

Town of Yarmouth

Per M.G.L.: All town and school boards, committees, commissions, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting.

Notice of Meetings

Name of committee, board, etc:	Planning Board
Date of Meeting:	June 1, 2022
Time:	5:30 p.m.
Place:	Town Hall Hearing Room 1146 Route 28, South Yarmouth, MA 02664 OR Zoom Link: https://us02web.zoom.us/j/89836415124 Phone: +1 301 715 8592 and enter webinar ID: 898 3641 5124

This is to formally advise that, as required by G.L. Chapter 30A, §§ 18-25, and pursuant to Chapter 20 of the Acts of 2021, *An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency*, signed into law on June 16, 2021, the Yarmouth Planning Board will hold a public meeting at the date and time noted above. The public is welcome to attend either in-person or via the alternative public access provided above.

Agenda (Topics to be discussed):

1. **Planning Board Goals Discussion**
2. Meeting Minutes
3. Board of Appeals Agenda & Decisions
4. Committee Updates from Board Members
5. Board Member Items
6. Correspondence
7. Staff Updates
8. Upcoming Meetings:
 - a. June 15, 2022 – Public Hearings (2)
 - b. July 6, 2022
9. Adjournment

Attachments: All exhibits are available for public review in the Planning Department, Yarmouth Town Offices, 1146 Route 28, South Yarmouth, MA, during normal business hours.

Posted By (Name):	Kathleen D. Williams
Signature:	<i>Kathy Williams</i>

Town of Yarmouth

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YARMOUTH TOWN CLERK

'22MAY25PM3:06 REC

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Signature:	<i>Kathy Williams</i>

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
May 4, 2022

'22MAY25PM3:56 REC

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **May 4, 2022** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Brad Goodwin, Susan Brita, Joanne Crowley, and Will Rubenstein

Planning Board Absent: Liz Hartsgrove, Chris Vincent and Jim Saben

Staff Present: Kathy Williams, Town Planner

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:32. All Planning Board members were in-person, and all votes were roll call votes.
2. **Zoning Amendments:** Joanne Crowley briefly noted the approval of the two Planning Board Zoning Articles at the Annual Town Meeting (ATM), Article 27 on Short-Term Rentals and Article 28 on Seasonal Employee Housing at Motels/Hotels. She also noted that the citizen petition Article 31 to rezone 17 Berry Avenue failed. She expressed her appreciation to the various Town Departments, the Yarmouth Community Partnership and the Chamber of Commerce, and noted the fall summit to check in on how well these amendments worked for the season.
3. **Planning Board Goals Discussion:** Joanne Crowley noted the attached 9/16/21 Memo to the Board of Selectmen identifying the Planning Board goals for the coming year. She noted that we had met many of them including completion of the Vision Plan, securing \$100k for the Local Comprehensive Plan (LCP) at ATM, and passage of zoning Article 28 to expand opportunities for seasonal housing. Ms. Crowley noted her interest in starting the goal process early and inquired of the Town Planner upcoming issues and initial ideas. Kathy Williams noted the following:
 - a. **Local Comprehensive Plan (LCP):** The main emphasis for the next year will be the LCP. It is a 3-4 month process to solicit a consultant through a Request for Proposal (RFP) process, evaluate the proposals, conduct interviews and recommend a consultant for approval by the Town Administrator. The overall LCP could take 18-24 months and would need to be approved as a whole at a town meeting before going to the Cape Cod Commission for certification.
 - b. **Updating the Housing Production Plan (HPP) Update:** The Planning Board will also be participating in the update of the HPP and will need to formally approve the HPP.
 - c. **Open Space & Recreation Plan (OSRP) Update:** Some participation from the Planning Board on the OSRP Update will be needed to help inform the LCP and may possibly include a Planning Board representative on an ad-hoc committee.
 - d. **Fall Summit:** The Planning Board is planning on having a summit in the fall on seasonal rentals and employee housing to get a better handle on how the recently passed zoning amendments are working.
 - e. **Zoning Amendments:** No zoning amendments are anticipated for this fall, but any proposed zoning amendments for the 2023 ATM would need to be limited to allow time for the LCP and other plans.

