

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
June 7, 2023

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **6:00** p.m. on Wednesday **June 7, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Susan Brita, Jim Saben, Will Rubenstein, Peter Slovak, Chris Vincent, Joanne Crowley, and Ken Smith

Planning Board Absent: None

Staff Present: Kathy Williams, Town Planner; Mark Grylls, Building Commissioner; and Dawn-Marie Flett, Community Development

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 6:01. All Planning Board members were in-person.
2. **LISTENING SESSION #1 on Draft Accessory Apartment Zoning Amendments:** Joanne Crowley welcomed the public to the meeting and introduced the members of the Planning Board, and members from the Community Housing Committee who were also attending the meeting. She noted the recent meeting with the Board of Selectmen on June 6th to get some of their viewpoints on the draft. She outlined the purpose of the Listening Sessions which is to share information used to develop the amendments, provide details on the various provisions and hear from the public on their input and suggestions. Ms. Crowley reviewed the overall Agenda noting that public input will be received after each set of provisions and at the close of the presentation.

The Chair then recognized Town Planner Kathy Williams, who gave the attached PowerPoint presentation that highlighted the various provisions within the proposed amendments, along with supplemental information to educate the public and provide examples. The presentation covered the following provisions in the draft amendments: Purpose & Intent; Ownership & Rentals; General Requirements; Appearance; Dimensional Standards & Minimum Lot Sizes; Unit Sizes; Special Permit & By-Right Options; Records, Inspections & Enforcement; Existing Family Related & Affordable Apartments; and Transfer Upon Sale. Public comment received throughout the presentation included the following (several provisions received no public comment or questions):

a. **Ownership & Rentals:**

- 1) **Daniel Riek:** Mr. Riek felt that room rentals should be permissible to allow for roommates and sharing of apartments.
- 2) **Kieran Healy:** Mr. Healy questioned the requirement for a 12-month lease, noting the huge demand for seasonal housing for workers. He suggested 90 day or 120-day minimums to consider another population of workers.
- 3) **Debbie Martin:** Ms. Martin agreed with Mr. Healy and indicated the greatest need is for year-round and seasonal employee housing, and that we did not need more seasonal vacation homes.
- 4) **Dick Martin:** Mr. Martin acknowledged that we need year-round housing, but he expressed concerns about the number of bedrooms and septic systems.

b. General Requirements:

- 1) Chris Greeley: Ms. Greeley asked why the existing Affordable Accessory Apartments did not have deed restrictions on them. Kathy Williams noted that there may be a number of reasons why the deed restrictions were not formally recorded, but that she did not know the specifics and that it only applied to 3 apartments.

c. Appearance:

- 1) Chris Greeley: Ms. Greeley asked about the number of cars the homeowner could park on their lot and could it be more than 2 parking spaces, noting that she has seen properties with 4-5 cars. Kathy Williams indicated the current zoning bylaw does not restrict the number or location of parking on a single-family lot, however, if you are adding an accessory apartment, the draft amendments outline where those parking spaces can be located.

d. Dimensional Standards:

- 1) Sharon DiGennaro: Ms. DiGennaro inquired about her lot and whether it was a grandfathered lot.
- 2) Daniel Riek: Mr. Riek noted that we already have maximum building coverage requirements and feels including a minimum lot size is double regulation and should go away. He felt we should focus on one way to limit and feels the other restrictions are redundant.
- 3) John Henderson: Mr. Henderson lives in the Cummaquid Heights neighborhood where the majority of the development is located in Barnstable. He inquired as to the differences between the Barnstable Accessory Dwelling Unit (ADU) bylaw and the proposed Yarmouth amendments and whether material differences would impact resale of his property. Kathy Williams indicated the Barnstable ADU bylaw was more lenient and she could follow up with more information.
- 4) Dawn Jackson: Ms. Jackson inquired about the ability to install a "tiny home". Mark Grylls indicated that tiny homes do not meet the building code now but that they are working on it. Ms. Jackson also inquired about insurance requirements for additions. Kathy Williams indicated that lenders may require specific insurance requirements if there is a loan involved. Ms. Jackson indicated that the overall costs to create a unit may be too costly. She also inquired about the rental rates for a one-bedroom apartment, with Jim Saben indicating it can be \$1,500-\$2,000 per month if one is even available.
- 5) Sharon DiGennaro: Ms. DiGennaro had specific questions regarding her property where she thought she had a 3-bedroom home and could create an apartment in her basement for a caregiver and asked if she was grandfathered. Ms. Williams indicated she would need to coordinate with the Health Dept.
- 6) Debbie Martin: Ms. Martin inquired about the upgrades to septic systems that may be required to add bedrooms for an accessory apartment and whether those upgrades could be deferred if you are going to be connecting soon to the municipal sewer system. Kathy Williams indicated this was unlikely as you are adding a new use and flow. Ms. Martin noted that upgrades would be significant money for a short period of time depending upon where you live and what phase of the municipal sewer system you are in. Mr. Grylls noted that Title V septic regulations require the construction of a minimum 3-bedroom septic, even if you are restricted to less bedrooms if located in the zone 2 wellhead contribution area.

