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Town of Yarmouth

MINUTES OF THE JOINT PLANNING BOARD AND TCOD AD HOC COMMITTEE MEETING OF August 1, 2012

The Yarmouth Planning Board and TCOD Ad Hoc Committee held a joint workshop meeting at 5:30 p.m. on Wednesday, August 1, 2012 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board & Ad Hoc Members Present were: Mr. Goodwin, Mr. Weare, Mr. DiPersio, Mr. Driscoll, Mr. Vincent, Jack Hynes, and John Barker

Absent were: Mr. Roche and Dick Martin

Also present: Kathy Williams, Planner; Karen Greene, Director of Community Development; Carlene Veara, Tom Nickinello, and Tom Higbee

Planning Board Vice Chairman Tom DiPersio opened the meeting at 5:32 p.m.

1. TCOD July 23 Meeting Minutes

On a motion by John Barker and seconded by Ken Driscoll, the TCOD Ad Hoc Committee voted (2-0-2) to approve the TCOD meeting minutes of July 23, 2012. Chris Vincent and John Barker abstained.

2. Planning Board July 25, 2012 Meeting Minutes

On a motion by Brad Goodwin and seconded by Norm Weare, the Planning Board voted (5-0) unanimously to approve the Planning Board meeting minutes of July 25, 2012.

3. July 30th Joint Ad Hoc/Planning Board Meeting update:

Kathy Williams gave a brief outline of the topics discussed at the July 30th joint meeting including having the Planning Board as SPGA, and desire for open space, and some concerns expressed to Tom Roche in various phone calls from citizens.

4. TCOD Outstanding Issues:

The Planning Board and Ad Hoc continued review of the outstanding issues table as summarized below:

a. Item B.9 – Design Standard:

- 1) District Design Standards: Discussed the possibility of having some specific design standards that may only apply to certain districts. For example, specifying benches, street trees, sidewalk materials and trash can styles in the main street area of District 1. District 2 – as buildings are set back, include other means for defining the street edge including picket fences, stone walls, shrubs, and street trees. This will help to provide further differentiation between the districts. General consensus was this would be a good idea. Staff to propose changes.
- 2) Arch & Site Standards: These standards are mandatory. The Design Standard in the TCOD provides more specifics.
- 3) 414.8.1.1 – Front Yard Parking: Discussed when parking areas/travel lanes would ever be allowed in the front yard setback. Staff will coordinate with Nate Kelly to clarify.
- 4) 414.8.1.6 – Planting Strip: Landscape shrub screen is defined as 6'. Want to be consistent with existing bylaw and definition for screening strip. Staff to review.

- 5) Curb Cut Reductions: Chris Vincent spoke about the desire to reduce the number of curb cuts. Renie Hamman indicated that it is included in the purpose and special permit criteria.
- 6) 414.8.3.1 - Walls: Discussed where it would be acceptable to have blank walls. General consensus was that blank walls should not be allowed when seen from the public ways or from residential areas. Staff to clarify.
- 7) 414.8.4 – Entranceways: Discussed what the primary façade on the street would look like. Consensus was that this is addressed in the Site & Arch Standards. No change required.
- 8) 414.8.6 – Dormers: Discussed the need to include a specific 30' distance requirement between dormers. It was felt that with the Site & Arch Standards and the rest of the information in the TCOD Design Standards under dormers would be adequate. Staff to remove 30' reference.
- 9) 414.8.10 Lighting: General consensus was to incorporate some footcandle limitations in the TCOD Bylaw and look at being more specific as to the style of lighting to provide continuity. Agreed to not be specific about LED or solar lighting. Staff to edit.
- 10) 414.8.11 – Signage: Discussed the need to provide clarification on the size of projecting signs, use of freestanding signs in the main street portion of District 1 and ensuring proper signage for businesses which may be in the rear of a building. Staff to propose modifications.
- 11) Stormwater: All agreed not to add any additional requirements to TCOD development which isn't required of other developers. Staff needs to address stormwater treatment item in the checklist and reference the need to meet state and local stormwater standards.
- 12) Rules & Regs: Although it was felt that the PB was qualified to be SPGA for TCOD, it was felt that having ZBA be SPGA was something the PB could agree with. If the ZBA becomes SPGA, need to modify the R&R and look at how it impacts the timeline. Staff to review impacts.
- 13) Use Table: Reviewed the July 24, 2012 use table revisions prepared by Renie Hamman. It was agreed to limit the P5 use to Districts 2 & 4 and not allow in Districts 1 and 3. Also discussed modifying the use tables to provide more differentiation between districts. Brad Goodwin commented that he didn't want to have the TCOD take away any uses that were allowed in the underlying. Staff to look at use table for possible tweaks that may make sense. Also to look at NAIC regarding O8 – other office uses. Chris Vincent asked the group to think about uses to allow or disallow on the first floor in District 1.
- 14) Marina: Staff to look at current Marina proposal to see if any tweaks are need to the TCOD to foster this project.

