital Budget Committee members on the DPW Building Committee, which should start meeting soon.
- b. Community Housing Committee (CHC): Tom Baron distributed the attached September 11, 2018 letter from the Dept of Housing & Community Development Housing stating that the Town of Yarmouth Housing Production Plan has been certified from April 17, 2018 through April 16, 2019 as the Town had provided the required number of units for certification. Tom Baron also noted that Mary Waygan, Affordable Housing Administrator, is working on a housing preference survey.
- c. Water Resources Advisory Committee (WRAC): Lee Rowley noted that the WRAC will be having their first meeting on October 9th.
- d. Community and Economic Development (CEDC): Norm Weare noted that the CEDC is reviewing the Tourism Revenue Preservation fund applications later this month with awards in December.
- e. Community Preservation Committee (CPC): Tom Roche noted that the CPC had their annual Public Hearing on September 21, 2018 at 4 PM at Flax Pond. A new round of CPA applications are due on October 5th. The Drive-In Site Utilization Committee (DISUC) will be applying for a CPA grant for the Riverwalk Park and Boardwalk Loop for the costs for design and permitting, and 50% of construction costs.

6. **Board Member Items:** Tom Baron distributed a notice from the New England Water Works Association (NEWWA) noting that October 10, 2018 is "Imagine a Day Without Water" day.

7. **Correspondence:** The miscellaneous correspondence noted in the Attachments was distributed via e-mail since the last Planning Board meeting.

8. **Staff Updates:** Kathy Williams noted the October 9, 2018 Public Information meeting for the MassDOT proposed improvements to the Route 28/North Main/Old Main Street intersection at 7 PM in the Hearing Room. Kathy Williams also inquired as to the preference of the Board for two 4 hour or one 8 hour workshop for the Municipal Vulnerability Preparedness planning process. The general consensus was that the Board could do an 8 hour workshop during the week if given enough notice. Kathy Williams indicated she would also be checking with the Conservation Commission and the Community & Economic Development Committee as to their preferences, as they has also committed to participating in the workshop.

9. **Upcoming Meetings:**

- a. October 17, 2018
- b. November 7, 2018

10. **Adjournment: VOTE: On a motion by Tom Roche, seconded by Tom Baron, the Planning Board voted unanimously (6-0) to adjourn at 6:55 PM.**

ATTACHMENTS:

- **October 3, 2018 Agenda**
- **Potential Zoning Amendments:** October 1, 2018 Memo from Kathy Williams, Town Planner, along with:
 - Section 407 – Accessory Apartments - Draft #1 dated October 1, 2018.
 - FY 19 Fair Market Rental Rates
 - Sept 5, 2017 Cape Cod Times Article
- **Regional Policy Plan (RPP) Update:** October 1, 2018 Memo from Kathy Williams, Town Planner, on status of RPP Update by the Cape Cod Commission
- **Draft Minutes:** September 19, 2018
- **Information submitted by Tom Baron**
 - Dept of Housing & Community Development Housing Production Plan Certification letter Sept 11, 2018.
 - NEWWA October 10, 2018 "Imagine a Day without Water" notice.
- **Miscellaneous Correspondence:**
 - CCC Regional Policy Plan (RPP) Subcommittee Meeting Agenda – Oct 4, 2018
 - CCC Sub Regional Hearing Notice for RPP Update
 - Barnstable ZBA Legal Notice for Oct 10, 2018
 - Citizen Planner Training Collaborative – Fall 2018 Workshops
 - Draft Pedestrian Transportation Plan Public Comment period notification.
 - Sept 25, 2018 e-mail from Roby Whitehouse on recycling.
 - CCC Reporter – September 2018

Approved on October 17, 2018:

On a motion by Norm Weare, seconded by Tom Baron, the Planning Board voted (4-0) to approve the meeting minutes of October 3, 2018, with Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor.