

## Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF  
January 7, 2015

'15FEB2PM2:20 REC



The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on **Wednesday January 7, 2015** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Angela Philbrook, Anthony Panebianco, Ken Driscoll, Norm Weare, Tom Roche, and Brad Goodwin.

**Planning Board Absent:** Chris Vincent.

**Others Present:** Kathy Williams, Town Planner, and Austin Cahill, Economic Development Planner.

Planning Board Chairman Norm Weare opened the meeting at 5:35 PM.

1. **Discussion on Potential Zoning Amendments for 2015 Annual Town Meeting:**

- a. **Section 404 – Motel Bylaw edits:** Norm Weare gave an overview of the attached January 2<sup>nd</sup> memo outlining potential modifications to Section 404. Kathy Williams requested input from the Board on the proposed revisions to Section 404.1.2 – Applicability, regarding the size of non-Application HMOD1 properties which may be added to Section 404 Applicable properties and be allowed to develop the entire combined parcel under the benefits of Section 404. Earlier drafts had allowed for adjacent lots to be up to 50% of the size of the Section 404 Applicable property. The attached Draft #3 allows for up to 100%. Kathy Williams also referenced the attached Assessor's Maps which show the Section 404 Applicable Motel properties along Route 28 along with the lot sizes of the motel parcels and the adjacent parcels.

Kathy Williams indicated that this amendment may result in properties in the Growth Incentive Zone (GIZ) being combined with non-GIZ properties. Kathy Williams has been in contact with the Cape Cod Commission who indicated that any determination regarding Development of Regional Impact (DRI) review would need to be handled on a case by case basis and would depend on the level of development on the non-GIZ property. Brad Goodwin inquired as to whether Pier 7 was a GIZ property. Kathy Williams indicated it was not, but that she would confirm and send a map of the GIZ properties to the Planning Board.

After discussion, the Board agreed to submit the attached Draft #3 without modification to the Board of Selectmen (BOS) for their review and discussion at the January 13, 2015 BOS meeting.

- b. **Zoning Map Amendments for Route 28 lots:** Kathy Williams gave an overview of the attached Zoning Amendment #2 (Draft #2) which shows the lots on Route 28 proposed for rezoning based on previous input from the Board. The Board agreed to submit the attached Draft #2 without modification to the Board of Selectmen for their review.
- c. **Section 414 – VCOD edits:** Kathy Williams gave an overview of the attached January 2<sup>nd</sup> memo outlining proposed changes for the VCOD bylaw. The intent of many of the modifications is to safeguard the streetscape the Board envisioned along Route 28 when the VCOD was created. Also discussed the possibility of some frontage along

Route 28 being green space for parks, public art and benches, for properties with minimal Route 28 frontage and the larger developable areas in the rear of the property. There was a brief discussion on how building height is measured in the FEMA flood areas and that parking under the building is proposed to not count as a "story".

This section is the least developed of all the amendments and additional input is being solicited from Nate Kelly of Horsley Witten, who assisted in the development of the original VCOD bylaw. Feedback from Nate Kelly should be obtained by mid-month. The Board agreed to submit the attached Draft #2 without modification to the BOS for their input.

- d. **Section 301 – Parking and Loading Requirement edits:** A brief review of the proposed changes outlined in the attached Draft #2 was conducted. The Board discussed the proposed revision of light pole heights from 35' to 20'. Brad Goodwin expressed some concerns about the lower height resulting in additional costs to developers. Ultimately the Board agreed to send the attached Draft #2 without modifications to the BOS for their input.
  - e. **Miscellaneous housekeeping items:** The Planning Board reviewed the four proposed minor amendments outlined in the attached January 2<sup>nd</sup> memo. There was a general discussion on the possibility of breaking these four items into individual Articles. Due to the relatively minor nature of the amendments, the Board felt they could be done in one Article. After discussion, the Board agreed to send the attached Draft #2 to the BOS for review with the following edits.
    - **Section 202.5 – Use Table:** The Board discussed whether or not to prohibit commercial parking lots in a "B2" zoning district or to allow them by special permit. The board discussed how these options would impact the hospital as they grow and need to expand their parking. The Board agreed to change Commercial Parking Lots in the B2 zone from a proposed "no" to a proposed "BA".
    - **Section 303 - Signs:** Brad Goodwin questioned the legality of charging for replacement sign panels in the same sign for the same business based on the decision from Barron Chevrolet vs Town of Danvers. Inquiries will need to be made to Town Counsel regarding this issue. The draft Zoning Amendment was modified to make note of the need to seek Town Counsel opinion on this issue.
2. **Discussion on latest Drafts of the Local Comprehensive Plan (LCP) Sections:** Norm Weare gave an overview of the two changes to the Affordable Housing section which included modifying the goals to look at Village Centers in general along Route 28 and not limiting it to the South Yarmouth Village Center; and eliminating the exploration of Transfer of Development Rights. Kathy Williams noted the attached January 5, 2015 summary memo to the BOS which has been reviewed and approved by Norm Weare. Also, a revised Draft #6 of the Affordable Housing Chapter was distributed which contained minor edits to update statistical information based on a review by Mary Waygan. This Draft #6 was reviewed by the Community Housing Committee on January 5<sup>th</sup> and they voted in support of this Draft of the Affordable Housing Chapter. The Board agreed to send the most current updated LCP information and summary memo to the BOS.
  3. **Meeting Minutes:** None
  4. **Board of Appeals Agenda & Decisions:** ZBA Agenda for January 8, 2015 was sent via e-mail with no discussion.

