



**Board of Selectmen  
Public Meeting Minutes  
March 24, 2015**

*The regular meeting was called to order at 6:00 p.m. in the Town Hall Hearing Room by Chairman Erik Tolley. Selectmen present: Norm Holcomb, Tracy Post, James Quirk, and Michael Stone. Also attending: Town Administrator, William Hinchey. The Board of Selectmen gave the Pledge of Allegiance.*

## **1. Annual Town Meeting (ATM) Actions**

a. Zoning / LCP Warrant Articles #33 - #40. Mr. Norman Weare, Chairman, Planning Board; Kathy Williams, Town Planner; Tom Roche, Member of the Planning Board; and Ken Driscoll, Member of the Planning Board, explained each Zoning and LCP article.

1) Article #29 - Motel Amendments. Minimal public comment was received at the Planning Board meetings on the proposed changes to Section 404 and no significant contextual changes have been made. The proposed amendments are intended to encourage redevelopment through the use of the HMOD1 overlay district by expanding the number of applicable properties, by providing additional development opportunities and incentives to developers, and by easing some permitting requirements.

2) Article #30 – Zoning Map Revisions. The proposed amendments to the Zoning Map would rezone some parcels along Route 28 with multiple zoning districts to simplify redevelopment and permitting, and would rezone some parcels adjacent to motel properties along Route 28 to encourage redevelopment. The Planning Board did receive public comments on the proposed rezoning at their January 21, 2015 meeting and at the February 18, 2015 Public Hearing. There were minimal comments about rezoning mixed zoned parcels to a single zoning district, but there were some concerns expressed regarding rezoning of a B1 parcel on Wendward Way and the rezoning of three adjacent vacant R25 residentially zoned parcels near the Town & Country. After discussion, the Planning Board felt the benefits of rezoning these parcels to improve the redevelopment potential of adjacent motel properties was reasonable, that adequate provisions exist in the Zoning Bylaw to buffer commercial uses from residentially zoned areas, and that some type of development will occur on the three vacant parcels in the future which could include a Chapter 40B housing project (previously proposed in 1991). The only change to the proposed parcels for rezoning since the meeting with the Board of Selectmen was the addition of the newly created Town-owned parcel at 156 Route 28, adjacent to the proposed Mayflower Place Memory Care Facility property. This parcel is proposed to be rezoned to all B2/HMOD1 from a mixture of R25 and B2/HMOD1.

3) Article #31 –VCOD Edits. This section was further developed after our meeting with the Board of Selectmen, but prior to the Public Hearing, with input from Horsley Witten, the consultant on the VCOD bylaw. Minimal comments were received on the proposed changes, mainly clarifications, and no significant contextual changes have been made. The proposed amendments are intended to ease some requirements to promote use of the VCOD bylaw and provide clarifications to ensure the streetscape along Route 28 will be developed as originally envisioned by the Planning Board.

4) Article 32 - Section 301 edits. Minimal public comment was received on the proposed changes to Section 301 and no significant contextual changes have been made. The proposed changes are intended to improve overall site design by providing clarifications on the definition of side parking, location of in-lot trees in parking areas, maintenance of existing buffer trees, buffer requirements in front of buildings, buffers along shared driveways, lighting, use of native plantings, and accommodations for snow storage.

5) Article 33 - Draft #7, dated March 18, 2015. Minimal public comment was received on the miscellaneous amendments and no significant contextual changes have been made, with the exception of the Temporary Outdoor Recreation, which has been revised and a definition added. Please note that the originally proposed amendment to address wrapping of signs in the off-season has been removed from this Article. As these items are relatively minor in nature, they have been combined into a single miscellaneous Article.

6) Article 34 - This Article is asking the Town will vote to rescind in its entirety the previously endorsed Chapter 11 – Wetlands, of the Yarmouth Comprehensive Plan and adopt a revised and updated Chapter 11, revision date of December 2014, or take any other action relative thereto. This section of the Local Comprehensive Plan outlines the Town of Yarmouth's goals and action plan to preserve and restore the quality and quantity of inland and coastal wetlands and their buffers throughout Yarmouth.