e. **Unit Sizes:**

- 1) **Daniel Riek:** Mr. Riek felt there were too many redundant requirements. Setting unit sizes has no purpose if have building coverage requirements and health regulations.

f. **Special Permits & By-Right Options:**

- 1) **Kieran Healy:** Mr. Healy noted that the APD closely follows the Zone 2 and we do not need to add in a Special Permit requirement for the APD as the Zone 2 is already restrictive. Mr. Healy suggested including some guidance language in the zoning bylaw for the ZBA to allow some flexibility if someone can't completely meet the setback requirements due to an unusual circumstance.
- 2) **John Henderson:** Mr. Henderson had questions about rental and residency and whether you can leave for several months. Kathy Williams indicated your primary residence is where you pay state taxes and where you would vote. If you pay taxes in another state because you live there for 183 days, that would be your primary residence. If the property is no longer the owner's primary residency, they would no longer be eligible for an accessory apartment and would need to remove the kitchen. Homeowners have the option to live in the accessory apartment and rent out the primary home.
- 3) **Sharon DiGennaro:** Ms. DiGennaro asked about the removal of bedrooms within the main home to accommodate an accessory apartment and that the doorways in her home cannot be widened as she cannot reshape the entrance to the room. Kathy Williams indicated that this would not be something defined by zoning but would be through the Health Department.
- 4) **Daniel Riek:** Mr. Riek asked for clarification on the residency requirements and whether it is a requirement to pay Massachusetts income tax and be registered to vote in Yarmouth. Kathy Williams indicated being a registered voter or eligible to be a registered voter in Yarmouth makes it a clear determination that your primary residence is in Yarmouth. The draft bylaw requires primary residency and not just property ownership.
- 5) **Stacy Ober:** Ms. Ober indicated everyone has to identify where we are domiciled, where we are choosing to have our primary residence.
- 6) **Daniel Riek:** Mr. Riek suggested changing the amendments to allow property owners who are not full-time residents (such as 2nd home owners) to be eligible for an accessory apartment, to promote the creation of more units. These 2nd homeowners may like to have someone on their property year-round. The requirement for only renting out one unit would remain.
- 7) **Stacy Ober:** Ms. Ober feels this undercuts the purpose of the accessory apartment amendments. The concerns from the citizen petition language from last fall was that if not a primary residence and broad definition of owner, we could have investors come in and rent both the accessory apartment and primary residence.

At this point, Kathy Williams and Planning Board members clarified that the citizen petition from last fall allowed for both units to be rented and the currently proposed draft amendments only allow for one to be rented with the objective of having the landlord on site and not off-site investors. Kathy Williams inquired as to how those present would feel about changing the bylaw to allow for 2nd homeowners to have an accessory apartment, not just primary residents, or do we want the homeowner there essentially year-round.

- 8) **John Henderson:** Mr. Henderson says it hinges on definition of year-round and how long someone must be at their home. Joanne Crowley noted a definition Kathy Williams provided to an inquiry which stated: A primary or principal residence is the dwelling where a person usually lives. A person may have only one primary residence at any given time

and is used for legal purposes such as determining where a person votes or pays state taxes. The principal residence is a requirement in the current Accessory Apartment bylaw.

