

**Town of Yarmouth**  
**NOTES FOR THE PLANNING BOARD MEETING OF**  
**June 6, 2023**  
**NO QUORUM**

YARMOUTH TOWN CLERK

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The Yarmouth Planning Board met at the Board of Selectmen meeting at 6:00 PM on Tuesday, **June 6, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Joanne Crowley, Susan Brita and Jim Saben (**NO QUORUM**)

**Planning Board Absent:** Ken Smith, Chris Vincent, Peter Slovak, and Will Rubenstein

**Staff Present for Planning Board Business:** Kathy Williams, Town Planner

1. **DRAFT ACCESSORY APARTMENT ZONING AMENDMENTS**. Discussion with the Board of Selectmen (BOS) on the Draft Accessory Apartment Zoning Amendments and public outreach Listening Sessions scheduled in June.
  - a. **Introduction:** Joanne Crowley provided a brief overview of the attached May 31<sup>st</sup> Memo to the BOS updating the Board on the status of the Draft Accessory Apartment Zoning Amendments, soliciting any initial input they have to offer and highlighting the three upcoming Accessory Apartment Listening Sessions, as well as noting all the information is available on the Town Website.
  - b. **Presentation:** Kathy Williams gave the attached PowerPoint presentation that highlighted the various provisions within the proposed amendments, along with supplemental information to educate the public and provide examples. The presentation covered the following provisions in the draft amendments: Purpose & Intent; Ownership & Rentals; General Requirements; Appearance; Dimensional Standards & Minimum Lot Sizes; Unit Sizes; Special Permit & By-Right Options; Records, Inspections & Enforcement; Existing Family Related & Affordable Apartments; and Transfer Upon Sale.
  - c. **Board of Selectmen:** The BOS was appreciative of the efforts of the Planning Board and can see that a lot of work and details went into the preparation of Draft #12. The BOS offered specific comments on the following provisions:
    - (1) **Dimension Standards & Minimum Lot Sizes:** Joanne Crowley noted that this issue did come up in public sessions related to concerns about density and about water quality as extra bedrooms create more flushes from more people. Chairman Stone inquired about any input from the Board of Health on the draft amendments and about the level of improvements that would be needed to expand or replace a septic system to accommodate an accessory apartment. Kathy Williams indicated input was received from the Health Director who indicated septic systems would need to be in full compliance with the current Title 5 regulations, and any modifications to a septic system would need to be approved by the Health Department. She also discussed the limitations of not increasing bedrooms for properties located with the Zone 2 Wellhead Contribution Area.
    - (2) **Special Permit & By-Right Options:** The BOS spent the majority of the discussion on Special Permits and the three by-right options.
      - (a) **Dorcas McGurrin:** Ms. McGurrin indicated she has heard from residents who feel that all accessory apartments should be via Special Permit. People bought into single-family neighborhoods and want to be notified, have the ability to offer input and to see what is being proposed. By-right takes this away and she would like to see accessory apartments remain by Special Permit only. Otherwise, she felt the draft amendments addressed a lot of issues and were comprehensive.

- (b) Mike Stone: Mr. Stone felt the by-right options were included as a compromise between those who want everything by-right and those who want all by Special Permit. He reviewed the three by-right options and noted they all had built-in limitations and seemed like reasonable exceptions. He was not disagreeing with Ms. McGurrian but noting that the Planning Board was trying to reach a reasonable compromise. He felt the Planning Board put in restrictions that should be there to protect the neighborhoods but also offer flexibility such as the owner can choose to live in the apartment or the main home.
- (c) Mark Forest: Mr. Forest noted that the state and business community are pushing to see progress made on generating more affordable housing projects as short-term rentals are shrinking the rental housing stock. He noted the importance of moving forward with these type of amendments as lack of housing is hurting the state's economy and there will continue to be pressure to increase inventory. He confirmed that all three Listening Session will be videotaped. Mr. Forest also wanted to be sure to hear input on the draft amendments from those who solicited the petitioned article last fall.
- (d) Dan Horgan: Mr. Horgan noted the need to do something and appreciates the Planning Boards efforts to vet the issues and being protective of the neighbors while also recognizing the rights of homeowners and need for housing. He felt it was a good compromise, balancing the needs on both sides. Mr. Horgan asked about clemency for illegal apartments. Kathy Williams indicated that if the bylaw passes and makes the use legal in some way, homeowners will still need to get building, plumbing, electrical permits and will need to be inspected to ensure the work was done correctly and the unit is safe.
- (3) Transfer Upon Sale:
- (a) Mike Stone: Mr. Stone commented that 45-days may not be sufficient time for a new owner to rent an accessory apartment and should include some type of procedure for this situation.

The Board is looking forward to hearing what the public has to say in the upcoming Listening Sessions.

2. Adjournment: The Planning Board portion of the Board of Selectmen meeting adjourned at approximately 10:20 PM.

#### ATTACHMENTS:

- **June 6, 2023 Planning Board Agenda**
- **June 6, 2023 Board of Selectmen Agenda**
- **Draft Accessory Apartment Zoning Amendments**: May 31, 2023 Planning Board Memo to BOS; Accessory Apartment Listening Session Flyer; Summary of Draft #12 Accessory Apartment Zoning Amendments; Draft Accessory Apartment Zoning Amendment, Draft #12, dated May 4, 2023; Frequently Asked Questions (FAQs) on Accessory Apartments, dated May 4, 2023; Table of Residential Lot Sizes, updated March 9, 2023; Map of Residential Parcel Sizes, updated May 18, 2023; and Accessory Apartments Listening Session PowerPoint Presentation, updated June 7, 2023

#### Approved on June 21, 2023:

On a motion by Jim Saben, and seconded by Ken Smith, the Planning Board voted (5-0) to approve the meeting notes of June 6, 2023, with Jim Saben, Susan Brita, Ken Smith, Peter Slovak and Joanne Crowley voting in favor.

YARMOUTH TOWN CLERK