7) Article 35 - This article is asking the Town to rescind in its entirety the previously endorsed Chapter 13 – Wildlife & Plant Habitat, of the Yarmouth Comprehensive Plan and adopt a revised and updated Chapter 13, revision date of December 2014, or take any other action relative thereto. This section of the Local Comprehensive Plan outlines the Town of Yarmouth's goals and action plan to prevent loss or degradation of critical wildlife and plant habitat, to minimize the adverse impacts of new development and to maintain existing populations and species diversity.

8) Article 36 - This article is asking if the Town will vote to rescind in its entirety the previously endorsed Chapter 14 – Affordable Housing, of the Yarmouth Comprehensive Plan and adopt a revised and updated Chapter 14, revision date of January 2015, or take any other action relative thereto. This section of the Local Comprehensive Plan (LCP) outlines the Town of Yarmouth's goals and action plan to promote the creation and retention of fair, decent, safe, affordable housing for rental or purchase that meets the needs of present and future Yarmouth residents.

**MOTION:** To move that the Board of Selectmen recommend the Zoning Map Warrant Articles [currently Warrant Articles #29 through #33] for inclusion in the ATM Warrant.

**Motion by:** Tracy Post **Seconded by:** Jim Quirk **Yea 5 Nay 0**

**MOTION:** To move that the Board of Selectmen recommend and support the changes to the Local Comprehensive Plan as presented to rescind Chapters 11, 13, and 14 of the LCP [currently Warrant Articles #34, #35, and #36] for inclusion in the ATM Warrant.

**Motion by:** Jim Quirk **Seconded by:** Norm Holcomb **Yea 5 Nay 0**

b. Annual Operating Budgets

1) Town Operating Budget: Mr. Hinchey briefed the board on the recommended FY16 Town Operating Budget.

2) D-Y Operating Budget: Brian Carey, Chairman, D-Y School Committee; Carol Woodbury, Superintendent of Schools; Larry Azer, Director of Finance and Operations; and Phil Morris, Yarmouth Representative on the D-Y School Board, presented the FY16 D-Y Operating Budget. Extensive review, discussion, and a question & answer period was held by the Board. Two residents made comments and asked questions regarding the school budget.

3) Town Capital Budget. Peter Johnson-Staub, Assistant Town Administrator, and Lu Matrascia, Chairman, Capital Budget Committee, presented the Town Capital Budget to the Board.

4) Joe Goldstein, Chairman of the Finance Committee, introduced the two newest members of the Committee: Nathan Ladley and Robert Ciavarra. The Finance Committee briefed the Board on their budget review process and recommended approval of the Town operating budget, the Town capital budget, the D-Y school budget (with the stipulation that an override would be included for the amount in excess of 2-1/2%), and the capital exclusion budget.

5) Mr. Hinchey provided a summary of the budget hearing articles.

**MOTION: To move that the Board of Selectmen close the public hearing.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5    Nay 0**

## **2. Board of Selectmen**

### **a. Board and Committee Actions:**

#### **1) Cemetery Ad Hoc Committee:**

a) To appoint Donna Howard, Megan Meyer, Laurie Snowden, Joan Ohrn, and Barbara Benoit as regular appointments for a six-month term to run through October 2015.

**MOTION: To move that the Board of Selectmen approve the regular reappointments of Donna Howard, Megan Meyer, Laurie Snowden, Joan Ohrn, and Barbara Benoit as regular appointments for a six-month term to run through October 2015.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5    Nay 0**

#### **2) Board of Registrars:**

a) To reappoint Donna Clifford as a member to the Town of Yarmouth Board of Registrars as a regular appointment for a three-year term to run through March 31, 2018.

**MOTION: To move that the Board of Selectmen approve the reappointment Donna Clifford as a member to the Town of Yarmouth Board of Registrars as a regular appointment for a three-year term to run through March 2018.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Yea 5    Nay 0**

### **b. Approval of Minutes:**

1) Approval of Minutes for the Board of Selectmen meetings of February 24, March 3, and March 10, 2015.

**MOTION:** To move that the Board of Selectmen approve the minutes from the Board of Selectmen meetings of February 24, March, 3, and March 10, 2015.

**Motion by:** Jim Quirk                      **Seconded by:** Tracy Post                      Yea 5    Nay 0

2) Board of Selectmen Executive Session Minutes for September 16, September 30, December 2, 2014, and February 24, 2015.