- 9) Chris Greeley: Ms. Greeley feels that primary residency is an important feature of this bylaw and is significant for quality of life.
- 10) Mark Fallon: Mr. Fallon liked the "domicile" residency as there is already a legal state definition that is used.
- 11) Dick Martin: Mr. Martin expressed concerns with the potential impacts to community character. The Town increased lot sizes to protect quality of life, water quality and beaches. Although there are extra safeguards in the APD zone which limit the number of bedrooms, in other districts you can turn a single-family home on a 10,000-sf lot into a two family home with more people, cars and septic. Recognize we need housing but need to look at this more carefully before creating duplexes on 10,000 sf lots. He also noted a lot of local neighborhood restrictions that may limit the lots to single family homes although this is not regulated by the town.
- 12) Debbie Martin: Ms. Martin inquired as to the number of lots which would qualify and of those, how many would get created once you take away septic restriction and those who don't want to do it anyways. Kathy Williams indicated 80% of the 13,000 lots are over 10,000 square feet with about 3,600 lots wholly within the Zone 2. Jim Saben estimated about 100 apartments over 10 years taking into consideration all the other restrictions and what other communities have seen. The Planning Board talked about developing some additional data to estimate the number of units that could be created by-right.
- 13) Maureen R. (remote): With regard to request for data, she was most interested in by-right units that would be exterior additions or detached structures and not those created inside the home and not as visible.
- 14) Sharon DiGennaro: Ms. DiGennaro also noted that socio-economic position in town is important. Those on fixed incomes may be more interested in an accessory apartment versus those who are financially sound.
- 15) Dawn Jackson: Ms. Jackson asked if duplexes were allowed in Town. Kathy Williams indicated duplexes are allowed but require twice the minimum lot size. There are very few private properties that would qualify, although we already have a number of grandfathered duplexes in Town. Most of the undeveloped land is owned and protected by the Town.

g. Records, Inspections & Enforcement:

- 1) Chris Greeley: Ms. Greeley asked if the affidavits require proof that the property is the owner's primary residence. Kathy Williams indicated this was something that would be included in the affidavits, along with adherence to the rest of the bylaw.

h. Existing Family Related & Affordable Apartments:

- 1) Kieran Healy: Mr. Healy questioned why a Special Permit was required to convert an existing accessory apartment to an unrestricted apartment. He suggested either by-right or via the Planning Board. Susan Brita noted that it was a question of changing the use from family related to an open rental with no restrictions. Mr. Healy suggested they give some guidance to the Board of Appeals. Kathy Williams indicated that the Special Permit for the conversion would provide a mechanism to remove the Declaration of Covenant and have a new Special Permit recorded at the Registry that no longer restricts the accessory apartment use.

i. **Transfer Upon Sale:** Jim Saben asked if the Building Commissioner had any concerns about the 45-days and whether that was too short. Mr. Grylls indicated the 45-days was sufficient to notify him that they plan on continuing the use and it has been working so far.

j. **Final Public Comments:**

- 1) **Chris Greeley:** Ms. Greeley bought her home based on the character and appearance of the neighborhood. She noted the contrast between choosing Yarmouth as a home versus someone who is an investor, so she appreciates the primary residency and year-long rental requirements. She noted that enforcement is concerning with the level of understaffing and workloads of Town Staff. She would like to see some type of disclosure process to abutters, so it isn't a surprise when the construction crews show up next door. Ms. Greeley noted environmental concerns, especially on such small lots, with septic systems, cars and groundwater impacts, and adding a lot more use before we have municipal wastewater. She further noted there are properties also being looked at for multi-family affordable housing. She expressed appreciation for the work done but also has some concerns.
- 2) **Daniel Riek:** Mr. Riek felt this was a step in the right direction. Housing issues are a societal problem with people and workers not being able to find housing. He supports creating more living spaces but feels there are too many restrictions.
- 3) **Kieran Healy:** Mr. Healy wanted to be clear that although he expressed some concerns, he is 100% for moving forward with these zoning amendments.
- 4) **Sharon DiGennaro:** Ms. DiGennaro noted some of her personal circumstances that would make having an accessory apartment for a caregiver very beneficial to her and she wants to be able to create a legal accessory apartment in her home.

k. **Written Comments:** Kathy Williams noted that the attached written comments were provided to the Planning Board and summarized at the meeting as follows:

