

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
February 2, 2022

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday February 2, 2022 via remote access only.

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

Planning Board Absent: None

Staff Present: Kathy Williams, Town Planner

1. **Meeting Opening:** Chair Joanne Crowley opened the virtual meeting at 5:33 PM 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:** Kathy Williams gave an overview of the attached January 28, 2022 Planner Memo regarding input from Town Counsel on a sunset clause, an overview of the process for violations/permit denial; and review of the attached Draft 3, dated January 28, 2022 which incorporates comments from Town Counsel and staff. After a brief discussion, the Planning Board accepted the edits, except for the removal of the proposed amendments to paragraph 7 related to noise and other effects.
 - b. **Short-Term Rentals:** The Planning Board reviewed the attached Draft #5, distributed at the February 2nd meeting which included edits from Town Counsel (grey highlights), and from staff (yellow highlights), including input from Bruce Murphy, Health Director, and Kevin Hook, Housing Inspector. After a brief discussion, the Planning Board accepted the edits without modifications.
 - c. **Petitioned Article to rezone 17 Berry Avenue:** Kathy Williams noted the attached citizen's petitioned article to rezone 17 Berry Avenue from residential to commercial, which has been certified by the Town Clerk. This is the same parcel the Planning Board reviewed last fall and voted to not rezone. Kathy Williams noted she is coordinating with the Town Clerk on the process, but the petitioned article will need to have a Public Hearing and the Board will vote on whether to recommend or not recommend. The Board had a discussion on whether to notify the abutters for the petitioned article. Kathy Williams indicated it may not be a requirement, but it would be advisable.
 - d. **Schedule:** Kathy Williams gave an overview of the Annual Town Meeting (ATM) schedule noting that it is an expedited process this year. The Board of Selectmen (BOS) will be reviewing an initial draft of the warrant at their 2/8/22 meeting. Staff has been requested to provide a draft article and explanation for the BOS packet, which will be reviewed by the Planning Board at their 2/16/22 meeting.
3. **Local Comprehensive Plan (LCP):** The Planning Board reviewed the attached draft LCP article and explanation requested by the Town Administrator. The Board had a discussion on the level of funding requested, the general scope of work to be done by a consultant, and why this is being presented as a separate article rather than bundled with the other free cash requests. Staff will work on a broad scope of work and LCP outline.
4. **Meeting Minutes:**
 - a. **January 5, 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.

- b. **January 19, 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.
5. **Board of Appeals Agenda & Decisions:** The attached ZBA Decisions and ZBA Agenda were sent to the Planning Board via e-mail.
6. **Committee Updates from Board Members:**
 - a. **Capital Budget Committee (CBC):** Will Rubenstein noted that the CBC has had preliminary discussions about the school capital requests, but that there was more work to be done.
 - b. **Drive-In Site Utilization Committee (DISUC):** Susan Brita indicated the DISUC met on January 31st on the Riverwalk Park and Boardwalk design which is progressing with a decision on the location of the restroom and starting of a discussion on naming the park.
 - c. **Water Resources Advisory Committee (WRAC):** Joanne Crowley attended her first WRAC meeting on January 24th as the Planning Board representative. The WRAC discussed the Owners Project Manager (OPM) selection process and the Notice of Project Change (NPC) for the MEPA/CWMP. She also noted the Board of Selectmen approved the recommended OPM of Wright Pierce and the submittal of the NPC.
 - d. **Community & Economic Development Committee (CEDC):** Joanne Crowley noted that the CEDC started the RFP process for a marketing consultant, and a standard request form for TRPF funds.
7. **Board Member Items:** Liz Hartsgrove noted the passing of Tom Baron, with Joanne Crowley indicating she was able to attend the funeral and express the Boards appreciation for Tom's dedication. Susan Brita inquired as to the status of the MassDOT Route 28 resurfacing project. Kathy Williams indicated that 25% design plans were submitted to town staff and the various MassDOT departments for comment, but that the Public Hearing had not been scheduled at this time, and that she had recommended more public outreach for the project. Chris Vincent inquired about the status of the coffee shop proposed for the Sunoco Station property. Kathy Williams indicated it had run into some issues with septic system capacity.
8. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.
9. **Staff Updates:** Kathy Williams noted the virtual Housing Summit is scheduled for 2/3/22 at 2PM; and that the presentation for the MassDOT Bass River Bridge/4 corner project is available on the Town Website. She also noted that the Cape Cod Hospital has submitted a Development of Regional Impact (DRI) application for a proposed cancer/cardiology expansion, with more details to follow. Lastly, the Route 6a subdivision should be coming to the Planning Board soon for a Special Permit for a Cluster Subdivision and Definitive Subdivision.
10. **Upcoming Meetings:**
 - a. February 8, 2022 – BOS Vision Plan Presentation
 - b. February 16, 2022
 - c. March 2, 2022
11. **Adjournment: VOTE:** On a motion by Brad Goodwin, seconded by Will Rubenstein, the Planning Board voted unanimously (6-0) to adjourn at 6:51 PM.

ATTACHMENTS:

- **February 2, 2022 Agenda**
- **Remote Meeting Script**
- **Temporary Seasonal Employee Housing:** January 28, 2022 Planner Memo; Section 404.5 edits, Draft #3, dated January 28, 2022; and January 19, 2022 e-mail with Dennis Town Planner
- **Short Term Rentals:** Short-Term Rental Provisions, Draft #4, dated January 28, 2022; and edits to Section 202.5 – Use Table, Draft #3, dated January 14, 2022. STR Draft #5, dated February 2, 2022 was handed out at the meeting.
- **Citizen’s Petitioned Article:** Rezoning of 17 Berry Avenue
- **LCP Funding Articles:** Draft Article and Explanation
- **Meeting Minutes:** January 5, 2022 and January 19, 2022
- **Miscellaneous Correspondence:**
 - Conservation Commission Agenda for February 3, 2022
 - ZBA Decisions 4917 Revised, 4927, 4930, 4931, and 4932
 - ZBA Agenda for February 10, 2022
 - Cape Cod Commission Report – January 2022
 - Cape Cod Commission 2021 Year in Review
 - Housing Summit 2 Flyer – February 3, 2022
 - Barnstable Zoning amendment hearing on NFIP – February 14, 2022

Approved on February 16, 2022:

On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (5-0) to approve the meeting minutes of February 2, 2022, with Brad Goodwin, Susan Brita, Joanne Crowley, Liz Hartsgrove and Will Rubenstein voting in favor.