

Town of Yarmouth

**MINUTES OF THE PLANNING BOARD MEETING OF
December 6, 2017**

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The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **December 6, 2017** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Brad Goodwin, Tom Roche, Chris Vincent, Norman Weare, Lee Rowley, Joanne Crowley and Tom Baron.

Planning Board Absent: None

Staff Present: Kathy Williams, Town Planner

Guests: Dave Michniewicz, Coastal Engineering; Jim Perrine, Commonwealth Community Developers; Attorney Andrew Singer; Dave Walsh, Hammer Walsh Designs; John Winslow, Winslow Architects; Benita Pierce; Kathleen Selfe; and David Selfe.

Chairman Brad Goodwin opened the meeting at 5:30 PM.

1. **PUBLIC HEARING - Petition #113:** Commonwealth Community Developers LLC, 497 Route 28, West Yarmouth. Map 31, Parcel 36. Zoning District: B2 and HMOD1. Special Permit to seek relief under the Section 404 Motel Bylaw to redevelop an existing motel complex into forty (40) units of affordable rental housing by razing existing buildings and replacing them with two (2) new buildings, along with parking, site amenities and utilities. The applicant seeks a Special Permit under Zoning Bylaw Sections 104.3.2; 203.5; 301.4.4; 301.4.9; and 404.1 (including without limitation 404.1.3, 404.1.8.2, 404.1.9, 404.1.10, and 404.1.11) for relief as necessary for front setback (covered front entry on Building 2 and bus shelter), density, side setbacks for select portions of Building 1 and 2, building coverage, building height for Buildings 1 and 2, and in-lot and buffer trees.
 - a. **Hearing Opening and Public Notice:** Brad Goodwin opened the public hearing at 5:32 PM. The attached public hearing notice was noted and summarized by Mr. Goodwin. The meeting was properly noticed in the Register and sent to interested parties.
 - b. **Presentation:** Jim Perrine, President of Commonwealth Community Developers (CCD), reviewed plans to demolish the Yarmouth Gardens and build two new two-story buildings totaling 12 one-bedroom, 24 two-bedroom, and 4 three-bedroom affordable units. One building will also have a community room with kitchenette. Amenities include parking for 60 cars; a playground; a bus shelter; and a covered bike rack. Attorney Andrew Singer reviewed the legal framework, and advised that comments from the Site Plan Review Committee, the Design Review Committee, and the Building Commissioner are included in the packet, as well as a letter from the Community Housing Committee. Significant site improvements are proposed to the property, and density is compliant with the zoning with a Special Permit. Dave Michniewicz of Coastal Engineering reviewed the engineering and utilities plan, noting that there are currently no stormwater/drainage management system on the property. Fire department requirements have been met with regard to the driveway and parking area. Setback relief being requested is minimal and would make the buildings less nonconforming than the existing structures. The new septic system will incorporate an Innovative Alternative (I/A) system which provides additional treatment over and above Title 5 requirements. John Winslow of Winslow Architects provided an overview of the building

designs which maintain a New England-style residential character and include laundry room on each floor and accessible ground level units. David Walsh, President of Commonwealth Design Landscape Architects, reviewed the comprehensive landscape and planting plan which includes 300 shrubs and 47 large trees. He also addressed perimeter fencing and photometrics for site lighting.

c. **Public Comments:** None

d. **Planning Board Comments:**

- 1) **Tom Baron:** Mr. Baron asked for clarification about the top lot fencing on top of the retaining wall.
- 2) **Joanne Crowley:** Ms. Crowley stated that she has reviewed the original proposal with Yarmouth Housing Coordinator Mary Waygan and asked what the most significant changes have been since the original proposal. The applicant noted that complying with the various requirements, requests, and bylaws was challenging, but the rear parking lot setback has been achieved, and a sizable number of large trees will be preserved. Mr. Michniewicz identified the high point of the property for Ms. Crowley. The applicants also confirmed that the units will be cable-ready so that dishes or antennae should not be needed, although they cannot be prohibited. There will also be central air conditioning, making window units unnecessary. Security and storage were also discussed.
- 3) **Lee Rowley:** Mr. Rowley had a variety of questions on the proposal. The proponents confirmed that the buildings are sprinkled; however, the heating system has not been designed yet. Large storage closets are provided in every unit and laundry facilities were relocated to a common area, rather than in the units. The Affordable Housing Trust and the State require affordability in perpetuity, therefore the property is not likely to be condominiumized. It will, however, be managed much like condos with complete rules and regulations incorporated into the leases. The property is located outside 100-year flood zone elevation and the amount of fill needed will be determined by the septic design and the required separation to high ground water table. At the request of the Town, a sewer line has been included in the current plans for future connection to municipal sewer along Route 28. The Dumpster enclosure will be cedar and match the perimeter fencing.
- 4) **Norm Weare:** Mr. Weare noted that all his questions had already been answered and that he liked the development, felt it was a great improvement and provided needed workforce housing.
- 5) **Chris Vincent:** No questions or comments.
- 6) **Tom Roche:** Mr. Roche advised that he had heard the presentation to the Affordable Housing Trust, and its recommendations have been carried out. He commended the applicants for the thoughtfulness of the design and their cooperation, noting that the Town is still trying to streamline the permitting process.
- 7) **Brad Goodwin:** Mr. Goodwin thanked the team for presenting a solid proposal. In response to his question, Mr. Perrine stated that there will be a part-time on-site manager and a part-time maintenance person. Other Cape projects that the team has worked on include the Mashpee Village revitalization, Lake Terrace in Chatham, Sea Meadow Village in Hyannis, and a property in Edgartown. Mr. Goodwin noted the importance of landscape irrigation.

e. **Planner Comments:** Kathy Williams briefly reviewed the attached Staff Memo dated November 30th, specifically noting how much of the relief being requested is not significantly more than that allowed by-right in the bylaw. She also noted that the applicants have been very willing throughout the process to make changes to improve the project and that it was good working with such a professional group of developers and designers.