- **Kathy Campbell:** Ms. Campbell is in favor of keeping the special permit requirements currently in effect and not making any changes to the current permitting process.
- **John Cooke:** Mr. Cooke indicated the only successful way to administer and monitor ADUs is to require a special permit, where all applicants are treated the same with regard to public notice.
- **Ryan Castle:** Mr. Castle inquired about the definition of "principal residence" and requested information on the number of lots under 10,000 sf, which was provided to him.
- **Cape Cod & Islands Association of Realtors (CCIAOR):** Ms. Williams noted that the CCIOAOR sent out an email publicizing the Listening Sessions and offered some initial comments to keep the bylaw simple, allow 2nd homeowners the right to build an accessory apartment and allow them to be permitted by-right.
- **Debbie Hays:** Ms. Hays wanted accessory dwellings to be allowed in Yarmouth with the caveat that they be for local employed workers.

3. **Upcoming Meetings:**

- a. June 14, 2023: Second Listening Session-In Person Meeting at Senior Center
- b. June 21, 2023: Regular Planning Board Business Meeting
- c. June 26, 2023: Third Listening Session-In Person Meeting at Fire Station #2, Yarmouth Port
- d. July 5, 2023: Regular Planning Board Business Meeting

The Planning Board had a brief discussion on the Draft Open Space & Recreation Plan which will be coming before the Planning Board for review and approval sometime in July.

4. **Staff Update:** The Request for Proposals (RFPs) for the Local Comprehensive Plan (LCP) received no responses. Based on conversations with several consultants, Kathy Williams indicated that consultants are also having staffing and workload issues and did not feel they could take on a project of this size at this time. Ms. Williams also mentioned the recently submitted Community Planning Grant Fund application to look at redevelopment along Route 28, If this grant is awarded, it could possibly be combined with the LCP RFP. The Board had a brief discussion on how this would delay the certification of the LCP and the impacts of the delay.
5. **Adjournment: VOTE:** On a motion by Jim Saben and seconded by Will Rubenstein, the Planning Board voted unanimously (7-0) to adjourn at 8:10 PM.

ATTACHMENTS:

- **June 7, 2023 Agenda**
- **Sign-In Sheet and Remote Participant List**
- **Draft Accessory Apartment Zoning Amendments:** Accessory Apartment Listening Session Flyer; Summary of Draft #12 Accessory Apartment Zoning Amendments; Accessory Apartments Listening Session PowerPoint Presentation; Accessory Apartment Zoning Amendment, Draft #12, dated May 4, 2023; Frequently Asked Questions (FAQs) on Accessory Apartments, dated May 4, 2023; 5 written comments and Draft June 6, 2023 Meeting Notes with BOS.

Approved on June 21, 2023:

On a motion by Ken Smith, and seconded by Jim Saben, the Planning Board voted (5-0) to approve the meeting minutes of June 7, 2023, with Jim Saben, Susan Brita, Ken Smith, Peter Slovak and Joanne Crowley voting in favor.

'23 JUL 13 AM 8:50 REC

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
June 14, 2023

The Yarmouth Planning Board held an in-person Business Meeting at **6:00** p.m. on Wednesday **June 14, 2023** at the Yarmouth Senior Center, 528 Forest Road, West Yarmouth MA.

Planning Board Present: Susan Brita, Jim Saben, Peter Slovak, Joanne Crowley, and Ken Smith

Planning Board Absent: Will Rubenstein and Chris Vincent

Staff Present: Kathy Williams, Town Planner; Mark Grylls, Building Commissioner; and Karen Greene, Community Development Director

1. **Meeting Opening:** Chair Joanne Crowley opened the meeting at 6:03.
2. **LISTENING SESSION #2 on Draft Accessory Apartment Zoning Amendments:** Joanne Crowley welcomed the public to the meeting and introduced the members of the Planning Board. She noted the recent meeting with the Board of Selectmen on June 6th to get some of their viewpoints on the draft and the first Listening Session on June 7th. She outlined the purpose of the Listening Sessions which is to share information used to develop the amendments, provide details on the various provisions and hear from the public on their input and suggestions. Ms. Crowley reviewed the overall Agenda noting that public input will be received after each set of provisions and at the close of the presentation.

