

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**January 19, 2022**

The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **January 19, 2022** via remote access only.

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

**Planning Board Absent:** Chris Vincent

**Staff Present:** Kathy Williams, Town Planner; and Police Chief Frank Frederickson

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

1. **Meeting Opening:** At the request of Joanne Crowley, Vice Chair Liz Hartsgrove chaired the remote meeting, which she opened at 5:42 by reading the attached statement. All votes were roll call votes and the meeting was broadcast live on Channel 18.

2. **Discussion on Potential Zoning Amendments:**

- a. **Temporary Seasonal Employee Housing:** Chief Frederickson attended the meeting to discuss his input on the attached Draft #2, dated January 7, 2022. The Chief began by noting his understanding of the need for seasonal employees and that the days of college kids coming down to rent a house for the summer are gone. Although using some limited motel/hotel rooms may make some sense, he did not want to see the problems of the past with out of control situations. The Chief indicated he had met with Jamie Veara and Mary Vilbon to discuss his concerns, and they have made changes in the attached Draft #2 that he can fully support. He wanted to ensure the bylaw was for the intended purpose of temporary seasonal housing and not for year round housing as seen in the past.

Susan Brita inquired about a sunset provision which was not included in the Draft. Kathy Williams indicated that if the Planning Board wanted to move in that direction, the amendment would need to be reworded and reviewed by Town Counsel. Chief Frederickson indicated he was not as concerned with the addition of a sunset clause as it goes before town meeting. If it doesn't work, we can go back to town meeting next year to address. The Chief further stated that the onus is on the motel owner to address any issues at their properties, and noted that some have hired detail officers to help address issues.

Brad Goodwin noted that it is optional for the hotel owner to make business to business agreements and felt this was a good first step.

Will Rubenstein noted that the Building Commissioner still needs to give an annual permit so there is something built into the bylaw even without a sunset clause. He also did not like the idea of going back to town meeting to set policy.

Susan Brita inquired as to why the Short-Term Rental (STR) amendments have a sunset clause, but not the Temporary Seasonal Employee Housing amendment. Kathy Williams indicated the Seasonal Employee housing already has a lot of checks and balances in place including the annual permit through the Building Commissioner, whose decision is appealable to the Zoning Board of Appeals. The STR amendment is more substantial and is moving forward fairly quickly. A sunset clause may make people more comfortable voting for it to retain the income to the Town, but allow time for more discussion and data

gathering. Even with a sunset clause, the Board would still need to go back to town meeting if we want to keep the STR use or make modifications.

Liz Hartsgrove inquired about the timeline for Annual Town Meeting. Kathy Williams noted that she has already submitted as a place holder 2-4 zoning amendments for annual Town meeting and would anticipate a Public Hearing in mid-March, prior to going before the Board of Selectmen and closing of the warrant at the end of March. This leaves the two meetings in February to finalize changes for advertising of the public meeting.

Jamie Veara gave a brief overview of the three changes in Draft #2 based on input from the Chief which included eliminating timeshares, requiring people be 18 or older, and emphasizing seasonal. He felt we would know quickly whether this is problematic and needs to be fixed and suggested a fall meeting with all the stakeholders to evaluate how things are working. Brad Goodwin concurred that a meeting in the fall meeting is a good idea. He felt the Board should get the amendment before the Board of Selectmen now and review in the fall.

Mary Vilbon indicated the meeting with the Chief was helpful for everyone. She did follow up with other chambers on how they were handling seasonal employee housing noting that Dennis business owners are purchasing older motels as housing for their employees, with Provincetown purchased a building themselves.

Tom Nickinello noted that this amendment is a short term fix and that we need to look at a long term fix.

After discussion, the Board directed Staff to talk with Town Counsel regarding the sunset clause, outline the process in place to review the annual permit applications (i.e. building department process and review with other town departments), and what would cause the Building Commissioner to deny an annual permit, in order to provide an update to the Board at the next meeting. The Board wants to be sure they have the answers to future questions from the public, but were not suggesting amendments at this time.

- b. Short-Term Rentals (STR): Kathy Williams gave a brief overview of the attached Draft #3 which included a new Section 418 with a purpose, definition for STR, visibility of contact information from the exterior of the home, clarification on the sunset clause, and amendments to the Use Table to allow in all zones except for B3, RMDOD, AED and the optional HMOD and VCOD overlay districts. As written, if a property specifically developed using one of the optional overlay districts, STRs would not be an allowed use, although it could be done if developed using the underlying business district.

