

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF  
January 16, 2019

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday January 16, 2019 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, Joanne Crowley, and Tom Baron

**Planning Board Absent:** Chris Vincent and Lee Rowley

YARMOUTH TOWN CLERK

**Staff Present:** Kathy Williams, Town Planner

**Guests:** Brad Hays, and Dan Ojala of Down Cape Engineering

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

1. **Private Road Name Change – PUBLIC HEARING:** To change the name of the private way known as “Deon Terrace” located off Standish Way in West Yarmouth to “Laura’s Way”.

- a. **Public Hearing:** Brad Goodwin opened the Public Hearing at 5:30 PM and noted the publication of the public hearing notice.
- b. **Presentation:** Brad Hays gave a brief presentation of his proposal to rename the private roadway after his wife.
- c. **Staff Comments:** Kathy Williams noted her attached January 9, 2019 Memo and that the Police, Fire, and Highway Departments had no issue with the renaming the road. Mr. Hays’ property is the only property with a Deon Terrace address.
- d. **Public Comments:** None. The three other properties with frontage on Deon Terrace (with addresses on other streets) were notified of the name change and no comments were received.
- e. **Planning Board Comments:** Board members had no comments and voted as follows:

**VOTE:** On a motion by Norm Weare, seconded by Tom Roche, the Planning Board voted (5-0) to approve the request to rename the private road called Deon Terrace to Laura’s Way, with the condition that the applicant make all necessary changes at the Registry of Deeds associated with the address change, with Brad Goodwin, Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor.

- f. **Hearing Closed:** On a motion by Tom Roche, seconded by Norm Weare, the Planning Board voted (5-0) to close the Public Hearing at 5:35 PM with Brad Goodwin, Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor.

Kathy Williams noted to Mr. Hays that he will be receiving a formal Order to change the road name that will need to be recorded at the Registry of Deeds.

2. **Approval Not Require ANR Plan #2553C:** Hulbert Enterprises, LLC (Hobart Buppert), Un-numbered parcel west of Mill Lane, Yarmouth Port, MA, Assessor’s Map 121, Parcel 6. The ANR Plan divides one vacant parcel into two unbuildable parcels for conveyance purposes.

Dan Ojala of Down Cape Engineering gave a brief overview of the division of an unbuildable parcel consisting mostly of salt marsh. He noted the purpose was to convey a portion to the property owner across Mill Lane (Emelyn Grize) to facilitate invasive species removal. After a brief discussion, the Planning Board voted as follows:

**VOTE: On a motion by Tom Roche, seconded by Norm Weare, the Planning Board voted (5-0) to endorse ANR Plan #2553C, dated December 20, 2018 with Brad Goodwin, Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor.**

The signed mylar was given to Dan Ojala at the meeting for recording.

3. **Discussion on Potential Zoning Amendments for 2019 Annual Town Meeting:** The Planning Board reviewed the attached January 11, 2019 Memo and attachments from Kathy Williams, Town Planner, related to proposed zoning amendments. The zoning amendments were developed into five Zoning Articles as follows:
- a. Zoning Article 1 - Accessory Dwelling Units
  - b. Zoning Article 2 – Signage: All sign edits including Definitions, electronic messaging centers, and drive-up menu signs
  - c. Zoning Article 3 – Entertainment: Edits to Use Table and addition of Note 51.
  - d. Zoning Article 4 – Boat Storage:
  - e. Zoning Article 5 – Miscellaneous Amendments:
    - Stormwater Regulations additions to reference the existing Yarmouth Stormwater Regulations
    - VCOD Building Height in the VC2 to exclude ancillary features
    - Revised Definition for Temporary Outdoor Recreation
    - Deleting Section 417 – Temporary Moratorium on Marijuana Establishments.

After a review of the Memo, the Draft Articles and latest Redlines, the Board agreed to move forward with the five Zoning Articles as drafted and denoted above and to schedule the Public Hearing for February 20, 2019 at 5:30 PM.

Kathy Williams also noted the draft Summary of the Zoning Amendments for inclusion on the Town website along with the formal Articles. The Board proposed no amendments to the draft summary. Kathy Williams did note that the Warrant will be including brief summaries of Explanations to better inform the public of the Articles prior to Town Meeting.

