

Town of Yarmouth
NOTES OF THE PLANNING BOARD MEETING OF
June 26, 2023
NO QUORUM

The Yarmouth Planning Board held an in-person Business Meeting at **6:00** p.m. on Monday **June 26, 2023** at the Yarmouth Fire Station #2, 340 Route 6A, Yarmouth Port, MA 02675.

Planning Board Present: Susan Brita, Peter Slovak, and Joanne Crowley (No Quorum)

Planning Board Absent: Will Rubenstein, Jim Saben, Ken Smith and Chris Vincent

Staff Present: Kathy Williams, Town Planner; Mark Grylls, Building Commissioner; and Dawn-Marie Flett, Community Development

1. **Meeting Opening:** Chair Joanne Crowley opened the meeting at 6:07.
2. **LISTENING SESSION #3 on Draft Accessory Apartment Zoning Amendments:** Joanne Crowley welcomed the public to the meeting and introduced the members of the Planning Board present. She noted the recent meeting with the Board of Selectmen on June 6th and the two Listening Sessions held on June 7th and June 14th. 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 briefly 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. **Ownership & Rentals:**

- 1) **Sara Porter:** Ms. Porter inquired about enforcement. Kathy Williams indicated enforcement would continue to be done through the Building and Health Departments with a more detailed slide on this provision later in the presentation.
- 2) **John Stuart:** Mr. Stuart recommended that the rental unit should be the tenant's primary residence and people should not be able to sign a 12-month lease and use it as a second home.

b. **General Requirements:**

- 1) **Chris Greeley:** Ms. Greeley felt that 10,000 sf lots are too small, noting the existing density, the additional parking needed for the accessory apartment and impacts to the look of the neighborhoods. When asked, Ms. Greeley suggested a minimum lot size closer to 20,000 sf. Joanne Crowley noted that 80% of the residential lots are 20,000 sf or smaller, so only about 20% of the residential lots would be eligible for an accessory apartment at 20,000 sf. Susan Brita noted the existing high density in the Town.

- 2) Vida Morris: Ms. Morris inquired about whether there are any rules governing the parking of cars and can they be parked on the front lawn. Joanne Crowley indicated the amendments include some parking provision which are detailed later in the presentation.

c. **Appearance:**

- 1) Chris Greeley: Ms. Greeley expressed concerns about parking and whether the amendments were capping the amount of parking on a property to four cars (2 for the single-family home and 2 for the accessory apartment). Kathy Williams noted that the bylaw currently does not set a maximum number of vehicles allowed for the primary residence but sets a minimum of 2. Ms. Greeley noted potential environmental runoff from the added cars which could impact the aquifer and the environment. She stated her neighborhood is seeing the overloading of parking on lawns and in the streets with Short-Term Rentals (STRs). Ms. Greeley suggested that the accessory apartments not be allowed more than 2 parking spaces.

d. **Dimensional Standards & Minimum Lot Sizes:**

- 1) Chris Greeley: Ms. Greeley commented on whether the driveway accessing the accessory apartment parking also had to be 10' off the property line. Kathy Williams stated that the amendment references the parking and perhaps it should also reference the driveway.
- 2) Sara Porter: Ms. Porter inquired about the ability to utilize existing parking capacity on a property that is closer than 10' now. Kathy Williams noted that only new parking to accommodate the accessory apartment would need to meet the 10' setback. Ms. Porter noted that some driveways are long enough to accommodate four tandem parking spaces and would that be allowed. Kathy Williams indicated that tandem parking like this may encourage people to park on the street which is not allowed and that maybe limiting the tandem parking to two spaces.