**MOTION:** To move that the Board of Selectmen approve and hold the minutes from the Board of Selectmen Executive Session meetings of September 16, September 30, December 2, 2014, and February 24, 2015.

**Motion by:** Tracy Post                      **Seconded by:** Norm Holcomb                      Yea 4    Nay 0    Abstain  
1\*

\*Selectmen Quirk abstained

c. Open Space Committee resignation letter received from Mary Herberich

**MOTION:** To move that the Board of Selectmen accept, with regret, the resignation of Mary Herberich from the Open Space Committee.

**Motion by:** Erik Tolley                      **Seconded by:** Norm Holcomb                      Yea 5    Nay 0

d. Individual Items: None.

### **3. Town Administrator's Items**

a. Consent Agenda:

1) 2015 Seasonal Alcohol and Entertainment Licenses

2) Letter from Cape Cod Detachment #125 Marine Corps League to Town Administrator and Chief of Police dated March 1, 2015 requesting approval for Voluntary Toll Booth Permit

3) Donations:

- YPD from Estate of Roberta F. Tibbetts                      \$ 2,500.00
- Senior Services from:
  - Phillis DeFeo                      \$ 10.00
  - Sandra White                      \$ 50.00
  - Susan Holmes                      \$ 100.00
  - Tina Fantasia                      \$ 30.00
  - AA                      \$ 40.00
  - Sarah Mitchell                      \$ 50.00
  - Mary Jane Bush Trust                      \$ 50.00
  - St. Pius X Women's Society                      \$ 50.00

**MOTION:** To move that the Board of Selectmen approve the consent agenda.

**Motion by:** Jim Quirk                      **Seconded by:** Mike Stone                      Yea 5    Nay 0

b. Town Administrator Update: No Items.

#### 4. Adjourn

**MOTION:** To move that the Board of Selectmen adjourn the meeting.

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5    Nay 0

Respectfully submitted,



Linda Dennehy

# DISTRIBUTED MATERIAL AGENDA PACKET

- Zoning - Warrant Article #33
- Zoning - Warrant Article #34
- Zoning - Warrant Article #35
- Zoning - Warrant Article #36
- Zoning - Warrant Article #37
- LCP - Warrant Article #38
- LCP - Warrant Article #39
- LCP - Warrant Article #40
- Town Operating Budget
- D-Y Budget Presentation
- Town Capital Budget
- FY16 Budget Hearing Summary
- Memo to BOS from Appointments Chairman dated March 12, 2015 re: 5 regular appointments to the Cemetery Committee
- Memo to BOS from Appointments Chairman dated March 18, 2015 re: 1 regular reappointment to the Board of Registrars
- Email to Town Administrator from Mary Herberich dated March 8, 2015 re: resignation from Open Space Committee
- Board of Selectmen Executive Session Minutes for September 16, 2014
- Board of Selectmen Executive Session Minutes for September 30, 2014
- Board of Selectmen Executive Session Minutes for December 2, 2014
- Board of Selectmen Executive Session Minutes for February 24, 2015
- Board of Selectmen Minutes for February 24, 2015
- Board of Selectmen Minutes for March 3, 2015
- Board of Selectmen Minutes for March 10, 2015
- 2015 Seasonal Alcohol and Entertainment Licenses
- Letter from Cape Cod Detachment #125 Marine Corps League to Town Administrator and Chief of Police dated March 1, 2015 re: Application for Voluntary Toll Booth Permit
- Memo to BOS from YPD dated March 12, 2015 re: Donation Request
- Memo to Town Administrator from Senior Services dated March 10, 2015 re: Gifts to the Division of Senior Services
- FY16 Budget Directive
- FY16 Budget Presentation
- FY16 Budget Increases
- FY16 Budget Increase Summaries
- MDAR Notice re: NSTAR Comment Period Extension for 2015 YOP
- Legal Notice for Budget & Capital Improvement Plan Hearing from The Register of March 12, 2015, pg. B8, Legal Notices
- Letter from Massachusetts ABCC dated March 12, 2015 re: ABCC Advisory regarding powered alcohol
- Yarmouth Finance Committee Minutes for February 11, 2015
- Board of Health Meeting Agenda for March 16, 2015
- Recycling and Solid Waste Advisory Committee Agenda for March 9, 2015