

## Town of Yarmouth

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**MINUTES OF THE PLANNING BOARD MEETING OF  
August 21, 2019**

The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **August 21, 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, Lee Rowley, Joanne Crowley and Tom Baron

**Planning Board Absent:** Chris Vincent

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

**Guest:** Bob Freeman, Schofield Brothers; Dan Ojala, Down Cape Engineering; and Susan Brita  
Chairman Brad Goodwin opened the meeting at 5:30 PM.

1. **Approval Not Required Plan (ANR) #2747G:** – Mashpee Commons Limited Partnership, 1186 Great Island Road, West Yarmouth, MA, Assessor's Map 4, Parcel 2, R-87 Zoning District. The ANR Plan divides the existing lot into two lots.

Bob Freeman of Schofield Brothers, representing the owner Mashpee Commons Limited Partnership, gave a brief overview of the ANR Plan. The original lot was created as part of a cluster subdivision from 1987 where this lot was allowed a single family dwelling and a cottage. The Zoning Board of Appeals recently issued a Special Permit to allow for this lot to be re-divided into two lots meeting the minimum lot sizes and frontage for a cluster development. There were some general questions from Board members related to how the lot was originally created and the open space that was required as part of the subdivision.

**VOTE: On a Motion by Tom Roche, and seconded by Tom Baron, the Planning voted (5-0) to endorse ANR Plan 2747G, dated July 23, 2018, revised August 1, 2019 and stamped/signed by the Professional Land Surveyor (PLS) on August 2, 2019, with Brad Goodwin, Tom Roche, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.**

2. **Village Center Overlay District (VCOD) Site Plan Review (SPR) #VCOD 2019-1:** Stuart Bornstein, 1121 Route 28, South Yarmouth, Assessor's Map 50, lot 108, Zoning Districts B2, HMOD1 and VCOD VC4. Applicant is proposing amendments to a previously approved project which retained the existing commercial building on the property, re-configured the parking and added 9 residential units in three buildings with associated utilities and site work on 1.78 acres utilizing the VCOD VC4 zoning regulations. The proposed amendments include revisions to the residential building plans to go from two story residential units to single story, and minor changes to the walkways to accommodate new entrance locations. Formal Site Plan Review for VCOD projects is done through the Planning Board.

Dan Ojala of Down Cape Engineering, representing the owner, gave a brief overview of the proposed modifications, noting the edits made to the residential buildings based on recommendations from the Design Review Committee.

Tom Roche inquired about the affordable unit. Dan Ojala noted that one affordable unit was required in accordance with the previous VCOD SPR decision and includes the option of payment in lieu of construction.

Joanne Crowley inquired about the number of trees proposed on Route 28 as there appear to be fewer shown on the amended submission than shown on the previously approved plans. After review, Dan Ojala stated that the existing trees to remain were erroneously not shown on the amended plan submission. A new plan will be submitted showing the existing trees that will remain and he was amendable to this being a condition of the approval. Dan Ojala noted that there was no intention to modify the landscaping plans for the project.

Tom Baron commented on how busy the existing commercial building is and whether there was adequate parking for both uses. Dan Ojala indicated that the commercial building was allotted 13 spaces which was deemed adequate by the business owner. The residential units have been condominiumized and are separate from the commercial building and its designated parking spaces. Tom Baron inquired as to when construction on the residential units would begin. Dan Ojala indicated that there is no solid timetable and the owner, Stu Bornstein, may build them or sell the permitted project to another developer.

The Board Members briefly discussed the draft conditions outlined in the attached August 15, 2019 Memo from the Town Planner related to door/shutter colors, type of stone veneer on exposed foundations and adherence to all previous conditions. Kathy Williams noted that the revised architectural plans submitted to the Planning Board appear to incorporate all the comments from the Design Review Committee.

