

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**March 23, 2022**

'22MAY13AM9:41 REC

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **March 23, 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, Susan Brita, Joanne Crowley, and Will Rubenstein

**Planning Board Absent:** Liz Hartsgrove

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

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:32 by reading the attached statement. All Planning Board members were in-person. All votes were roll call votes.
2. **Deliberation on Zoning Articles for 2022 Annual Town Meeting (ATM), Vote on Recommendations, and Review Draft Memo to Board of Selectmen:** Joanne Crowley started the discussions with a brief overview of the 3 zoning articles, the meeting minutes for the 3/16 public hearing, and noted that all Planning Board members present were either in attendance at the public hearing or had certified to reviewing the videotape of the meeting.
  - a. **Article 27 - Short-Term Rentals (STR):** Kathy Williams gave a brief overview of the Article and public hearing comments and noted the attached e-mail from Bob Rubega suggesting changes to the timing for trash removal. After discussion, the Board decided to not make any changes to the Article and voted as follows:

**VOTE: On a motion by Joanne Crowley, and seconded by Susan Brita, the Planning Board voted (5-0) to Recommend Article 27 – Short Term Rentals, as presented at the Public Hearing and included in this meeting packet, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.**
  - b. **Article 28 - Seasonal Employee Housing at Motels/Hotels:** Kathy Williams gave a brief overview of the public hearing comments and the proposed amendment to the definition in the Article (see attached Draft #5) to address the public hearing comment about allowing for employees who work for a business located within Yarmouth, not just employees who work in Yarmouth. The example given was related to landscaping firms who may be based in Yarmouth, but work in surrounding Towns.

The Board discussed various topics including a sunset clause, discussion on number of available rooms, as well as the expansion of those who could participate. Kathy Williams noted that the sunset clause was added to the STR Article for a very specific reason - to make residents feel more comfortable voting for the expedited zoning amendment at Annual Town Meeting so we don't risk losing a very large revenue stream from the STR tax. Article 28 is a typical zoning amendment that would not have a sunset clause and could be amended at future town meetings.

Susan Brita disclosed that she was a member of the Yarmouth Community Partnership and would be abstaining from the vote. After discussion, the Board decided to amend the Article definition as attached and voted as follows:

'22MAY18AM9:41 REC

**VOTE: On a motion by Joanne Crowley, and seconded by Will Rubenstein, the Planning Board voted (4-0-1) to Recommend Article 28 – Seasonal Employee Housing at Motels/Hotels, as presented at the Public Hearing, now amended to strike the words “employed in Yarmouth” and insert in its place the words “employed by a business located within the borders of Yarmouth”, with Brad Goodwin, Chris Vincent, Joanne Crowley, and Will Rubenstein voting in favor, and Susan Brita abstaining.**

The Board members also noted the summit proposed for the fall to review additional data acquired over the summer.

- c. **Article 30 - CITIZEN PETITIONED Zoning Article:** Rezoning of 17 Berry Avenue, West Yarmouth. Joanne Crowley noted the attached information summarizing the Article and the Public Hearing comments. As a petitioned Article, she noted the Article would be on the Warrant. The Planning Board will only be voting to recommend or not recommend. Ms. Crowley noted that the CEDC motion to recommend this article did not pass. She also noted correspondence from Robert Ciavarra received after the close of the Public Hearing was not forwarded to the Planning Board members.

The Board briefly discussed the Article and the issue of spot zoning brought up at the Hearing. Kathy Williams noted that Town Counsel was consulted and he felt this was not a case of spot zoning as the parcel currently abuts a business district.

**VOTE: On a motion by Susan Brita, and seconded by Chris Vincent, the Planning Board voted (4-1) to Not Recommend Article 30 – Citizen Petition to Rezone 17 Berry Avenue, with Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor, and Brad Goodwin voting against.**

- d. **Draft Memo to BOS and Recommendations:** Joanne Crowley volunteered to present and explain at ATM Article 27 – Short Term Rentals and Brad Goodwin volunteered to present and explain Article 28 – Seasonal employee Housing at Motels/Hotels. There were no comments or amendments to the memo.

3. **Meeting Minutes:**

- a. **March 16, 2022:** On a motion by Brad Goodwin, and seconded by Chris Vincent, the Planning Board voted (4-0-1) to approve the meeting minutes of March 16, 2022, with Brad Goodwin, Susan Brita, Joanne Crowley, and Chris Vincent voting in favor, and Will Rubenstein abstaining.

4. **Board of Appeals Agenda & Decisions:** None.

5. **Committee Updates from Board Members:** None.

6. **Board Member Items:** Brad Goodwin noted that Chief Frederickson is retiring in October and we should have our summit prior to his departure.

7. **Correspondence:** None.

8. **Staff Updates:** Kathy Williams updated the Board on the following:

- The Attorney General approved the Zoning Amendments from Fall Town Meeting.
- Kelly Grant, Conservation Administrator has resigned and her last day in April 14<sup>th</sup>; and Karl von Hone, Director of Natural Resources, will be retiring on May 27<sup>th</sup>.
- The Board of Selectmen will be voting on 3/29/22 to appoint Jim Saben to the Planning Board.
- The Route 6a 14-lot Definitive Cluster Subdivision (across from Hockanom Road) should be submitted on 3/24 and will be coming before the Board.

e. The Open Space & Recreation Plan and the Hazard Mitigation Plan need to be updated this year, in addition to working on the Local Comprehensive Plan.

9. **Upcoming Meetings:**

- a. March 29, 2022 – Board of Selectmen – Zoning
- b. April 6, 2022
- c. April 20, 2022

YARMOUTH TOWN CLERK  
22MAY19AM9:41 REC

10. **Adjournment: VOTE:** On a motion by Chris Vincent, seconded by Will Rubenstein, the Planning Board voted unanimously (5-0) to adjourn at 6:05 PM.

**ATTACHMENTS:**

- **March 23, 2022 Agenda**
- **Hybrid Meeting Script**
- **Zoning Articles:** Draft Memo from Joanne Crowley to the Board of Selectmen (BOS) with Zoning Articles; and Draft Planning Board Recommendation Letter; Article 27 – Short Term Rentals, Draft #3 dated 2/17/22; Article 28 – Seasonal Employee Housing at Motels/Hotels, Draft #3 dated 3/21/22; Redline edits of Section 404.5, Draft #5 dated 3/18/22; Article 30 – Petitioned Article to rezone 17 Berry Avenue with Map; March 16, 2022 comment e-mail from Bob Rubega; and Certification from Will Rubenstein
- **Draft Minutes:** March 16, 2022
- **Miscellaneous Correspondence:** None

**Approved on May 4, 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.