e. **Water Quality:**

- 1) Chris Greeley: Ms. Greeley expressed concerns about septic systems on the small 10,000 sf lots, and that adding bedrooms is not healthy for the environment. Ms. Greeley suggested starting with a higher minimum lot size and then seeing how it goes. Kathy Williams noted that the existing bylaw allows for a minimum 10,000 sf lot and a higher minimum lot size may impact family-related opportunities. Ms. Greeley suggested that the family related could continue but the income generating rental apartments should be on larger lots and not done at the expense of the quality of life in the neighborhoods or the environment. Susan Brita noted that Dennis limited the number of permits to 9 per year on a minimum 15,000 sf lot. Kathy Williams noted that the Dennis bylaw had an automatic sunset clause on the minimum number of permits based on case law.
- 2) John Stuart: Mr. Stuart noted that it may not be economical to expand a septic system when someone would be hooking up to municipal sewers in a short period of time. He also noted that without some rent limitation, we will not be reaching the targeted people who have lower incomes. Kathy Williams indicated that there are people who can afford the market rate rents, but simply can't find a rental due to the limited availability.

f. **Unit Sizes:**

- 1) Chris Greeley: Ms. Greeley inquired about the minimum unit size for an existing 650 sf ranch. Kathy Williams noted it would be 350 sf as that is the minimum size allowed to ensure we are creating functional living space.

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

- 1) **Chris Greeley:** Ms. Greeley continued to promote public notification as neighbors know things about their neighborhoods and have knowledge that Town Hall may not be aware of before issuing by-right building permits. She noted that most people's wealth is invested in their homes.
- 2) **Peter Slovak:** Planning Board member Peter Slovak inquired about converting a garage that was only allowed via Special Permit. He asked whether the currently uninhabitable garage area could then be converted to an accessory apartment by-right and how does that impact the neighbors? Mark Grylls noted that the Special Permit relief would have been given for the structure, and it could be converted unless other restrictions were imposed as part of the Special Permit to restrict the use.

h. **Records, Inspections & Enforcement:**

- 1) **Chris Greeley:** Ms. Greeley expressed concerns about enforcement and staffing levels and suggested new or increased fees. Kathy Williams indicated annual rental fees are \$80/year and the family related inspections are \$25 every 2-years.

i. **Transfer Upon Sale:**

- 1) **Chris Greeley:** Ms. Greeley inquired about the current sizes of family related that could be transferred. Kathy Williams indicated the current bylaw has a maximum size of 800 sf although some relief may have been given for some slightly larger units.

j. **Final Public Comments:**

- 1) **Chris Greeley:** Ms. Greeley felt the tenants should be residents. She also expressed her appreciation for the process with the Listening Sessions and how much work has been done since the initial Citizen Petition was submitted last fall. Joanne Crowley noted the thoughtful comments and suggestions provided by the public which will be used by the Planning Board in developing further drafts of the amendments in hopes of passing them at the 2023 fall town meeting.

k. **Written Comments:** Kathy Williams noted that the attached written comments were provided to the Planning Board and summarized at the meeting as follows:

- **Housing to Protect Cape Cod (HPCC):** HPCC sent out a notification of the final Listening Session and provided suggested talking points including removal of parking requirements, and removal of the year-round residency requirement to allow 2nd homeowners to build an apartment.
- **Kathy DiTrapano:** Ms. DiTrapano wants to retain the Special Permit requirement.
- **Kenneth McGuire:** Mr. McGuire inquired about the possibility of allowing up to 1,000 sf units, which would open up the possibilities for families.
- **Elizabeth & Richard Powell:** The Powells want to retain the Special Permit requirement with abutter notification.
- **Susan Brita, writing as a member of the Lewis Bay Neighborhood Association:** Ms. Brita acknowledged the number of compromises made on the various provisions, but would like to retain the public notice available through the Special Permit process.
- **Linda Bollinger, Hyannis Park Civic Association (HPCA):** The HPCA conducted their own ADU Survey of their association members with preliminary results indicating the main issues being by-right permitting, with 74% indicating they would vote no on the amendments as currently written and most HPCA members (86%) are not interested in adding an accessory apartment to their properties.

3. Upcoming Meetings:

- a. July 5, 2023: Regular Planning Board Business Meeting

4. Adjournment: The Listening Session ended at 7:30 PM.**ATTACHMENTS:**

- **June 26, 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 14, 2023 Listening Session Minutes and six written comments.

Approved on July 5, 2023:

On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (2-0-2) to approve the meeting notes of June 26, 2023, with Susan Brita and Joanne Crowley voting in favor, and Will Rubenstein and Ken Smith abstaining.