The Board discussed the clause requiring visibility of a local contact from the exterior of the home. Kathy Williams noted that the M.G.L. allows for the ability to post contact information on the town website and it is already in the Health Dept requirements. The Board also discussed what other Cape communities are doing related to STR. Kathy Williams noted that not all Cape towns are moving forward with this, some Towns such as Orleans are looking into making changes, Dennis thought it may be a customary accessory use and allowed under their existing bylaw, and she was not sure when Barnstable was planning on revisiting the issue. The Board also discussed the need for additional staffing to accommodate zoning changes and the best way to get this information to the Board of Selectmen. Kathy Williams noted that it could be included in the cover memo to the BOS when the amendments are presented. Liz Hartsgrove noted it could also be brought up again after the fall stakeholder meeting for both topics and when the Town is starting the budgeting process.

Tom Nickinello noted that STRs are vital for our community and the potential use for QR codes for local contact information.

3. **Meeting Minutes:**
  - a. **December 29, 2021:** On a motion by Brad Goodwin, and seconded by Will Rubenstein, the Planning Board voted (5-0) to approve the meeting minutes of December 29, 2021, with Brad Goodwin, Susan Brita, Joanne Crowley, Liz Hartsgrove and Will Rubenstein voting in favor.
4. **Board of Appeals Agenda & Decisions:** The attached ZBA Decisions were sent to the Planning Board via e-mail. One was for the Urologist Offices along Route 6a for which the rear property was rezoned to B1 business at the 2021 fall town meeting. The ZBA included some conditions to better protect the residential abutters. Also noted was the ZBA Decision allowing for the expansion of Ryan Family Amusement along with the inclusion of some additional in-lot and buffer trees.
5. **Committee Updates from Board Members:**
  - a. **Capital Budget Committee (CBC):** Will Rubenstein noted that the CBC has not met with the schools.
  - b. **Drive-In Site Utilization Committee (DISUC):** Susan Brita indicated the Riverwalk Park and Boardwalk design is progressing and the project is being designed to take into consideration life cycle costs and future maintenance.
  - c. **Land Disposition Committee (LDC):** Susan Brita noted the recent LDC meeting, where the Committee voted to retain two parcels.
  - d. **Affordable Housing Trust (AHT):** Brad Goodwin indicated the AHT met on January 18<sup>th</sup> and are looking for available land for an RFP for affordable housing. With current costs at \$150-200k per affordable unit, the Trust is looking at ways to best use the limited funds they have.
6. **Board Member Items:** Susan Brita mentioned the successful Housing Summit held on January 11<sup>th</sup> and noted an upcoming virtual summit (February 3<sup>rd</sup> at 2 PM). Board members also discussed the approval by the Cape Cod Commission of the Blue Sky Tower Development of Regional Impact (DRI) at 1044 Route 28.
7. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.
8. **Staff Updates:** Kathy Williams noted the Water Resources Advisory Committee will be meeting on 1/24/22 to discuss the Notice of Project Change for the Comprehensive Wastewater Management Plan. Staff is also working on compiling the necessary documents to apply for the State Revolving Fund loan.
9. **Upcoming Meetings:**
  - a. February 2, 2022
  - b. February 16, 2022
10. **Adjournment: VOTE:** On a motion by Brad Goodwin, seconded by Will Rubenstein, the Planning Board voted unanimously (5-0) to adjourn at 6:48 PM.

**ATTACHMENTS:**

- January 19, 2022 Agenda
- Remote Meeting Script
- Temporary Seasonal Employee Housing: Miscellaneous e-mails between Police Chief Frederickson and the Town Planner; and Section 404.5 edits, Draft #2, dated January 7, 2022

- **Short Term Rentals:** Short-Term Rental Provisions, Draft #3, dated January 14, 2022 including modifications to Section 202.5 – Use Table.
- **Meeting Minutes:** December 29, 2021
- **Miscellaneous Correspondence:**
  - ZBA Decisions 4917 and 4928
  - Conservation Commission Agenda for January 20, 2022
  - Miscellaneous e-mails from Jan Hively, Joanne Crowley and Kathy Williams regarding the Vision Plan
  - Blue Sky DRI Tower: January 3, 2022 comment letter from Town Administrator, CCC Agenda for 1/13/22, and Draft CCCC DRI Approval Decision (includes amendments)

YARMOUTH TOWN CLERK

'22FEB09PM12:12 REC

***Approved on February 2, 2022:***

**On a motion by Will Rubenstein, and seconded by Liz Hartsgrove, the Planning Board voted (5-0-1) to approve the meeting minutes of January 19, 2022, with Brad Goodwin, Susan Brita, Joanne Crowley, Liz Hartsgrove, and Will Rubenstein voting in favor, and Chris Vincent abstaining.**