The Board had a general discussion on the purpose and details to be included in the LCP; the benefits of a Cape Cod Commission certified LCP (modifications to our Growth Incentive Zone (GIZ)); how existing or future zoning uses, amendments, and design standards will impact the types of redevelopment along the Route 28 corridor which is especially important as we expand

opportunities with wastewater; and growth management through sewer flow Land Use Control regulations.

Ms. Crowley asked the Board members to start thinking of anything else the Board would like to consider a priority and noted that this topic will be discussed further at a future planning board meeting.

4. **Committee Assignments**: The Board had a brief discussion on Committee Assignments noting that Susan Brita had only temporarily taken on the Land Disposition Committee (LDC) duties until a 7th Planning Board member was appointed. However, Jim Saben is already on the LDC as an at-large member. As Mr. Saben was not present at the meeting, this will be discussed at the next Planning Board meeting. Kathy Williams also noted there may be an opportunity for a Planning Board member on a temporary ad-hoc committee for updating the Open Space & Recreation Plan. Will Rubenstein noted that he would be interested in this position. Mr. Rubenstein also noted that perhaps Mr. Saben would be interested in Capital Budget Committee.
5. **Definitive Subdivision No. 2427B – Easy Street, Yarmouth Port (located off Summer Street)**: Request to return security bond for completion of work on the Easy Street Subdivision.

Kathy Williams reviewed the attached May 3, 2022 Planner Memo noting the site inspection, status of the drainage on Lot 2 (24 Easy Street), and recommendation to approve the release of the performance security.

VOTE: On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (4-0) to approve the release of the \$15,000 performance security for Definitive Subdivision Plan No. 2427B – Easy Street, with Brad Goodwin, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.

6. **Meeting Minutes**:
 - a. **March 23, 2022**: On a motion by Brad Goodwin, and seconded by Will Rubenstein, the Planning Board voted (4-0) to approve the meeting minutes of March 23, 2022, with Brad Goodwin, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.
7. **Board of Appeals Agenda & Decisions**: See the attached ZBA Agendas and Decisions sent to the Planning Board via e-mail. Joanne Crowley inquired about the recent ZBA decision for the Parkers River Resort. Kathy Williams noted that the ZBA authorized for one year the use of the 24-room motel for 100% seasonal employee housing for Red Jacket employees. Ms. Crowley also inquired about the status of the Blue Sky cell tower proposed for 1044 Route 28. Kathy Williams indicated they had gone through the Design Review Committee (DRC) who had strong concerns about the aesthetics of the tower and the location. The applicant indicated they were willing to look at some additional designs and come back to the DRC. Ms. Crowley noted that she would like to be kept informed of the project with the Planning Board considering writing a letter to the ZBA.
8. **Committee Updates from Board Members**:
 - a. **Drive-In Site Utilization Committee (DISUC)**: Susan Brita noted the DISUC will be meeting on 5/16 and providing an update to the Board of Selectmen on 5/24/22. She noted the environmental considerations, new information and design options which takes times to resolve.
 - b. **Community Housing Committee (CHC) & Affordable Housing Trust (AHT)**: Brad Goodwin noted the next meeting for the CHC will be on 5/9/22 and the AHT will be meeting on 5/16/22.
 - c. **Water Resources Advisory Committee (WRAC)**: Joanne Crowley noted the WRAC met on 4/11/22 which included a review of wastewater related articles on the Annual Town Meeting

