

'23 JUL 13 AM 8:50 REC

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**June 14, 2023**

The Yarmouth Planning Board held an in-person Business Meeting at **6:00** p.m. on Wednesday **June 14, 2023** at the Yarmouth Senior Center, 528 Forest Road, West Yarmouth MA.

**Planning Board Present:** Susan Brita, Jim Saben, Peter Slovak, Joanne Crowley, and Ken Smith

**Planning Board Absent:** Will Rubenstein and Chris Vincent

**Staff Present:** Kathy Williams, Town Planner; Mark Grylls, Building Commissioner; and Karen Greene, Community Development Director

1. **Meeting Opening:** Chair Joanne Crowley opened the meeting at 6:03.
2. **LISTENING SESSION #2 on Draft Accessory Apartment Zoning Amendments:** Joanne Crowley welcomed the public to the meeting and introduced the members of the Planning Board. She noted the recent meeting with the Board of Selectmen on June 6<sup>th</sup> to get some of their viewpoints on the draft and the first Listening Session on June 7<sup>th</sup>. She outlined the purpose of the Listening Sessions which is to share information used to develop the amendments, provide details on the various provisions and hear from the public on their input and suggestions. Ms. Crowley reviewed the overall Agenda noting that public input will be received after each set of provisions and at the close of the presentation.

The Chair then recognized Town Planner Kathy Williams, who 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. Public comment received throughout the presentation included the following (several provisions received no public comment or questions):

a. **Purpose & Intent:**

- 1) **Arthur Warren:** Mr. Warren inquired as to whether this is something we want to do or whether this is some type of mandate from the state. Joanne Crowley noted that there is no requirement to change the accessory apartment bylaw, but that the Board is considering it to be more flexible. Kathy Williams did note that there is a push from the current administration to have more housing options as well as the Citizen Petition from last fall which had 200 signatures of residents who were looking for change. Jim Saben noted the need for more housing.

b. **Ownership & Rentals:**

- 1) **Arthur Warren:** Mr. Warren asked for clarification on who is the property owner and resident as many properties are owned by an LLC or a Trust and not an individual. He felt this needed to be clear to retain the purpose and intent. Susan Brita suggested there may need to be a better distinction between ownership and occupancy and Joanne Crowley indicated the Board could work with Town Counsel on a definition.

c. **Appearance:**

- 1) **Arthur Warren:** Mr. Warren inquired about whether there would be two mailboxes and addresses. Kathy Williams noted that the Engineering Department has a system for setting addresses.

d. **Dimensional Standards:**

- 1) **Arthur Warren:** Mr. Warren inquired as to whether an existing 5,000 sf lot would be grandfathered from this amendment. Kathy Williams indicated the 10,000 sf was the minimum and accessory apartments on lots less than that would be via a Variance.
- 2) **Rob Camarra (sp):** Mr. Camarra referenced the density in his neighborhood (Captains Village area) with many properties clustered together with limited space. He noted the additional cars, water issues with PFAS and wastewater. He suggested the minimum lot size should start at 11,000 sf which is about ¼ acre.
- 3) **Judy Warren:** Ms. Warren acknowledged the need for more affordable housing options for workers and families. With 80% of the residential lots eligible, she appreciated the suggestion of a larger minimum lot size. Ms. Warren asked if it could be a requirement that the tenants work on the Cape. She questioned whether we are solving the problem with the small number of 8-12 units per year. She asked if there was anything preventing someone from renting an accessory apartment for a full-year but using it as their 2<sup>nd</sup> home. She stated that with the owner being able to stay in the accessory apartment and rent out the main home, there is no limit on the rent so it would not be affordable for the workers. Ms. Warren asked about enforcement and whether we were tasking staff with something they can't do. She noted problems with enforcement for Short-Term Rentals (STRs) and inquired as to whether the STR taxes were being paid. She further noted that STRs are transforming neighborhoods into businesses, have fewer smaller homes and burdening neighborhoods with traffic and summer partying. She also asked about design restrictions and who can impose that restriction and have it not be challenged. Kathy Williams indicated that a clarification on who can rent the accessory apartment would be helpful. Susan Brita emphasized that the proposed accessory apartments are not meant to be Affordable as there are no restrictions on rental rates but would add additional rental units. Jim Saben noted this was a case of supply and demand and providing more units makes them more competitive and that this is just one slice of the solution.