5. **Schedule**: No meeting on August 6th to give the group time to work on draft revisions. Next meeting will be on August 8th.

6. **Visuals**: Multiple visuals were presented to the group including the following:

- a. Example of street visuals: These were examples from another town that showed existing conditions and then showed how developing in accordance with the proposed design standards resulted in changes to the streetscape. These are the type of graphics that will be provided from our consultant. One streetscape view was proposed per district to develop the overall flavor of each district.
- b. Lou Nickinello had provided a perspective of potential development on his property, in accordance with the TCOD bylaw requirements. This schematic was a master plan of the area and included development on Lou Nickinello's property and adjacent parcels to the west.

The development showed how it was possible to layout varying uses on the parcels, including an indoor sports facility, hotel/conference center, waterpark & pool/space, community playhouse, mixed use buildings, and other amusements. Also provided an older plan rendering which generally outlines the proposed development and includes walking trails and pathways to Swan Pond.

7. **Town Counsel Input:** Bruce Gilmore had provided his legal opinion regarding the potential issue of spot zoning if only one lot can meet the proposed setbacks. He felt this was not spot zoning. Bruce Gilmore was also consulted on the issue of public sidewalks on private property. Bruce recommended that developers grant a formal pedestrian easement to the Town. He felt a condition in a special permit would be too informal.
8. **Setback Map:** Kathy Williams provided a map of the District 3 area showing the 350' front setback and the 100' side/rear yard setbacks and 50' setback from wetlands to provide an idea of the number of parcels and size of area available for development at the 65' height. There are a few properties which have enough depth to meet the setback criteria. For comparison, the earlier 200' setback was also shown, although no revision was proposed.
9. **Board Member Items:** Brad Goodwin requested that, in light of recent comments from Tom Roche, the other Planning Board members provide their stance on the TCOD Bylaw. Chris Vincent stated that he was behind it, that it still wasn't 100%, but they were headed in a good direction and taking feedback and incorporating it into the TCOD. Tom Dipersio agreed with Chris Vincent and stated that although he thought Steve DeYoung made some good points, overall he is behind it. Norm Weare was behind the bylaw and indicated it won't ever be perfect, but doesn't want things to stay the same. Ken Driscoll was also behind the bylaw and indicated that we need this type of zoning to get any real change. Brad Goodwin is also behind the TCOD Bylaw.

Brad Goodwin also indicated he spoke with Peter Johnson-Staub and Matt Zurowick who confirmed that there is a 90-10 split between residential and commercial tax burdens and it is moving toward 91% residential.

10. **Other Business/Correspondence:** The following correspondence was distributed at the meeting without comment:
 - July 30, 2012 BOA Decision #4404
 - August 22, 2012 Town of Barnstable ZBOA Public Hearing notice

Kathy Williams provided a brief update on Walden Way and that there will likely be a request to release Lot 7 soon (Peterson's Market). The applicant is also working on issues that need to be resolved before Lots 1 and possibly 2 can be released.

11. **Comments from the Public:** Tom Higbee asked a question whether the districts were going to be voted as one Bylaw, or whether separately by district or grouping of districts. Brad Goodwin indicated that each district plays a pivotal role and it is not possible to separate the districts. Each district offers something to another district. For example, if Districts 1 and 2 pass, the only driving force is the Marina, but need wastewater relief which is currently proposed as part of District 3. The level of development in District 3 can support a wastewater facility, while this may not be true in District 1 and 2 alone.

12. Next Meetings:

- a. August 6, 2012 – Combined Planning Board & TCOD Ad Hoc Committee meeting CANCELLED
- b. August 8, 2012 – Combined Planning Board & TCOD Ad Hoc Committee meeting
- c. August 22, 2012 – Public Outreach Meeting (revised from August 8, 2012).

13. Adjournment:

VOTE: On a motion by Norm Weare, seconded by Ken Driscoll, the Planning Board voted (4-0) unanimously to adjourn at 7:25 PM.

ATTACHMENTS:

- Agenda 08/01/12
- July 23, 2012 Draft TCOD Meeting Minutes
- July 25, 2012 Draft Planning Board Meeting Minutes
- July 18, 2012 BOA Decision #4373
- Board of Selectmen FY 2013 Goals
- June 6, 2012 Town of Barnstable Decision notification
- Example of street visuals
- Master Plan Perspective of Yarmouth Village & Tivoli, and conceptual rendering prepared by Line Company Architects for Lou Nickinello.
- Sketch of District 3 with 200' and 350' setbacks shown.
- E-mail between Brad Goodwin and Paul Niedzweicki, CCC Executive Director
- July 30, 2012 BOA Decision #4404
- August 22, 2012 Town of Barnstable ZBOA Public Hearing notice

Approved on August 15, 2012

On a motion by Mr. Goodwin, seconded by Mr. DiPersio, members voted (6-0) unanimously to approve the minutes of August 1, 2012.