**VOTE: On a motion by Joanne Crowley, and seconded by Tom Baron, the Planning Board voted (5-0) that the amended project at 1121 Route 28 as presented at the Planning Board meeting of August 21, 2019 and in accordance with the plans and materials submitted is in compliance with the VCOD Design Standards and is subject to the following conditions with Brad Goodwin, Tom Roche, Lee Rowley, Joanne Crowley and Tom Baron voting in favor:**

1. **Applicant shall adhere to all conditions from the Planning Board VCOD 2017-2 decision dated December 29, 2017.**
  2. **Stone veneer to cover exposed foundation to be native field stone.**
  3. **Color of shutters and doors to be muted american colonial or old village paint colors.**
  4. **Resubmission of the Layout/Landscape Site Plan showing all existing trees that are to remain.**
3. **Potential Zoning Amendments for 2019 Special Town Meeting (STM):** Kathy Williams reviewed the attached August 15, 2019 Memo outlining potential zoning amendments for the 2019 STM for Special Event Signs and Rezoning of 4 lots along or near Route 28.
- a. **Zoning Map Amendments:** The Board discussed and was generally in favor of rezoning the lots at Great Island Plaza, which are owned by the same person, to all B2/HMOD1/VCOD VC1 to facilitate the owners desire to redevelop these properties. Currently all lots are in the VCOD VC1, but the underlying zoning is a mixture of R25 & B2. The Board had some general discussion on the type of redevelopment proposed, including proposed redevelopment of the adjacent fire damage building that was demolished. The Board also briefly discussed the proposal to realignment the signalized intersections, which would have incurred significant costs to the Town for land taking, and is not included in the latest proposal. The Board was also in favor of correcting an oddity on the Captain Parkers property which contains a small square of R25 zoning district and rezone to all be B2/HMOD1/VCOD VC1.
  - b. **Sign and Event Policy Amendments:** The Board reviewed the attached August 15, 2019 Draft #1 for the Sign Bylaw and the Board of Selectmen Community Event Sign Policy, along with August 21, 2019 comments from Town Counsel, Kate Feodoroff.

Kathy Williams outlined the impetus for the proposed changes which was the inability of the Country Fest to have a larger 32 square foot community event sign because they were a for-profit venture. Currently only religious, civic or non-profit organizations can have the larger sign for special events in accordance with the Board of Selectmen (BOS) Community Event Sign Policy. The proposed changes would allow for-profit temporary outdoor recreation on town owned land to have the larger sign. This would also require amendments to the BOS Community Event Sign Policy.

The Board was generally amendable to the zoning amendments, but discussed in more detail the BOS Community Event Sign Policy and comments on the Policy edits received from Kate Feodoroff, Town Counsel. After discussion, the board agreed to eliminate the reference to content, limit the length of fund raising campaign signs for six months (rather than the existing 12 months) and considered whether or not to eliminate the reference to Fundraising in the title of the stand-alone signs. Kathy Williams will confer with the Building Commissioner and discuss the proposed edits.

Kathy Williams also reviewed the schedule for upcoming meetings in order to be ready for STM.

- September 4<sup>th</sup> Planning Board Meeting: Review Draft Articles and BOS Policy amendments which would be forwarded to the BOS.
  - September 10<sup>th</sup> BOS Meeting: Meet with the BOS to get their input to see if they are interested in making the proposed edits, especially to their Event Sign Policy.
  - September 17<sup>th</sup> or 24<sup>th</sup>: Warrant voted on by the BOS and sent to the printer.
  - October 16<sup>th</sup>: Formal Public Hearing on the Zoning Amendments and edits/vote to recommend for submission to the BOS.
  - October 29<sup>th</sup>: Special Town Meeting.
4. **Wastewater Planning and Possible Vote on Planning Board Letter of Support**: Lee Rowley had some comments on the attached letter of support for wastewater and the need to emphasize smart growth. After discussion, the Board agreed to have Lee Rowley provide edits to the letter for review at the next meeting.
  5. **Community Preservation Committee (CPC) Annual Community Preservation Plan**: The Planning Board briefly discussed the CPC Annual Plan. No comments were proposed to be submitted by the Planning Board, but Joanne Crowley had reviewed the plan and had numerous good comments and she will be submitting directly to Mike Barry, CPC Program Coordinator. The CPC Annual Public Hearing is scheduled for September 18<sup>th</sup> at 4 PM.
  6. **Meeting Minutes**: None
  7. **Board of Appeals Agenda & Decisions**: Attached ZBA Agenda was sent to Planning Board members via e-mail.
  8. **Committee Updates from Board Members**: None
  9. **Board Member Items**:
    - a. Tom Baron noted the zoning in his neighborhood has approximately 14 properties which are B1, although there are no commercial uses. Brad Goodwin noted that the Board is hesitant to take away any zoning opportunities without the initiative coming from the neighborhood.
    - b. Tom Roche mentioned the proposed tower at the Cape Cod Hospital and how with wastewater coming, we may be better situated to utilize our Medical Overlay District (MOD).
    - c. Brad Goodwin inquired about the availability of Board members throughout September as we prepare for Special Town Meeting. Tom Roche noted the Community Preservation

