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Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF December 12, 2012

The Yarmouth Planning Board held a business meeting at 5:30 p.m. on Wednesday, **December 12, 2012** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present were: Brad Goodwin, Ken Driscoll, Chris Vincent and Tom DiPersio

Planning Board Absent were: Tom Roche and Norm Weare

Others Present: Kathy Williams, Town Planner; Ed Blackman; Frank Mastromauro; and Bob Dubois

Planning Board Chairman Chris Vincent opened the meeting at 5:31 p.m.

1. **Public Hearing – Operational Regulations for the Yarmouth Planning Board:** Consider adoption of amendments to the Operational Regulations of the Yarmouth Planning Board. These amendments include minor revisions as well as the addition of Section XVI – *Village Centers Overlay District* and *Appendix A – Application checklists for Village Centers Overlay District*, which address the Planning Board Site Plan Review process for projects developing under the Village Centers Overlay District Bylaw.
 - a. **Hearing Opening:** Chris Vincent, Planning Board Chairman opened the public hearing at 5:32.
 - b. **Public Hearing Notice:** The attached public hearing notice which was published in the Register on September 22, 2012 and September 29, 2012 was read into the record.
 - c. **Presentation:** Chris Vincent gave a brief introduction and Kathy Williams gave an overview of the attached Operational Regulations and VCOD Site Plan Review Application form.
 - d. **Public Comments:** None
 - e. **Planning Board Comments:** Planning Board members had the following comments:
 - 1) **Brad Goodwin - Page 3, Item VI, Paragraph G:** Need to complete the remainder of the sentence by including "officer's term".
 - 2) **Tom DiPersio - Page 16, Item M:** Include a reference to "spot elevations" in addition to the required 2' contours.
 - 3) **Ken Driscoll and Chris Vincent:** No Comments.
 - f. **Closing of Hearing:** On a motion by Tom DiPersio and seconded by Ken Driscoll, the board voted (4-0) unanimously to close the public hearing at 5:40 PM.

VOTE: On a motion by Brad Goodwin and seconded Tom DiPersio, the Board voted (4-0) unanimously to accept the Operational Regulations of the Yarmouth Planning Board as presented and amended.

2. **Zoning Amendments for ATM 2013**: The Planning Board discussed possible amendments to the Zoning Bylaw for the ATM in April 2013 as follows:

- a. **Home Based Businesses**: Per a discussion with Jim Brandolini, we currently allow home based businesses based on a 2007 interpretation of case law. It does not appear that any amendments need to be done to the Bylaw to address home based businesses.
- b. **Employee Housing**: Staff is working with the Motel Team to develop criteria for seasonal employee housing.
- c. **Site Plan Review and Design Review**: The Board reviewed the attached Draft #1 of the Site Plan Review and Design Review amendments. Kathy Williams discussed the need to provide for clearer requirements to ensure adequate and consistent information is being provided by all applicants. The vast majority of the applicants provide the information outlined in Draft #1 as a matter of course in their applications before the Site Plan Review Team and the Design Review Committee. The drafts were discussed with minor edits to section 103.4.2 and 103.4.4 in the Design Review section. Discussed need for compliance of approved site plans. Kathy Williams to send draft to the Site Plan Review Team and the Design Review Committee for their input.
- d. **Affordable Housing**: The December 11, 2012 Memo from Mary Ann Gray, Chairman Community Housing Committee was discussed regarding support for the revisions to the Affordable Housing Bylaw. These revisions include allowing rental unit projects to meet their affordable housing requirements by providing units off-site or by fee in lieu payments (currently only available to homeowner projects); and modifying the methodology used for calculating fee in lieu payments.

Ed Blackman expressed his concerns about allowing affordable units outside the locus of the main development. He was concerned with affordable housing being set apart from the community, which encourages segregation. He expressed further concerns about the quality of the off-site units. Tom DiPersio and Kathy Williams both referenced sections of the Bylaw that require off-site units to be new or fully rehabbed (Section 412.3.3). Some Board members expressed general agreement with Mr. Blackman's concerns, while others felt these concerns were adequately mitigated by the existing Bylaw.

- e. **Signs**: Frank Mastromauro of Lighthouse Landing discussed his concerns about the existing Sign Bylaw, including the limited colors allowed for business signs, interpretation of the sign code, and consistency with enforcement. Bob Dubois gave a brief overview of the rewrite of the Sign Code in 2009. A couple of items have surfaced from actual application of the 2009 revisions, including need for businesses to be able to use their corporate colors/logos for brand identity and easy wayfinding, and preventing increases in sign sizes from being done through appendages or add-ons. Due to the limited time available, staff will look at developing a draft sign amendment that addresses the two major issues identified above. Frank Mastromauro to work up a mock-up of a sign to show what a business center sign might look like with multiple colors and business logos.
- f. **Extended Stay Hotels**: Bob Dubois discussed the possibility of zoning amendments which would allow for an extended stay hotel to be constructed. The Board was generally in favor of this, but need additional information. Bob Dubois to provide Kathy Williams with some industry standards to assist in developing a draft bylaw amendment.

- g. **Medical Marijuana**: The Board deferred this issue until the next Planning Board meeting on December 19, 2012.
- h. **FEMA**: Staff has received no new information on when the revised draft FEMA flood maps will be available.

3. **ZBA Agenda & Decisions**: December 13, 2012 ZBA Agenda was distributed to the Board without comment.

4. **Correspondence**: None

5. **Board Items**: Chris Vincent mentioned the My View editorial in the Cape Cod Times on the VCOD and the waterpark/conference center project. Chris emphasized that the perspective in the paper was an artistic rendering which was not vetted through the Town permitting process.

6. **Staff Update**: Route 28 traffic study will be starting soon.

7. **Next Meetings**:

- a. December 19, 2012
- b. December 26, 2012 (tentative)

11. **Adjournment**:

VOTE: On a motion by Brad Goodwin, seconded by Tom DiPersio, the board voted (4-0) unanimously to adjourn at 7:44 p.m.

ATTACHMENTS:

- PB Agenda 12/12/12
- Public Hearing Notice with dates of publication in the Register
- Draft Operational Regulations of the Yarmouth Planning Board, dated November 21, 2012 and Draft VCOD SPR Application, revised December 12, 2012
- December 11, 2012 Memo from Mary Ann Gray, Chairman Community Housing Committee regarding support for the revisions to the Affordable Housing Bylaw. Draft of Affordable Housing Bylaw referenced in the memo.
- Draft #1, dated December 11, 2012 of the Site Plan Review and Design Review Revisions.
- Medical Marijuana – Question 3 on November 6, 2012 Ballot
- Draft Town of Barnstable Medical Marijuana Treatment Centers Overlay zoning amendment, dated December 6, 2012.
- December 13, 2012 ZBA Agenda

Approved on January 2, 2013

On a motion by Ken Driscoll and seconded by Brad Goodwin, the Planning Board voted (4-0-2) to approve the Planning Board meeting minutes of December 12, 2012. Tom Roche and Norm Weare abstained.