

YARMOUTH TOWN CLERK  
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Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF  
August 3, 2016

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday August 3, 2016 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Brad Goodwin, Tom Roche, Norman Weare, Ken Driscoll, Joanne Crowley and Tom Baron.

**Planning Board Absent:** Chris Vincent

**Others Present:** Kathy Williams, Town Planner; Attorney David Reid and Kieran Healy.

Chairman Norman Weare opened the meeting at 5:31 PM. The Chairman introduced the two new Planning Board members, Joanne Crowley and Tom Baron.

1. **ANR Plan 2599C:** Allen Bragdon, 252 Great Western Road, South Yarmouth, Assessor's Map 101, Parcel 182, Zoning District R40. The ANR creates two lots, one with frontage off Tupelo Road and one with frontage off Great Western Road. As the applicant's representatives were the only members of the public present, the Chairman moved this to the first Agenda item.

Attorney David Reid and Kieran Healy were present representing Mr. Bragdon. David Reid gave a brief overview of the division of the property into two lots and an overview of the history of Tupelo Road which is referred to as Blue Rock Road in numerous documents. Tupelo Road serves two houses now and this ANR would make it three. Attorney Reid noted that the road was in existence prior to the establishment of the Subdivision Control Law and the road is of sufficient width and grade to provide safe and adequate access.

Kathy Williams, Town Planner, indicated that the Fire Department did not have concerns with access and that the existing utility easement for the overhead utility and poles has been added to the revised ANR Plan presented this evening.

Brad Goodwin inquired as to whether Tupelo Road extends further (paper road) and whether additional lots could be created. Attorney Reid indicated that the unimproved portion of Tupelo Road provides access to no other lots. Tupelo Road connects to the improved Blue Rock Road Subdivision which provides frontage for the other lots.

Tom Roche indicated the Town Planner had answered his questions regarding the fire department access and the utility easement.

Tom Baron inquired about the easement through the land to the north owned by Mr. Potter which gives access to the island in the cove, and whether Lot 2 would have access to the Cove. Attorney Reid indicated that both lots could have rights with the current owner ultimately deciding with the future buyer. Mr. Baron noted that the island is split between the two lots and best to address access early. Mr. Baron also asked about the small triangle wedge at the property line between Lot 1 and Lot 2. Attorney Reid indicated this was needed to meet zoning lot dimensions, specifically the 150'x150' box for reduced frontage, and the need to provide 100' of frontage on secondary roads for corner lots.

Ken Driscoll, Joanne Crowley and Norm Weare had no questions or comments.

**VOTE: On a motion by Tom Roche and seconded by Ken Driscoll, the Planning Board voted unanimously (6-0) to endorse ANR 2599C, dated July 20, 2016 and revised August 3, 2016, with Brad Goodwin, Tom Roche, Norm Weare, Ken Driscoll, Joanne Crowley and Tom Baron, voting in favor.**

2. **Continuation of Public Hearing - Proposed Changes to the Operational Regulations of the Yarmouth Planning Board (Rules & Regulations)**: Continued Public Hearing on amendments to the Operational Regulations to add regulations allowing for the hiring of outside consultants under M.G.L. Chapter 44 Section 53G, and possible minor changes. The Public Hearing was opened and the Legal Notice was read into the record on July 6, 2016.
  - a. **Presentation:** Kathy Williams gave a brief overview of the purpose and need for the changes to accommodate use of 53G by the Planning Board. The changes would allow the Yarmouth Planning Board to impose project review fees for any applications made to the Planning Board which the Board feels requires the services of outside consultants due to the size, complexity, or scale of a proposed project; or for expertise beyond that available by Town Staff. The Board may engage attorneys, engineers, planners, landscape architects, architects or other appropriate professionals.
  - b. **Public and Written Comments:** None.
  - c. **Planning Board Comments:**
    - Brad Goodwin noted that reference to a specific number of days in Part XVII (Item C – Notice and Item E – Appeals) should refer to Business Days.
    - Tom Baron noted that the references to General Laws made throughout the Rules & Regulations, should indicate Massachusetts General Laws.
  - d. **Hearing Closed and Vote:** The Planning Board members were in favor of the amendments noted above and voted as follows:

**VOTE: On a motion by Brad Goodwin and seconded by Tom Roche, the Planning Board voted unanimously (6-0) to approve the revisions to the Operational Regulations of the Yarmouth Planning Board, as amended, with Brad Goodwin, Tom Roche, Norm Weare, Ken Driscoll, Joanne Crowley and Tom Baron, voting in favor.**

3. **Meeting Minutes:**
  - a. July 20, 2016: Postponed as only three members who attended the meeting were present.
4. **Board of Appeals Agenda & Decisions:** ZBA Agenda for July 28<sup>th</sup> was distributed via e-mail.
5. **Board Member Items:**
  - a. Ken Driscoll noted the economic benefits of the Cape Cod Rail Trail and the interest of the Community and Economic Development Committee (CEDC). He also noted it might be a good idea for the CEDC to meet with the Planning Board.
  - b. Brad Goodwin inquired about attendance from Board Members in the next couple months.
6. **Correspondence:** List of Board of Selectmen Agenda Items.
7. **Staff Updates:** Kathy Williams gave the following brief updates:
  - a. Route 6A: The Town and the Cape Cod Commission are working on a study to see if long term improvements can be made to Route 6A from Union Street to Willow Street regarding sidewalks, on-street parking, aesthetics, etc. Public Meetings will be conducted in October.

- b. Drive-In Site Utilization Committee: A Request for Qualifications (RFQ) from consulting firms is due September 1, 2016 regarding the Riverwalk/boardwalk Feasibility and Conceptual Design Study.
  - c. Memory Care Facility: The project is in active construction and should be completed in approximately 12 months.
  - d. Cavalier: Dakota Partners has revised its proposed affordable housing development down to 82 units. The Affordable Housing Trust voted on August 1<sup>st</sup> to provide \$30,000 per affordable unit for up to 82 units. The project will be going before the Community Housing Committee on August 8<sup>th</sup> and then to the Board of Selectmen for an initial introduction of the project on August 16<sup>th</sup>. Then the project would need to go to Formal Design Review and Site Plan Review prior to coming to the Planning Board for Special Permit Relief.
8. **Upcoming Meetings**: August 17, 2016.
9. **Adjournment: VOTE**: On a motion by Tom Roche, seconded by Ken Driscoll, the Planning Board voted unanimously (6-0) to adjourn at 5:55 PM.

**ATTACHMENTS:**

- July 20, 2016 Agenda
- **Draft Amendments to Operational Regulations of the Yarmouth Planning Board (June 17, 2016)**: Draft Chapter 53G language and existing Regulations.
- **ANR 2599C – 252 Great Western Road**: July 29, 2016 Memo from Town Planner with Application and attachments.
- **Draft Meeting Minutes**: July 20, 2016
- **Correspondence**:
  - BOS Agenda Items.
  - ZBA July 28, 2016 Agenda.

**Approved on September 7, 2016:**

On a motion by Tom Roche, seconded by Ken Driscoll, the Planning Board voted (5-0) to approve the meeting minutes of August 3, 2016 with Tom Roche, Norm Weare, Ken Driscoll, Joanne Crowley and Tom Baron voting in favor.