The Chair then recognized Town Planner Kathy Williams, who gave the attached PowerPoint presentation that highlighted the various provisions within the proposed amendments, along with supplemental information to educate the public and provide examples. The presentation covered the following provisions in the draft amendments: Purpose & Intent; Ownership & Rentals; General Requirements; Appearance; Dimensional Standards & Minimum Lot Sizes; Unit Sizes; Special Permit & By-Right Options; Records, Inspections & Enforcement; Existing Family Related & Affordable Apartments; and Transfer Upon Sale. Public comment received throughout the presentation included the following (several provisions received no public comment or questions):

a. **Purpose & Intent:**

- 1) **Arthur Warren:** Mr. Warren inquired as to whether this is something we want to do or whether this is some type of mandate from the state. Joanne Crowley noted that there is no requirement to change the accessory apartment bylaw, but that the Board is considering it to be more flexible. Kathy Williams did note that there is a push from the current administration to have more housing options as well as the Citizen Petition from last fall which had 200 signatures of residents who were looking for change. Jim Saben noted the need for more housing.

b. **Ownership & Rentals:**

- 1) **Arthur Warren:** Mr. Warren asked for clarification on who is the property owner and resident as many properties are owned by an LLC or a Trust and not an individual. He felt this needed to be clear to retain the purpose and intent. Susan Brita suggested there may need to be a better distinction between ownership and occupancy and Joanne Crowley indicated the Board could work with Town Counsel on a definition.

c. **Appearance:**

- 1) **Arthur Warren:** Mr. Warren inquired about whether there would be two mailboxes and addresses. Kathy Williams noted that the Engineering Department has a system for setting addresses.

d. **Dimensional Standards:**

- 1) **Arthur Warren:** Mr. Warren inquired as to whether an existing 5,000 sf lot would be grandfathered from this amendment. Kathy Williams indicated the 10,000 sf was the minimum and accessory apartments on lots less than that would be via a Variance.
- 2) **Rob Camarra (sp):** Mr. Camarra referenced the density in his neighborhood (Captains Village area) with many properties clustered together with limited space. He noted the additional cars, water issues with PFAS and wastewater. He suggested the minimum lot size should start at 11,000 sf which is about ¼ acre.
- 3) **Judy Warren:** Ms. Warren acknowledged the need for more affordable housing options for workers and families. With 80% of the residential lots eligible, she appreciated the suggestion of a larger minimum lot size. Ms. Warren asked if it could be a requirement that the tenants work on the Cape. She questioned whether we are solving the problem with the small number of 8-12 units per year. She asked if there was anything preventing someone from renting an accessory apartment for a full-year but using it as their 2nd home. She stated that with the owner being able to stay in the accessory apartment and rent out the main home, there is no limit on the rent so it would not be affordable for the workers. Ms. Warren asked about enforcement and whether we were tasking staff with something they can't do. She noted problems with enforcement for Short-Term Rentals (STRs) and inquired as to whether the STR taxes were being paid. She further noted that STRs are transforming neighborhoods into businesses, have fewer smaller homes and burdening neighborhoods with traffic and summer partying. She also asked about design restrictions and who can impose that restriction and have it not be challenged. Kathy Williams indicated that a clarification on who can rent the accessory apartment would be helpful. Susan Brita emphasized that the proposed accessory apartments are not meant to be Affordable as there are no restrictions on rental rates but would add additional rental units. Jim Saben noted this was a case of supply and demand and providing more units makes them more competitive and that this is just one slice of the solution.

e. **Special Permits & By-Right Options:**

- 1) **Arthur Warren:** Mr. Warren indicated he wants to have accessory apartments permitted via Special Permit only and that he trusts the ZBA to use their judgement and skills to protect the residents of the single-family neighborhoods. He inquired as to whether there was a way to create a revenue stream to fund enforcement.

f. **Transfer Upon Sale:**

- 1) **Arthur Warren:** Mr. Warren suggested a transfer fee for accessory apartments to compensate for the extra work for the town and using a single-family home in this way.

g. **Final Public Comments:**

- 1) **Spiro Mitrokostas:** Mr. Mitrokostas talked about septic systems before we are connected to sewers. Kathy Williams indicated someone could expand their system if they meet the latest Title 5 requirements. Mr. Mitrokostas noted that accessory apartments would be more desirable the closer you are to the water and more susceptible to abuse or use as a short-term rental. He noted that legal 12-month leases could be verified using the previous year filed taxes. He emphasized the need to eliminate abuse while trying to solve the housing problem.

