

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**January 5, 2022**

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

**Planning Board Present:** Brad Goodwin, Chris Vincent, Liz Hartsgrove, Susan Brita, Joanne Crowley, and Will Rubenstein

**Planning Board Absent:** None

**Staff Present:** Kathy Williams, Town Planner; and Mark Grylls, Building Commissioner

**Guests:** Jamie Veara, Chair of the Yarmouth Community Partnership; Mary Vilbon, Yarmouth Chamber of Commerce Executive Director; Jack Hynes, Tom Nickinello and Lisa Hales.

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:34 by reading the attached statement. All Planning Board members were in-person, except for Brad Goodwin, Liz Hartsgrove and Will Rubenstein who were remote. All votes were roll call votes.
2. **Discussion on Potential Zoning Amendments:**

- a. **Temporary Seasonal Employee Housing:** Jamie Veara, Mary Vilbon, and Jack Hynes presented the proposal by the Yarmouth Community Partnership to expand opportunities for temporary seasonal employee housing at motels/hotels by amending Zoning Bylaw Section 404.5. The attached amendment would expand those seasonal employees who are able to stay within the designated 15% of a hotel/motel rooms to also include employees and staff from other Yarmouth businesses. The need for seasonal housing, mainly for J1 and H2B workers, was discussed including a survey completed by the Chamber of Commerce. Mr. Veara expanded on the built-in oversight including requiring a permit from the Building Commission, self-policing by hotel/motel owners as they want to keep their paying guests happy, and employees not wanting to lose their housing and employment.

The Planning Board members discussed a variety of topics including issuance of the permit by the Building Commissioner versus the Board of Selectmen or the Health Dept; desire to streamline the process; what are other cape communities doing for temporary seasonal employee housing; would like feedback from Police Chief Frederickson; number of motels on Route 28 (35-40); magnitude of the problem (about 150 beds short for 2022); enforcement of the provisions; what "principally employed" in Yarmouth means; potential for a sunset clause; use of proctor and property manager to manage employees; affordability of the rooms; potential for employers to contract directly with the motel/hotel owner rather than the employees and include in employment package; results of the chambers survey; and need for input from the public.

Public Comment was received from Tom Nickinello who was in favor of the proposal and noted the need for employees to remain open during the critical tourism season. Lisa Hales also indicated her support for the proposal and fears businesses going under for lack of staff.

Town Staff will solicit input from Chief Frederickson, inquire as to what other cape communities are doing, and distribute the Chamber survey to the Planning Board members.

- b. **Short-Term Rentals (STR)**: The Planning Board reviewed the attached Draft #2 of the Short Term Rentals which included changes based on input from the 12/29/21 meeting. These included changes to the applicability section to eliminate "sub-occupants", ensure stay of 1-31 days is not the maximum for the entire calendar year, note transient nature of the use with different users; changes to the general provisions to include pets, eliminate reference to commercial ventures and clarify excessive noise; and added a sunset clause. The Planning Board discussed allowing for flexibility, and suggested amendments to the sunset clause. Staff will work up a more detailed zoning change and include the proposed amendments for the next meeting.
3. **Planning Board 2021 Annual Report**: The Planning Board approved the draft 2021 annual report without modifications.
4. **Cape Cod Commission (CCC) Development of Regional Impact (DRI)**: Discussion and update on status of the DRI application for Blue Sky Towers III, LLC, for a 110' monopole wireless communication tower and ground equipment to be located at 1044 Route 28, South Yarmouth. Joanne Crowley, Kathy Williams, and Brad Goodwin attended the 1/3/22 hearing where the subcommittee voted to approve the DRI and send it to the full commission for a vote on 1/13/22. Joanne Crowley spoke of her concerns about the language in the draft approval decision regarding aesthetics which she plans to speak to at the 1/13/22 hearing. The vast majority of the Planning Board members were disappointed in the decision having reservations regarding the design of the tower, although Brad Goodwin felt visual impact was subjective. If approved at the 1/13/22 meeting, the project would move to the Zoning Board of Appeals for a Special Permit.
5. **Meeting Minutes**: None
6. **Board of Appeals Agenda & Decisions**: The attached ZBA Agenda was sent to the Planning Board via e-mail.
7. **Committee Updates from Board Members**:
  - a. **Community Preservation Committee (CPC)**: Liz Hartsgrove gave an update on the CPA articles for town meeting including funding to the Trust of 10% plus administrative costs, funding for Bass River restoration, and cemetery stone preservation.
  - b. **Design Review Committee (DRC)**: Kathy Williams noted that there will be some upcoming DRC meetings for three different commercial projects.
  - c. **Drive-In Site Utilization Committee (DISUC)**: The DISUC will be meeting on 1/10/22.
8. **Board Member Items**: Joanne Crowley noted that the Vision Plan has been submitted to the Board of Selectmen and we are awaiting a date for the formal presentation to the Board. Will Rubenstein inquired about the status of the Mattacheese Re-Use Committee as the new school will be opening in January 2023. The Board had a discussion on going fully remote and decided to have the 1/19/22 remote only.
9. **Correspondence**: The attached correspondence was sent to the Planning Board via e-mail.
10. **Staff Updates**: Kathy Williams noted the Housing Summit scheduled for 1/11 at 5 PM at the Senior Center and the MassDOT virtual Public Hearing scheduled for 1/13/22 at 6:30 PM for the Bass River Bridge and four corners improvements projects.
11. **Upcoming Meetings**:
  - a. January 19, 2022
  - b. February 2, 2022

12. **Adjournment: VOTE:** On a motion by Chris Vincent, seconded by Will Rubenstein, the Planning Board voted unanimously (6-0) to adjourn at 7:22 PM.

**ATTACHMENTS:**

- **January 5, 2022 Agenda**
- **Hybrid Meeting Script**
- **Temporary Seasonal Employee Housing:** December 22, 2021 Letter from Jamie Veara, Chair of the Yarmouth Community Partnership; and Section 404.5 edits, Draft #1, dated December 14, 2021
- **Short Term Rentals:** Short-Term Rental Provisions, Draft #2, dated January 5, 2022 (distributed at the meeting)
- **Draft Planning Board 2021 Annual Report Narrative**
- **Miscellaneous Correspondence:**
  - ZBA Agenda for January 13, 2022
  - Conservation Commission Agenda for January 6, 2022
  - 1/1/22 & 1/2/22 e-mail correspondence from Susan Brita and Anne Monaldo regarding neighborhood update on proposed zoning amendments
  - 1/3/22 e-mail from Natasha Cash regarding housing
  - 1/3/22 e-mail from Kathy Williams regarding Blue Sky Tower DRI update, including Draft DRI Decision

**Approved on February 2, 2022:**

On a motion by Will Rubenstein, and seconded by Chris Vincent, the Planning Board voted (6-0) to approve the meeting minutes of January 5, 2022, with Brad Goodwin, Susan Brita, Joanne Crowley, Liz Hartsgrove, Chris Vincent and Will Rubenstein voting in favor.