5. **Board Member Items:** Brad Goodwin inquired as to when construction on the Mayflower Place project would begin. Kathy Williams indicated start of construction was anticipated for the spring. Tom Roche noted that the CPC has allocated \$6.84 million to affordable housing since the inception of the Community Preservation Act.
6. **Correspondence:** The attached Regional Policy Plan Stakeholder Representatives Interest Form was distributed via e-mail. Kathy Williams indicated she would be participating in the Cape Cod Commission' Regional Policy Plan (RPP) update process.
7. **Staff Updates:** Kathy Williams indicated a resident had called about whether the Planning Board would modify how residential building heights are measured in the FEMA flood zones due to the increases in the Base Flood Elevations (BFE). The Planning Board felt they were too far along in the zoning amendment process and there would be insufficient time to vet any amendments for the 2015 ATM . Additional information will be needed for a full evaluation of any future amendment. Finally, it was announced that there is a proposal to name the Cape Cod Rail Trail (CCRT) Bass River Bridge after George Allaire as a tribute to all his efforts to extend the CCRT.
8. **Next Meetings:**
  - a. January 13, 2015 – Board of Selectmen Meeting
  - b. January 14, 2015
9. **Adjournment:**

**VOTE: On a motion by Tom Roche, seconded by Ken Driscoll, the board voted (6-0) unanimously to adjourn at 6:34 p.m.**

**ATTACHMENTS:**

- **Zoning Amendments:** Draft Memo dated January 2, 2015 from Kathy Williams with the following attachments:
  - Zoning Amendment #1 – Section 404 – Motel Bylaw edits (Draft #3, dated December 31, 2014) and Assessor's Maps showing Motels along Route 28.
  - Zoning Amendment #2 – Zoning Map Amendments(Draft #2, dated December 30, 2014)
  - Zoning Amendment #3 – Section 404 – VCOD Bylaw edits (Draft #2, December 22, 2014)
  - Zoning Amendment #4 – Section 301 – Parking Edits (Draft #2, December 31, 2014)
  - Zoning Amendment #5 – Miscellaneous edits (Draft #2, December 31, 2014)
- **LCP Update Chapters:** Draft Memo dated January 2, 2105 from Kathy Williams with the following attachments:
  - LCP Article 1 – Chapter 11 – Wetlands (Draft #6, dated December 30<sup>th</sup>, 2014)
  - LCP Article 2 – Chapter 13 – Wild life and plant habitat (Draft #6, dated December 30, 2014)
  - LCP Article 3 – Chapter 14 – Affordable Housing (Draft #5, dated December 30, 2014).
- **LCP Update Supplemental Information** (distributed at the meeting):
  - Draft January 5, 2015 Memo to the BOS summarizing the LCP chapters.
  - Revised LCP Article 3 – Chapter 14 – Affordable Housing (Draft #6, dated January 5, 2015).
- **Draft Planning Board Schedule:** January 7, 2015
- **Miscellaneous Correspondence sent via e-mail since the last PB meeting:**
  - i. ZBA Agenda for January 8, 2015.
  - ii. Regional Policy Plan Stakeholder Representatives Interest Form

**Approved on January 21, 2015:**

**On a motion by Anthony Panebianco, and seconded by Brad Goodwin, the Planning Board voted (4-0-1) to approve the Planning Board meeting minutes of January 7, 2015, with Angela Philbrook, Anthony Panebianco, Norm Weare, and Brad Goodwin voting in favor; and Chris Vincent abstaining.**