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- 2) Arthur Warren: Mr. Warren inquired about the property assessment with an accessory apartment. Jim Saben noted that assessors are notified of building permits and values typically go up and raise revenues.
 - 3) Judy Warren: Ms. Warren was concerned about a decrease in valuation for properties next door to an accessory apartment or in the single-family neighborhood. She noted that the accessory apartment could be 2 stories impacting the immediate neighbors and suggested limiting Accessory Apartments to 1-story. Ms. Warren also suggested that if allow an accessory apartment, the homeowner should have to hook up when sewers come. Ken Smith noted that the current draft regulations say hook ups are required within 2-years with a possible 1-year extension for special circumstances. Ms. Warren questioned the lack of rental limitations and felt accessory apartments would be increasing income for landlords by increasing density in neighborhoods. Jim Saben indicated that accessory apartments are part of a larger solution to the lack of housing on Cape Cod and how 46% of the workers commute over the bridges. Ms. Warren felt we did not need accessory apartments at the rate of 20 units/year noting that more rentals units increase the need for services, roads, schools, hospital, police and physical space. Ms. Warren referenced a recent article in the Cape Cod Times where the Dennis-Yarmouth students noted the impact of housing on families so need to do something.
 - 4) Arthur Warren: Mr. Warren reiterated his comment about wanting the oversight, accountability and ability to ask questions that is offered by the ZBA through a Special Permit. He felt like the by-right carve-outs were trying to appease someone. Joanne Crowley noted that the Board has heard from different voices expressing an interest in by-right with the proposal being a compromise. Jim Saben noted the Citizen Petition with the 200 signatures of fellow residents.
- h. Written Comments: None.
3. Upcoming Meetings:
 - a. June 21, 2023: Regular Planning Board Business Meeting
 - b. June 26, 2023: Third Listening Session-In Person Meeting at Fire Station #2, Yarmouth Port
 - c. July 5, 2023: Regular Planning Board Business Meeting
 - d. July 12, 2023: Tentative Joint Meeting with the Zoning Board of Appeals
 4. Adjournment: VOTE: On a motion by Jim Saben and seconded by Susan Brita, the Planning Board voted unanimously (5-0) to adjourn at 7:45 PM.

ATTACHMENTS:

- **June 14, 2023 Agenda**
- **Sign-In Sheet**
- **Draft Accessory Apartment Zoning Amendments**: Accessory Apartment Listening Session Flyer; Summary of Draft #12 Accessory Apartment Zoning Amendments; Accessory Apartments Listening Session PowerPoint Presentation; Accessory Apartment Zoning Amendment, Draft #12, dated May 4, 2023; Frequently Asked Questions (FAQs) on Accessory Apartments, dated May 4, 2023; Draft June 6, 2023 Meeting Notes with BOS and Draft June 7, 2023 Listening Session Minutes.

Approved on July 5, 2023:

On a motion by Susan Brita, and seconded by Ken Smith, the Planning Board voted (3-0-1) to approve the meeting minutes of June 14, 2023, with Susan Brita, Ken Smith, and Joanne Crowley voting in favor, and Will Rubenstein abstaining.

Town of Yarmouth
NOTES OF THE PLANNING BOARD MEETING OF
June 26, 2023
NO QUORUM

The Yarmouth Planning Board held an in-person Business Meeting at **6:00** p.m. on Monday **June 26, 2023** at the Yarmouth Fire Station #2, 340 Route 6A, Yarmouth Port, MA 02675.

Planning Board Present: Susan Brita, Peter Slovak, and Joanne Crowley (No Quorum)

Planning Board Absent: Will Rubenstein, Jim Saben, Ken Smith and Chris Vincent

Staff Present: Kathy Williams, Town Planner; Mark Grylls, Building Commissioner; and Dawn-Marie Flett, Community Development

1. **Meeting Opening:** Chair Joanne Crowley opened the meeting at 6:07.
2. **LISTENING SESSION #3 on Draft Accessory Apartment Zoning Amendments:** Joanne Crowley welcomed the public to the meeting and introduced the members of the Planning Board present. She noted the recent meeting with the Board of Selectmen on June 6th and the two Listening Sessions held on June 7th and June 14th. She outlined the purpose of the Listening Sessions which is to share information used to develop the amendments, provide details on the various provisions and hear from the public on their input and suggestions. Ms. Crowley briefly reviewed the overall Agenda noting that public input will be received after each set of provisions and at the close of the presentation.

