

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
August 23, 2023

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **August 23, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Joanne Crowley, Will Rubenstein, Ken Smith, and Jim Saben

Planning Board Absent: Chris Vincent, Peter Slovak, and Susan Brita

Staff Present: Kathy Williams, Town Planner

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:37 PM. Planning Board members were all in-person, except for Jim Saben. All votes were roll call votes.
2. **Zoning Amendments:**
 - a. **Accessory Apartment Bylaw Amendments:** Discussion on potential modifications to the zoning amendments based on public input received to date.

Kathy Williams reviewed the attached Draft 16 of the Accessory Apartment amendments noting the redline edits made since Draft 12 which was reviewed as part of the public Listening Sessions. The one change made since the last Planning Board meeting on August 16th was to eliminate the requirement for a minimum 15,000 sf lot for 2-bedroom Accessory Apartments, but still retaining a 10,000 sf minimum lot size regardless of the number of bedrooms. Another change, making all Accessory Apartments via Special Permit, was previously decided by the Board but further discussed at this meeting.

Joanne Crowley noted that previous input from Peter Slovak and Susan Brita, who were not in attendance at the August 23rd meeting, indicated they were not in favor of eliminating the 15,000 sf provision. Kathy Williams read the attached August 16th email from Peter Slovak confirming this preference. Ms. Crowley noted that the Board needed to decide on the draft amendments that would be presented at the Public Hearing on September 20th and opened it up for input from the Board members.

- **Will Rubenstein:** Will Rubenstein noted he had watched the video of the last meeting and indicated he was reluctant to eliminate the 15,000 minimum at this point but was open to hearing input from the public. Mr. Rubenstein indicated he thought the by-right carve-outs made sense and was not thrilled about eliminating them but noted the public push-back received and the ZBA's willingness to take on this work. Mr. Rubenstein noted sympathy for 2nd homeowners not being eligible as they have made a significant investment in our town but notes that primary residency may eliminate concerns at Town Meeting.
- **Ken Smith:** Mr. Smith noted his concerns about 2nd homeowners were related to who manages and oversees a property if not a primary residence. Mr. Smith indicated that although he understands the additional restrictions of setbacks and septic, after further consideration he decided to stay with the 15,000 sf minimum lot size for 2-bedroom units.
- **Jim Saben:** Mr. Saben originally proposed the elimination of the 15,000 sf minimum lot size. He noted that most public comment comes from people opposed to something rather than those in favor. He detailed the limitations on adding any new bedrooms in areas located within the Zone 2 of drinking water wells such as Captains Village. He felt the initial by-right carve-outs were fair, but if take them out then compromise by having a set 10,000 sf minimum lot size for all Accessory Apartments and educate the public on the limitations.

- **Joanne Crowley:** Ms. Crowley noted that Accessory Apartments should be accessory and not equal to the primary residence. She also thought again about lot size, parking, environmental impacts, and septic, and felt now was not the right time to eliminate the 15,000 sf provision. Ms. Crowley asked for the Town Planner's input. Ms. Williams indicated she too was hesitant to make a change at this time as this provision has been in place since Draft #6 from February 2023 and don't want this to be a point of contention at Town Meeting; the difficulty of explaining the other limiting restrictions to the general public; the change won't impact that many properties; and compromises have been made to promote passage.

With limited further discussion, the Board voted as follows:

VOTE: On a motion by Ken Smith, seconded by Will Rubenstein, the Planning Board voted (3-1) to approve Draft #16 dated August 17, 2023 of the Accessory Apartment zoning amendments as written, except for the restoration of the deleted text in Section 407.3, Paragraph 3a to read as follows: "Minimum lot size shall be 10,000 square feet for studio or 1-bedroom accessory apartments. Minimum lot size shall be 15,000 square feet for 2-bedroom accessory apartments", with Will Rubenstein, Ken Smith and Joanne Crowley voting in favor, and Jim Saben opposed.

Noting the previous input from two absent members, Ms. Crowley stated we would proceed to the public hearing with the 15,000 sf requirement in place.

- Sign Amendments:** Discussion on Naming rights/donations/sponsorships signs on town-owned land.

Kathy Williams noted an addition to the Article to add these types of signs to Section 303.8.5 which lists signs not requiring a fee. The Board had a brief discussion on this article noting the difficulty of sign bylaws in general.

VOTE: On a motion by Jim Saben and seconded by Ken Smith, the Planning Board voted (4-0) to approve Zoning Article 2 – Signs, Draft #1 dated August 7, 2023 as written, with Joanne Crowley, Will Rubenstein, Ken Smith, and Jim Saben voting in favor.

- Board Member Items:** Will Rubenstein inquired about any up-coming business items for the Board. Joanne Crowley noted that the Housing Production Plan (HPP) may be coming back to the Board.
- Upcoming Meetings:**
 - September 6, 2023 – Draft Open Space & Recreation Plan Presentation and Officer Elections/Committee Assignments
 - September 20, 2023 – Zoning Amendment Public Hearing
 - October 4, 2023 – Regular Planning Board Meeting
 - October 10, 2023 – Board of Selectmen – Zoning Articles
- Adjournment: VOTE: On a motion by Will Rubenstein, seconded by Ken Smith, the Planning Board voted unanimously (4-0) to adjourn at 6:45 PM.**

ATTACHMENTS:

- **August 23, 2023 Agenda**
- **Zoning Amendments – Accessory Apartments:** Draft #16 dated August 17, 2023, August 21, 2023 email from Rob Camara and August 23, 2023 email from Peter Slovak
- **Zoning Amendments – Signs:** Zoning Article 2 – Signs, Draft 1 dated August 7, 2023 with highlighted amendments, and Draft 3 dated August 17, 2023 of redline edits to Section 303
- **Miscellaneous Correspondence:** None

Approved on September 6, 2023:

On a motion by Jim Saben, and seconded by Will Rubenstein, the Planning Board voted (4-0-2) to approve the meeting minutes of August 23, 2023, with Jim Saben, Joanne Crowley, Will Rubenstein, and Ken Smith voting in favor, and Peter Slovak and Susan Brita abstaining.