- (ATM) Warrant and preview of wastewater webpages being developed. She also noted a sub-committee formed for formal public outreach.
- d. **Library Planning Committee (LPC) & School Building Committee (SBC)**: Will Rubenstein noted the LPC met on 5/3/22 and are ready to move forward with the feasibility study funded through \$50,000 approved at the ATM. The SBC will meet on 5/5/22 and are on schedule to occupy the middle school building in January 2023.
 - e. **Community & Economic Development Committee (CEDC)**: Joanne Crowley noted that the CEDC met on 4/12 with guest Tracy Post, who shared her long experience with the Town of Yarmouth on many different Boards and Committees. She also noted the CEDC is working to extend the successful utility box wrapping project to other locations.
9. **Board Member Items**: Susan Brita inquired about the status of the Great Island Plaza and noting its close proximity to the Riverwalk Park. Kathy Williams indicated she had no further information or update.
10. **Correspondence**: See attached correspondence sent to the Planning Board via e-mail.
11. **Staff Updates**: Kathy Williams reminded the Planning Board that the meeting on May 18, 2022 will be the opening of the Public Hearing for the Route 6A Cluster Subdivision. Board members may visit the site individually but should not engage with any abutters. Questions/comments may be given at the public hearing and/or directed to the Town Planner.
12. **Upcoming Meetings**:
- a. May 18, 2022 – Public Hearing
 - b. June 1, 2022
13. **Adjournment: VOTE**: On a motion by Susan Brita, seconded by Will Rubenstein, the Planning Board voted unanimously (4-0) to adjourn at 6:35 PM.

ATTACHMENTS:

- **May 4, 2022 Agenda**
- **Planning Board Goals**: September 16, 2021 Annual Update Memo to Board of Selectmen
- **Committee Assignments, updated 12/29/21**
- **Easy Street Subdivision**: Planner Memo dated 5/3/22
- **Draft Minutes**: March 23, 2022
- **Miscellaneous Correspondence**:
 - ZBA Agendas for 4/14/22 & 4/28/22
 - ZBA Decisions 4934, 4940, 4942, & 4944
 - Conservation Commission Agendas for 4/7/22, 4/21/22 & 5/5/22
 - 4/27/22 Town Planner e-mail on Cape Cod Hospital Cancer & Cardiology Expansion DRI
 - APCC Article from Andrew Gottlieb
 - Barnstable Planning Board Hearing Notices – Subdivision Modification and Modification of Regulatory Agreement - 4/25/22
 - Barnstable Zoning Amendment Hearing Notice on Marijuana, Signs & Village Zoning Districts - 4/11/22
 - Notice of Constructive Approval for ZBA Petition 4934 from Moriarty Troyer & Malloy – 4/6/22

Approved on May 18, 2022:

On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (5-0-1) to approve the meeting minutes of May 4, 2022, with Brad Goodwin, Chris Vincent, Joanne Crowley, Susan Brita and Will Rubenstein voting in favor, and Jim Saben abstaining.



TOWN OF YARMOUTH

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Planning
Board

MEMORANDUM

To: Board of Selectmen

From: Joanne Crowley, Planning Board Chair

Date: September 16, 2021

Subject: 2021 Annual Report for the Board of Selectmen

On behalf of the Yarmouth Planning Board, I am pleased to submit the 2021 Annual Report to the Board of Selectmen. We welcome this opportunity to review the Planning Board's efforts over the past year and to discuss goals for the upcoming year.

CHARGE: The objectives and functions of the Planning Board are set forth in MGL Ch. 41, Sections 81A-81GG – *Municipal Planning and Subdivision Legislation*, and MGL Ch. 40A – *The Zoning Act*. Chapter 41 charges the Planning Board with regulating new subdivisions and Chapter 40A charges the Planning Board with the responsibility for the adoption and revision of Zoning Bylaws. The Planning Board is also responsible for long-term planning related to the Local Comprehensive Plan.

Other responsibilities of the Planning Board include serving as Special Permit Granting Authority (SPGA) for Single-Family Cluster Subdivisions and Planned Residential Developments, and for Motel Redevelopments (HMOD1 & HMOD2); review of all development plans under the Revitalization Overlay Architectural District (ROAD); Site Plan Review for the Village Centers Overlay District (VCOD); and Street Names, Scenic Roads, and Repetitive Petitions.