The Chair then recognized Town Planner Kathy Williams, who gave the attached PowerPoint presentation that highlighted the various provisions within the proposed amendments, along with supplemental information to educate the public and provide examples. The presentation covered the following provisions in the draft amendments: Purpose & Intent; Ownership & Rentals; General Requirements; Appearance; Dimensional Standards & Minimum Lot Sizes; Unit Sizes; Special Permit & By-Right Options; Records, Inspections & Enforcement; Existing Family Related & Affordable Apartments; and Transfer Upon Sale. Public comment received throughout the presentation included the following (several provisions received no public comment or questions):

a. **Ownership & Rentals:**

- 1) **Sara Porter:** Ms. Porter inquired about enforcement. Kathy Williams indicated enforcement would continue to be done through the Building and Health Departments with a more detailed slide on this provision later in the presentation.
- 2) **John Stuart:** Mr. Stuart recommended that the rental unit should be the tenant's primary residence and people should not be able to sign a 12-month lease and use it as a second home.

b. **General Requirements:**

- 1) **Chris Greeley:** Ms. Greeley felt that 10,000 sf lots are too small, noting the existing density, the additional parking needed for the accessory apartment and impacts to the look of the neighborhoods. When asked, Ms. Greeley suggested a minimum lot size closer to 20,000 sf. Joanne Crowley noted that 80% of the residential lots are 20,000 sf or smaller, so only about 20% of the residential lots would be eligible for an accessory apartment at 20,000 sf. Susan Brita noted the existing high density in the Town.

- 2) Vida Morris: Ms. Morris inquired about whether there are any rules governing the parking of cars and can they be parked on the front lawn. Joanne Crowley indicated the amendments include some parking provision which are detailed later in the presentation.

c. **Appearance:**

- 1) Chris Greeley: Ms. Greeley expressed concerns about parking and whether the amendments were capping the amount of parking on a property to four cars (2 for the single-family home and 2 for the accessory apartment). Kathy Williams noted that the bylaw currently does not set a maximum number of vehicles allowed for the primary residence but sets a minimum of 2. Ms. Greeley noted potential environmental runoff from the added cars which could impact the aquifer and the environment. She stated her neighborhood is seeing the overloading of parking on lawns and in the streets with Short-Term Rentals (STRs). Ms. Greeley suggested that the accessory apartments not be allowed more than 2 parking spaces.

d. **Dimensional Standards & Minimum Lot Sizes:**

- 1) Chris Greeley: Ms. Greeley commented on whether the driveway accessing the accessory apartment parking also had to be 10' off the property line. Kathy Williams stated that the amendment references the parking and perhaps it should also reference the driveway.
- 2) Sara Porter: Ms. Porter inquired about the ability to utilize existing parking capacity on a property that is closer than 10' now. Kathy Williams noted that only new parking to accommodate the accessory apartment would need to meet the 10' setback. Ms. Porter noted that some driveways are long enough to accommodate four tandem parking spaces and would that be allowed. Kathy Williams indicated that tandem parking like this may encourage people to park on the street which is not allowed and that maybe limiting the tandem parking to two spaces.

e. **Water Quality:**

- 1) Chris Greeley: Ms. Greeley expressed concerns about septic systems on the small 10,000 sf lots, and that adding bedrooms is not healthy for the environment. Ms. Greeley suggested starting with a higher minimum lot size and then seeing how it goes. Kathy Williams noted that the existing bylaw allows for a minimum 10,000 sf lot and a higher minimum lot size may impact family-related opportunities. Ms. Greeley suggested that the family related could continue but the income generating rental apartments should be on larger lots and not done at the expense of the quality of life in the neighborhoods or the environment. Susan Brita noted that Dennis limited the number of permits to 9 per year on a minimum 15,000 sf lot. Kathy Williams noted that the Dennis bylaw had an automatic sunset clause on the minimum number of permits based on case law.
- 2) John Stuart: Mr. Stuart noted that it may not be economical to expand a septic system when someone would be hooking up to municipal sewers in a short period of time. He also noted that without some rent limitation, we will not be reaching the targeted people who have lower incomes. Kathy Williams indicated that there are people who can afford the market rate rents, but simply can't find a rental due to the limited availability.

