

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
May 18, 2022

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **May 18, 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, Jim Saben, and Will Rubenstein

Planning Board Absent: Liz Hartsgrove

Staff Present: Kathy Williams, Town Planner

Applicant Representatives: Attorney Paul Tardif; John O'Reilly and Robert Reedy of J.M. O'Reilly & Associates; Randy Hart, VHB; and Christian Davenport, The Davenport Companies

Guests: See attached sign-in sheet and list of remote participants

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:34. All Planning Board members were in-person, except Brad Goodwin who was remote.
2. **PUBLIC HEARING: Definitive Subdivision No. 2936A and Special Permit #116:**
Owner: The Roman Catholic Bishop of Fall River, 450 Highland Ave, Fall River, MA 02720-3701. **Applicant:** The Davenport Companies, 20 Main Street, South Yarmouth, MA 02664. **Property Location: Unnumbered lot on the south side of Route 6A, between Kencomsett Circle and Outward Reach and across the street from Hockanom Road; Assessor's Map 125, Parcel 39; 15.3 acre lot; Zoning District R40 Residential.** The Applicant is seeking approval for a 14-lot single-family cluster Definitive Subdivision Plan entitled "Definitive Subdivision Plan of Land of the proposed Single-Family Cluster Development at Lot 2, Route 6A, Yarmouth Port, MA for The Davenport Companies" with requested waivers; and a Special Permit for the 14-lot single-family cluster subdivision under the provisions of Yarmouth Zoning Bylaw Section 402.
 - a. **Hearing Opening:** Joanne Crowley, Planning Board Chair, opened the public hearing at 5:37 PM.
 - b. **Public Hearing Notice:** The attached public hearing notice was published in the Cape Cod Times on May 2, 2022 and May 9, 2022 and was read into the record. Joanne Crowley then gave a brief overview of how the meeting will be run, noting the opportunities for public comment.
 - c. **Presentation:** Attorney Paul Tardif began the presentation for the Applicant of the 14-lot cluster subdivision with a brief summary of the project noting the process to date with Site Plan Review and Preliminary Plan, existing site features, the greater than 30% open space, size of the proposed 4 bedroom homes, general road layout with access off Route 6a and the need for a waiver from the requirement for a minimum of 400' between street intersections along Route 6A. He also briefly reviewed the Staff Comments confirming the max lot coverage of 25%, the need for a Conservation Commission Stormwater Permit, noting they would adhere to the Health Dept comments, indicated that Open Space & Protective Covenants were submitted today, and need for payment of \$289,000 for two affordable units.

Robert Reedy of J.M. O'Reilly reviewed the other staff comments noting the Fire Dept had no issues with the plans; no issues with the requested water requirements except an inquiry to the Water Dept on how to handle the 5' separation with drainage structures with required

distances from edge of road; open to flipping water and gas to address separation; no issues correcting waiver request numbers; C1 - noted unwitnessed test holes done but no perc tests although felt confident the soils are adequate and will conduct future perc tests; C2 – do have radii shown on subdivision plan but can show for centerline; C3 – switching drainage/utilities will address many of these issues, rims not shown on profile for clarity, but shown on detail plan, can confirm forward site distance, but can't get written approvals from utilities until have a recorded subdivision plan; C4 & C5 – will make those corrections/additions; C9 – have added a lot of additional street trees, buffer evergreens on lot 13 and shrubs and plantings around drainage structures adjacent to roads, but grading/clearing of the sloping site is needed to create safe driveways and a safe road with a reduced road grade of 8%. John O'Reilly noted that the Applicant agreed to incorporate evergreen shrubs to provide screening with abutters for the closer lots (8-12 and 1-3). Robert Reedy noted that during construction they plan to stake out the limits of work and identify any existing trees that could be retained. He noted that by clustering the subdivision, maximize remaining open space for the rest of the property. Mr. Reedy confirmed the need for a Stormwater Permit from the Conservation Commission which is more stringent than the subdivision rules. The stormwater system has been designed for the 100-year storm. John O'Reilly noted the sewer easement for future municipal wastewater for lots 1-5 which are lower lying, with the rest of the lots being services through a future sewer main within the roadways. Mr. O'Reilly also noted that the proposed leaching facilities for the lots have been adjusted so that 7 lots are directed to the Chase Garden Creek watershed which is currently not impaired, and 7 lots directed to the nitrogen impaired Mill Pond, part of the upper reaches of the Bass River.

Randy Hart from VHB reviewed the Traffic Assessment, which specifically addressed safety in the immediate area of the driveway (crashes), traffic generation, and sight distances along Route 6A. Crash data from MassDOT showed 2 accidents in 5-year period near Hockanom (with one being animal related), none at Kencomsett Circle and 2 at Outreach Bound. All accidents were property damage related, no personal injury. The average accident rate is very low, but did not have the data to calculate crash rate, although Mr. Hart stated that he expects it to be well below the MassDOT average for our District 5. The volume of traffic generated was calculated using the Institute of Transportation Engineers (ITE) trip generation manual traffic generation looking at AM and PM peaks, and Saturday mid-day. The AM peak projections show 12 trips total with 3 entering and 9 exiting. The PM peak projections show 16 trips, with 10 entering and 6 exiting. The Saturday mid-day peak would be 22 trips, with 12 entering, 10 exiting. Mr. Hart noted that this was relatively minor traffic, but was new traffic added to the area. Mr. Hart then discussed stopping and intersection sight distances. Stopping sight distance is the minimum distance required for people on Route 6A to see an object, react and stop. The intersection sight distance (ISD) is how far you can see looking left and right along Route 6A from the new roadway, which is the desired distance. With the proposed road location across from Hockanom Road, the project exceeds the stopping sight distance and meets the ISD looking left (westward), but does not meet the ISD looking right (eastward) because of the curve in the roadway. To improve on the ISD and stopping sight distance, the Applicant is proposing to regrade and clear an area along the Route 6A frontage for the property. This will improve the sight distances for Hockanom and Kencomsett and will get a lot closer to the ISD, but won't fully meet the desired ISD.