Committee (CPA) Public Hearing scheduled for September 18<sup>th</sup> at 4PM which would impact his availability for Planning Board.

10. **Correspondence:** Attachments noted below were sent to the Planning Board via e-mail.
11. **Staff Updates:** Kathy Williams, Town Planner gave a brief update on the status of the Parkers River Bridge which has been awarded with execution of the contract with the contractor MIG Corporation in the near future. Pre-construction meetings with MassDOT and the Town are scheduled for the week of August 26<sup>th</sup>. We are hoping to obtain supplemental funding from the Natural Resources Conservation Service (NRCS) to provide for a larger contingency buffer. The issuance of the MassDOT Highway Access Permit is imminent. Work will begin after Labor Day. Contractor was interested in utilizing some of the Drive-In Site for staging.
12. **Upcoming Meetings:**
  - a. September 4, 2019.
  - b. September 18, 2019
13. **Adjournment: VOTE: On a motion by Tom Roche, seconded by Lee Rowley, the Planning Board voted unanimously (5-0) to adjourn at 6:45 PM.**

#### **ATTACHMENTS:**

- **August 21, 2019 Agenda**
- **ANR Plan 2747G:** August 14, 2019 Planner Memo with Form A, ZBA Decision 4767 and ANR Plan 2747G
- **VCOD 2019-1:** August 15, 2019 Planner Memo with VCOD Site Plan Review Application and Narrative, Design Review Committee Comments Sheet, Original VCOD 2017-2 Planning Board Decision, Site Plans and Architectural Plans.
- **Potential Zoning Amendments:** August 15, 2019 Planner Memo with Zoning Map Amendments, Section 303 Sign Draft #1 - August 15, 2019, and Board of Selectmen Community Event Site Policy Draft #1 - August 15, 2019. August 21, 2019 Comments on Sign & Policy Drafts from Kate Feodoroff, Town Counsel, distributed at the meeting.
- **Wastewater Planning:**
  - August 21, 2019 Draft Letter of Support and August 21, 2019 Draft Letter of Support with edits from Brad Goodwin
  - Wastewater Infrastructure's Effects on Economic Opportunity in Yarmouth – UMass Donahue Institute Report dated November 2018
  - August 5, 2019 Memo from Karen Greene/Kathy Williams to the WRAC on Wastewater Buildout Analysis and attached spreadsheet.
- **Community Preservation Comments Community Preservation Plan 2019:** August 8, 2019 Memo from Mike Barry, Program Coordinator, and Draft 2019 Community Preservation Plan.
- **Miscellaneous Correspondence:**
  - ZBA Agenda August 22, 2019
  - Barnstable ZBA Public Hearing Notice August 21, 2019
  - Cape Housing Institute 2019 Invitation
  - Captain Gladcliff Affordable Apartments Flyer

#### **Approved on November 6, 2019:**

**On a motion by Brad Goodwin, and seconded by Lee Rowley, the Planning Board voted (5-0-1) to approve the meeting minutes of August 21, 2019 with Brad Goodwin, Tom Roche, Lee Rowley, Joanne Crowley and Tom Baron voting in favor, and Liz Hartsgrove abstaining.**