f. **Unit Sizes:**

- 1) Chris Greeley: Ms. Greeley inquired about the minimum unit size for an existing 650 sf ranch. Kathy Williams noted it would be 350 sf as that is the minimum size allowed to ensure we are creating functional living space.

g. **Special Permits & By-Right Options:**

- 1) **Chris Greeley:** Ms. Greeley continued to promote public notification as neighbors know things about their neighborhoods and have knowledge that Town Hall may not be aware of before issuing by-right building permits. She noted that most people's wealth is invested in their homes.
- 2) **Peter Slovak:** Planning Board member Peter Slovak inquired about converting a garage that was only allowed via Special Permit. He asked whether the currently uninhabitable garage area could then be converted to an accessory apartment by-right and how does that impact the neighbors? Mark Grylls noted that the Special Permit relief would have been given for the structure, and it could be converted unless other restrictions were imposed as part of the Special Permit to restrict the use.

h. **Records, Inspections & Enforcement:**

- 1) **Chris Greeley:** Ms. Greeley expressed concerns about enforcement and staffing levels and suggested new or increased fees. Kathy Williams indicated annual rental fees are \$80/year and the family related inspections are \$25 every 2-years.

i. **Transfer Upon Sale:**

- 1) **Chris Greeley:** Ms. Greeley inquired about the current sizes of family related that could be transferred. Kathy Williams indicated the current bylaw has a maximum size of 800 sf although some relief may have been given for some slightly larger units.

j. **Final Public Comments:**

- 1) **Chris Greeley:** Ms. Greeley felt the tenants should be residents. She also expressed her appreciation for the process with the Listening Sessions and how much work has been done since the initial Citizen Petition was submitted last fall. Joanne Crowley noted the thoughtful comments and suggestions provided by the public which will be used by the Planning Board in developing further drafts of the amendments in hopes of passing them at the 2023 fall town meeting.

k. **Written Comments:** Kathy Williams noted that the attached written comments were provided to the Planning Board and summarized at the meeting as follows:

- **Housing to Protect Cape Cod (HPCC):** HPCC sent out a notification of the final Listening Session and provided suggested talking points including removal of parking requirements, and removal of the year-round residency requirement to allow 2nd homeowners to build an apartment.
- **Kathy DiTrapano:** Ms. DiTrapano wants to retain the Special Permit requirement.
- **Kenneth McGuire:** Mr. McGuire inquired about the possibility of allowing up to 1,000 sf units, which would open up the possibilities for families.
- **Elizabeth & Richard Powell:** The Powells want to retain the Special Permit requirement with abutter notification.
- **Susan Brita, writing as a member of the Lewis Bay Neighborhood Association:** Ms. Brita acknowledged the number of compromises made on the various provisions, but would like to retain the public notice available through the Special Permit process.
- **Linda Bollinger, Hyannis Park Civic Association (HPCA):** The HPCA conducted their own ADU Survey of their association members with preliminary results indicating the main issues being by-right permitting, with 74% indicating they would vote no on the amendments as currently written and most HPCA members (86%) are not interested in adding an accessory apartment to their properties.

3. **Upcoming Meetings:**

- a. July 5, 2023: Regular Planning Board Business Meeting

4. **Adjournment:** The Listening Session ended at 7:30 PM.

ATTACHMENTS:

- **June 26, 2023 Agenda**
- **Sign-In Sheet**
- **Draft Accessory Apartment Zoning Amendments:** Accessory Apartment Listening Session Flyer; Summary of Draft #12 Accessory Apartment Zoning Amendments; Accessory Apartments Listening Session PowerPoint Presentation; Accessory Apartment Zoning Amendment, Draft #12, dated May 4, 2023; Frequently Asked Questions (FAQs) on Accessory Apartments, dated May 4, 2023; Draft June 14, 2023 Listening Session Minutes and six written comments.

Approved on July 5, 2023:

On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (2-0-2) to approve the meeting notes of June 26, 2023, with Susan Brita and Joanne Crowley voting in favor, and Will Rubenstein and Ken Smith abstaining.