MEMBERSHIP: Yarmouth is fortunate to have dedicated Planning Board members, some of whom have served for many years, as well as our newer members who bring fresh perspectives. Planning Board members also serve on other Town Committees as outlined below:

Member	Position	Other Committees
Joanne Crowley	Chair	Community & Economic Development Committee (CEDC)
Liz Hartsgrove	Vice Chair	Community Preservation Committee (CPC)
Tom Baron	Clerk	Land Disposition Committee (LDC) & Water Resources Advisory Committee (WRAC)
Brad Goodwin	Member	Affordable Housing Trust (AHT) & Community Housing Committee (CHC)
Chris Vincent	Member	Design Review Committee (DRC)
Susan Brita	Member	Drive-In Site Utilization Committee (DISUC)
Will Rubenstein	Member	Capital Budget Committee (CBC)

Officer elections and Committee assignments are done annually in mid-September.

PAST YEAR ACCOMPLISHMENTS: The Planning Board was able to adapt well to the challenges presented by the pandemic, having conducted virtual meetings throughout and moving to in-person meetings in July 2021. In addition to regular business items, the Board has completed the following:

- **Community Visioning Project:** A significant amount of the Planning Board's time has gone into the Community Visioning Project, including holding virtual Workshops/business Roundtable, and an initial public survey culminating in 470 responses used to develop a draft Vision of Yarmouth as a great place to Live, Work, Play and Learn. These concepts were vetted through a 2nd Visioning Survey which received 920 responses. The Planning Board is currently digesting this information in preparation for creating a draft Vision Plan for further public review.
- **Growth Incentive Zone (GIZ) Extension:** The Planning Board worked with the BOS and the Cape Cod Commission (CCC) to extend the GIZ through October 2031. This extension retains the redevelopment opportunities for motel properties along the Route 28 corridor while we continue with our on-going efforts to complete the visioning process and update our Local Comprehensive Plan.
- **Development of Regional Impact (DRI) – Blue Sky Tower:** The Planning Board has also been involved in the review and comment on the proposed 120' communication tower proposed for 1044 Route 28, noting concerns with the location, height and aesthetics along our commercial corridor. The applicant is currently preparing supplemental information in preparation for another public hearing this fall.
- **Zoning Amendments:** The Board has prepared seven zoning amendments for consideration at the fall Special Town Meeting. Briefly, the proposed amendments are related to compliance with the National Flood Insurance Program (NFIP); clarifications on Zoning District Boundary; allowing Brewpubs in the B1/B2 business districts; allowing Mobile Food Vendors on town-owned land if approved by the Board of Selectmen; minor Sign changes; rezoning of a parcel; and allowing Body Art Establishments along Route 28. Please refer to the September 16th Memo from the Planning Board for detailed information.

GOALS FOR THE COMING YEAR: In addition to our regular duties, the Planning Board's main emphasis for the upcoming year is anticipated to include the following:

- **Vision Plan:** Completion of the Community Visioning Project and preparation of a Vision Plan for review by the public and Board of Selectmen this fall, with hopes of adopting the plan by the end of 2021.
- **Local Comprehensive Plan (LCP) Update:** With the visioning complete, the Planning Board will be moving onto updating the LCP. This will not be a light endeavor and the Planning Board has found it helpful and expeditious to have assistance from consultants to supplement staff efforts. In order to move forward quickly to reach this long-term goal of the BOS, the Planning Board is requesting the support and advocacy of the Board for a Free Cash Grant for the LCP at the 2022 Annual Town Meeting.
- **Zoning:** The Planning Board will move forward with proposed zoning amendments at the fall Special Town Meeting. With the LCP update, no significant zoning initiatives are anticipated in the near future, however the Board has heard repeated requests to address the issue of workforce and seasonal housing. The Planning Board would appreciate some early direction from the BOS on ways we can work towards addressing this issue without creating unintended or undesirable consequences.

The Planning Board looks forward to discussing their goals at our upcoming meeting with you.