

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**February 8, 2022**  
**NO QUORUM**

The Yarmouth Planning Board met at the Board of Selectmen meeting at 6:00 PM on Tuesday, **February 8, 2022** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Joanne Crowley, Chair (**NO QUORUM**)

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

**Staff Present for Planning Board Business:** Kathy Williams, Town Planner

1. **Yarmouth Vision Plan:** Joanne Crowley introduced the Vision Plan to the Board of Selectmen, thanking all those who participated. Kathy Williams presented the attached PowerPoint outlining the various components of the Vision Plan, the process undertaken and the next steps to move forward.

The Board of Selectmen (BOS) were generally very pleased with the Vision Plan, appreciative of the public participation, and the hard work of the Planning Board, with many commenting on the thoroughness of the document. With the solid foundation of the Vision Plan, the BOS were eager to move forward with the completion of the Local Comprehensive Plan.

2. **Draft Local Comprehensive Plan (LCP) Article:** The BOS also discussed a funding Article in the draft Warrant to hire consultants to assist in updating the LCP. Although the Planning Board had requested \$150,000, the warrant Article included \$100,000 in free cash. The BOS had a general discussion on the funding amount. Joanne Crowley noted that she understands that the amount needs to be balanced with other Town needs. Kathy Williams noted that there were a lot of variables in the cost of updating an LCP and highlighted the completed Vision Plan and the ongoing efforts to update the Housing Production Plan and the Open Space & Recreation Plan, which are important components of the LCP.
3. **Draft Zoning Articles:**
  - a. **Short Term Rentals:** Kathy Williams gave a brief overview of the attached draft zoning amendment to allow Short-Term Rentals, emphasizing the need to retain the residential character of the existing neighborhoods and also ensure the continuation of revenues from the STR tax being used to supplement funding for our wastewater initiative. Recent case law (Styller vs ZBA of Lynnfield) brought focus to how STRs are viewed in Zoning Bylaws. Although the Health Dept regulates all rental properties, the zoning bylaw does not specifically mention STRs. This article would allow them with some simple provisions and also includes a sunset clause to undertake a more detailed planning process.

The Board discussed the following:

- How STRs have been viewed traditionally and how impactful they are to the neighborhoods. Kathy Williams noted they might have been viewed as customary accessory uses, but they can't be detrimental to the neighborhood. The changes in the types of rentals have gone from the traditional weekly family rental, to shorter stays for events and parties which have impacted the neighborhoods with noise, trash and indiscriminate parking in the neighborhoods.
- How the provisions were developed including the definition. Kathy Williams noted

bylaws from other Towns were viewed as reference, although some towns include the provisions in a General Bylaw. The definition of STRs came from M.G.L. 64G with a minor addition to protect tenant rights to encourage leases rather than month to month STRs.

- How we are accepting registration fees for STRs. Kathy Williams indicated the Health Dept form denotes seasonal rentals not specifically STRs, and clearly states that this registration does not ensure that they are in compliance with zoning.
  - How the duration of three days is calculated. Kathy Williams noted it could be clarified to say two nights.
  - The type of events that would not be allowed, and may want to have language about not impacting the neighborhood versus eliminating certain types of events. Joanne Crowley noted the provision was meant for large family reunions rather than small family get together.
  - Relating events to the total number of occupants allowed or authorized. Kathy Williams noted that for two bedrooms the occupancy is only four people. These are typically the people staying overnight and there may be some people visiting in the day. Could consider ways of limiting the total number of people allowed on the property at any one time.
  - The sunset clause was generally viewed favorably by the Board.
- b. Seasonal Employee Housing: Kathy Williams and Joanne Crowley gave a brief overview of the attached draft zoning amendment related to Seasonal Employee Housing crafted in collaboration with the Yarmouth Community Partnership. The amendment would expand the existing opportunities to house seasonal employees within 15% of motel/hotels rooms from just the employees of the motel/hotel owner to also include employees from other Yarmouth businesses.

The Board was generally in favor of the amendment to help Yarmouth businesses and briefly discussed the duration from April through October, inquired as to the number of hotels who may participate, whether 15% of the rooms is sufficient, whether there are issues with mixing guests with seasonal employees, the requirements for an on-site proctor and cooking facilities, and the process for the annual permit issued by the Building Commissioner.

- c. Petitioned Zoning Article: Bob Whritenour, Town Administrator, discussed the petitioned zoning article to rezone 17 Berry Avenue from residential to commercial. As this is a petitioned article it goes to the Board of Selectmen who then refer it to the Planning Board for a Public Hearing. At their February 8<sup>th</sup> meeting, the Board of Selectmen voted (4-0) to forward the petitioned article to the Planning Board.
4. Adjournment: The Planning Board portion of the Board of Selectmen meeting adjourned at approximately 8:00 PM.

**ATTACHMENTS:**

- **February 8, 2022 Planning Board Agenda**
- **February 8, 2022 Board of Selectmen Agenda**
- **Vision Plan:**
  - Vision Plan PowerPoint Presentation, February 8, 2022
  - December 30, 2021 Memo to Board of Selectmen from Planning Board Chair
  - Yarmouth Vision Plan 2021
  - 2<sup>nd</sup> Visioning Survey Result PowerPoint Presentation, September 1, 2021

- **Draft ATM Articles and Explanations:**

- Zoning Article 1 – Short-Term Rentals
- Zoning Article 2 - Seasonal Employee Housing at Motels/Hotels, and Redline edits to Section 404.5, Draft #4, dated February 3, 2022
- Article Z – Local Comprehensive Plan

***Approved on February 16, 2022:***

**On a motion by Liz Hartsgrove, and seconded by Will Rubenstein, the Planning Board voted (2-0-3) to approve the meeting minutes of February 8, 2022, with Liz Hartsgrove and Joanne Crowley voting in favor, and Brad Goodwin, Susan Brita, and Will Rubenstein abstaining.**