e. **Special Permits & By-Right Options:**

- 1) **Arthur Warren:** Mr. Warren indicated he wants to have accessory apartments permitted via Special Permit only and that he trusts the ZBA to use their judgement and skills to protect the residents of the single-family neighborhoods. He inquired as to whether there was a way to create a revenue stream to fund enforcement.

f. **Transfer Upon Sale:**

- 1) **Arthur Warren:** Mr. Warren suggested a transfer fee for accessory apartments to compensate for the extra work for the town and using a single-family home in this way.

g. **Final Public Comments:**

- 1) **Spiro Mitrokostas:** Mr. Mitrokostas talked about septic systems before we are connected to sewers. Kathy Williams indicated someone could expand their system if they meet the latest Title 5 requirements. Mr. Mitrokostas noted that accessory apartments would be more desirable the closer you are to the water and more susceptible to abuse or use as a short-term rental. He noted that legal 12-month leases could be verified using the previous year filed taxes. He emphasized the need to eliminate abuse while trying to solve the housing problem.

'23JUL13AM8:50 REC

- 2) Arthur Warren: Mr. Warren inquired about the property assessment with an accessory apartment. Jim Saben noted that assessors are notified of building permits and values typically go up and raise revenues.
- 3) Judy Warren: Ms. Warren was concerned about a decrease in valuation for properties next door to an accessory apartment or in the single-family neighborhood. She noted that the accessory apartment could be 2 stories impacting the immediate neighbors and suggested limiting Accessory Apartments to 1-story. Ms. Warren also suggested that if allow an accessory apartment, the homeowner should have to hook up when sewers come. Ken Smith noted that the current draft regulations say hook ups are required within 2-years with a possible 1-year extension for special circumstances. Ms. Warren questioned the lack of rental limitations and felt accessory apartments would be increasing income for landlords by increasing density in neighborhoods. Jim Saben indicated that accessory apartments are part of a larger solution to the lack of housing on Cape Cod and how 46% of the workers commute over the bridges. Ms. Warren felt we did not need accessory apartments at the rate of 20 units/year noting that more rentals units increase the need for services, roads, schools, hospital, police and physical space. Ms. Warren referenced a recent article in the Cape Cod Times where the Dennis-Yarmouth students noted the impact of housing on families so need to do something.
- 4) Arthur Warren: Mr. Warren reiterated his comment about wanting the oversight, accountability and ability to ask questions that is offered by the ZBA through a Special Permit. He felt like the by-right carve-outs were trying to appease someone. Joanne Crowley noted that the Board has heard from different voices expressing an interest in by-right with the proposal being a compromise. Jim Saben noted the Citizen Petition with the 200 signatures of fellow residents.

h. Written Comments: None.

3. Upcoming Meetings:

- a. June 21, 2023: Regular Planning Board Business Meeting
- b. June 26, 2023: Third Listening Session-In Person Meeting at Fire Station #2, Yarmouth Port
- c. July 5, 2023: Regular Planning Board Business Meeting
- d. July 12, 2023: Tentative Joint Meeting with the Zoning Board of Appeals

4. Adjournment: **VOTE: On a motion by Jim Saben and seconded by Susan Brita, the Planning Board voted unanimously (5-0) to adjourn at 7:45 PM.**

ATTACHMENTS:

- **June 14, 2023 Agenda**
- **Sign-In Sheet**
- **Draft Accessory Apartment Zoning Amendments**: Accessory Apartment Listening Session Flyer; Summary of Draft #12 Accessory Apartment Zoning Amendments; Accessory Apartments Listening Session PowerPoint Presentation; Accessory Apartment Zoning Amendment, Draft #12, dated May 4, 2023; Frequently Asked Questions (FAQs) on Accessory Apartments, dated May 4, 2023; Draft June 6, 2023 Meeting Notes with BOS and Draft June 7, 2023 Listening Session Minutes.

**Approved on July 5, 2023:**

**On a motion by Susan Brita, and seconded by Ken Smith, the Planning Board voted (3-0-1) to approve the meeting minutes of June 14, 2023, with Susan Brita, Ken Smith, and Joanne Crowley voting in favor, and Will Rubenstein abstaining.**