- f. **Public Hearing Closed:** The public hearing was closed at 6:40 PM.
- g. **Planning Board Vote:**

VOTE: On a motion by Tom Roche and seconded by Chris Vincent, the Board voted (7-0) in favor, to grant the Special Permit as requested herein, in accordance with the plans submitted and subject to the following conditions:

1. **The Affirmative Fair Housing Marketing and Tenant Selection plan is approved by the Community Housing Committee;**
 2. **Any relocation plan is approved by the Community Housing Committee;**
 3. **The Commonwealth of Massachusetts will oversee the required monitoring of the rental units;**
 4. **Site Design shall allow for turning movements for fire and emergency vehicles;
and**
 5. **Utilities to be located outside buffer areas if impact ability to plant out the buffer.**
2. **Discussion on Potential Zoning Amendments:**
- a. **Section 404 – Motel Bylaw:** The Planning Board reviewed the proposed edits to the Goals & Purposes section of the bylaw prepared by Joanne Crowley. The Board had a few minor edits that will be incorporated into the next draft.
 - b. **Donation Boxes:** Kathy Williams brought up a complaint that had been received by the Health Department regarding overflowing donation boxes and the desire to ban them. Input from the Building Commissioner noted that this can be addressed through Health Department regulations and that additional zoning regulations may not be warranted. The Planning Board felt that if there is an existing Health Department regulation that will address the trash issue that is the way to go rather than adding an additional Zoning Regulation. They also felt that it takes a long time to remedy a situation through Zoning, rather than a health violation.
3. **Meeting Minutes:** None
4. **Board of Appeals Agenda & Decisions:** The following were distributed via e-mail.
- a. ZBA Decision #4710 through 4715.
5. **Committee Updates from Board Members:**
- a. **Capital Budget:** Ms. Crowley noted that the Capital Budget Committee met with the Selectmen on November 28th. The BOS had many good questions and the committee will be getting back to the BOS with additional information.
 - b. **Community and Economic Development (CEDC):** Norm Weare noted that the CEDC received 7 applications for special event funding through the Tourism Revenue Preservation Fund with \$100,000 available for distribution.
 - c. **Community Preservation Committee (CPC):** Mr. Roche noted that the CPC had 11 applications they have been reviewing, with some having been voted upon, held for more information or under executive session.

6. **Board Member Items:**
 - a. Norm Weare noted that he will be unavailable for January 3rd Planning Board meeting. Tom Baron noted he would be unavailable for the meeting on December 20, 2017 and Tom Roche will be unavailable for a January 24th meeting.
 - b. Chris Vincent inquired about the bike path and Parkers River Bridge projects, which are moving forward.

7. **Correspondence:** The following correspondence was distributed via e-mail:
 - a. Cape Cod Commission DRI Referral for 46 Pleasant Street, Public Hearing 01/04/18
 - b. Cape Cod Commission Enabling Act Amendment Hearing 12/14/17

8. **Staff Updates:** The Board of Selectmen approved the charge for the Water Resource Committee and they will be looking for a Planning Board representative. Lee Rowley currently has no committee assignment and has shown interest in this topic.

9. **Upcoming Meetings:**
 - a. December 20, 2017
 - b. January 3, 2018

10. **Adjournment:** **VOTE:** On a motion by Lee Rowley, seconded by Norm Weare, the Planning Board voted unanimously (7-0) to adjourn at 7:00 PM.

ATTACHMENTS:

- **December 6, 2017 Agenda**
- **Sign In Sheet**
- **Petition 113 – 497 Route 28: November 30, 2017 Staff Report with attachments:**
 - Public Hearing Notice
 - November 17, 2017 Memo from Community Housing Committee
 - Summary of Reasoning prepared by Attorney Andrew Singer
 - Special Permit Application
 - DRC and SPR Comment Sheets
 - November 15, 2017 Memo on Exterior Finishes
 - Site Plans
 - Landscape Plans
 - Architectural Plans
- **Draft edit to 404.1.1 Goals and Purposes in the HMOD1, prepared by Joanne Crowley**
- **Miscellaneous Correspondence:**
 - ZBA Decisions #4710, 4711, 4712, 4713, 4714 and 4715
 - Cape Cod Commission DRI Referral for 46 Pleasant Street, Public Hearing 01/04/18
 - Cape Cod Commission Enabling Act Amendment Hearing 12/14/17

Approved on January 17, 2018:

On a motion by Joanne Crowley, and seconded by Tom Baron, the Planning Board voted (5-0) to approve the Planning Board Meeting Minutes of December 6, 2017, with Brad Goodwin, Norm Weare, Lee Rowley, Joanne Crowley, and Tom Baron voting in favor.