4. **Meeting Minutes:**
- a. December 19, 2018: **VOTE: On a motion by Norm Weare, seconded by Joanne Crowley, the Planning Board voted (4-0-1) to approve the meeting minutes of December 19, 2018, with Brad Goodwin, Tom Roche, Norman Weare, and Joanne Crowley voting in favor, and Tom Baron abstaining.**
  - b. January 2, 2019: **VOTE: On a motion by Tom Roche, seconded by Tom Baron, the Planning Board voted (4-0-1) to approve the meeting minutes of January 2, 2019, with Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor, and Brad Goodwin abstaining.**
5. **Board of Appeals Agenda & Decisions:** Attached ZBA agenda for January 10, 2019 sent to Planning Board members via e-mail.
6. **Committee Updates from Board Members:** None.

7. **Board Member Items:** Tom Baron noted that as the Planning Board representative to the Community Housing Committee, he would be interested in moving and explaining the Accessory Dwelling Unit Article.
8. **Correspondence:** Miscellaneous correspondence listed under Attachments were sent to the Planning Board via e-mail.
9. **Staff Updates:**
  - a. **CEDC:** The Community and Economic Development Committee (CEDC) has indicated they want to review and possibly comment on the proposed accessory dwelling unit amendments at their January 28, 2019 meeting. Kathy Williams will be attending to answer any questions they may have. Norm Weare is on the CEDC committee and will also be present. Other Board members are welcome.
  - b. **Finance Committee:** The Finance Committee will be reviewing the zoning amendments at their February 6<sup>th</sup> meeting. Kathy Williams will be in attendance to answer any questions. Other Board members are welcome.
  - c. **BOS Meeting:** The date for review of the zoning articles with the Board of Selectmen (BOS) has not been chosen, but will be after the Public Hearing on February 20<sup>th</sup>.
10. **Upcoming Meetings:**
  - a. February 6, 2019
  - b. February 20, 2019 – Zoning Amendment Public Hearing
11. **Adjournment: VOTE:** On a motion by Tom Baron, seconded by Tom Roche, the Planning Board voted unanimously (5-0) to adjourn at 5:56 PM.

**ATTACHMENTS:**

- **January 16, 2019 Agenda**
- **Private Road Name Change:** January 9, 2019 Memo from Kathy Williams, Town Planner along with:
  - December 7, 2018 signed e-mail from Brad Hays
  - Assessor's Map
  - Public Hearing Notice
- **ANR Plan 2553C-Mill Lane:** January 11, 2019 Memo from Kathy Williams, Town Planner along with Form A and ANR Plan
- **Potential Zoning Amendments:** January 11, 2019 Memo from Kathy Williams, Town Planner, along with:
  - Summary of Zoning Amendments for 2019 Annual Town Meeting
  - Zoning Article 1 - Accessory Dwelling Units, Draft #1, dated January 9, 2019; and Redlines of Section 407 Draft #7, dated January 3, 2019
  - Zoning Article 2 – Signage, Draft #1, dated January 8, 2019; and Redlines of Section 303 Draft #6, dated January 8, 2019
  - Zoning Article 3 – Entertainment, Draft #1, dated January 8, 2019; and Redlines of Section 202.5 Draft #4, dated January 8, 2019
  - Zoning Article 4 – Boat Storage, Draft #1, dated January 8, 2019; and Redlines of Section 401.1 Draft #4, dated January 4, 2019
  - Zoning Article 5 – Miscellaneous Amendments, Draft #1, dated January 8, 2019; and Redlines related to Stormwater Draft #2, dated January 8, 2019 and Relines of Section 414.6.1 Draft #1, dated November 30, 2018
- **Draft Minutes:** December 19, 2018 and January 2, 2019
- **Miscellaneous Correspondence:**

- January 11, 2019 e-mail from Kathy Williams, Town Planner, on Bass River Bridge Update
- January 9, 2019 e-mail from Kathy Williams on Route 28/North Main/Old Main Update.
- January 11, 2019 Memo from Kathy Williams commenting on the Cape Cod Commission Draft Technical Bulletins
- ZBA Agenda for January 10, 2019

***Approved on February 20, 2019:***

**On a motion by Tom Baron, seconded by Tom Roche, the Planning Board voted (5-0-2) to approve the meeting minutes of January 16, 2019 with Brad Goodwin, Tom Roche, Norman Weare, Joanne Crowley and Tom Baron voting in favor, and Chris Vincent and Lee Rowley abstaining.**