- d. **Staff Report:** Kathy Williams, Town Planner, gave a brief overview of her attached May 13, 2022 Staff Report which included all Staff Comments as well as an overview of the permitting process and permit criteria. She noted 5 out of 7 affirmative votes are needed to approve the Special Permit, and 4 out of 5 affirmative votes are needed to approve the Definitive Subdivision. She noted the five waivers, with the only substantial one being the waiver from the 400' roadway separation. She requested the Applicant provide written responses to the Staff Comments. She did bring to the attention of the Board the 6 conditions in the attached

Certificate of Approval for a Preliminary Plan. Per Condition 5, she suggested the Applicant layout a future sewer location in the roadway to see if they need to adjust the location of the currently proposed utilities to provide adequate separation. Per Condition 6, although the road slope of Miracle Way was reduced to 8%, no modifications were made at the entrance to reduce the grade. She noted that some of her comments for C-3 are in the Rules & Regulations and may require a waiver if there is a justifiable reason not to include them on the plans in certain locations for clarity. Or, can be included as a condition such as written approvals from the utilities. Additional landscaping will be helpful for coverage for the neighbors. The maintenance covenants were just submitted on 5/18 and will need to be reviewed. The Applicant should submit an Erosion Control Plan to the Planning Board with construction sequence, which will also be required for the Stormwater Permit. She noted a few comments on the Stormwater based on a brief review including the need to utilize the NOAA Atlas precipitation data and that some areas from the individual lots need to be included in the drainage areas for the main stormwater systems. Also, need to be sure the project does not increase stormwater runoff onto any of the abutting properties. With regard to traffic assessment, she noted there was a location where the 400' separation between streets could be accommodated and not need the waiver, but per the attached May 17, 2022 e-mail from VHB on supplemental Traffic information, this would be a less safe location. Ms. Williams noted the May 12, 2022 Memo from Amanda Lima, Town Engineer, who had some comments on drainage and super-elevating the road which the applicant should respond to in writing. With regard to perc tests, Ms. Williams expressed concerns that there were no perc tests on the site at all, either for drainage or septic. The subdivision Rules & Regulations require perc tests and test pits at the drainage infiltration structures. She also reviewed the attached May 10, 2022 Memo from Bruce Murphy, Health Director, which included comments on various requirements including meeting all state and MA regulations with no variances. The current regulations that this project is being governed by is Title 5.

e. **Planning Board Comments:**

- **Chris Vincent:** No questions at this time.
- **Susan Brita:** Ms. Brita expressed concerns about the intersection safety and requested an analysis be conducted with the intersection moved to the east to meet the 400' separation and evaluate the safety of that location. Randy Hart noted the location further east would have reduced sight distances, and indicated it is always an advantage to align side streets and avoid three offset sides streets in close proximity as this adds to the number of conflict points and can be confusing to motorist.

Ms. Brita also inquired about comments from MassDOT and that MassDOT should be made aware of the local requirement for the 400' separation. Mr. O'Reilly noted that the application was submitted to the 75% design level, and they are only awaiting approval from the Town. He indicated the comments from MassDOT were related to materials and not the alignment/location.

Ms. Brita requested that the neighborhood/abutters be allowed to participate in the site walkover to evaluate trees that can be retained on the site within the work limits.

Ms. Brita also inquired why the project is only meeting Title 5 versus "Title 6". Mr. O'Reilly noted there is no "Title 6", but there are Innovative/Alternative (I/A) septic systems which can remove more nitrogen, but this project is not required to do so. There was a discussion on the cost of I/A systems. Mr. O'Reilly noted the initial cost is \$15-20k per unit with \$2,000 annual Operation & Maintenance (O&M) costs. Ms. Brita felt it was an investment worth making. Mr. O'Reilly indicated they would revisit looking at I/A technology.

- **Will Rubenstein:** Mr. Rubenstein inquired about access to the site from a curb cut not on Route 6A. Mr. O'Reilly noted that they had looked at Eileen Street, but would require

substantial grading, improvements to Eileen Street itself and change the entire layout of the subdivision. Mr. Rubenstein noted that he understands that abutters are concerned about either location, but he is very concerned with traffic and safety.

- Jim Saben: Mr. Saben is new to the Board with this being his first meeting. He noted that placing the road across from Hockanom made some sense and that clearing the corner would improve Hockanom and Kencomsett sight lines.
- Joanne Crowley: Ms. Crowley confirmed with the applicant that the units would be year-round rental units by The Davenport Companies. Ms. Crowley expressed concerns about exiting from Kencomsett which is approximately 240' from the subdivision road, and she would like the applicant to evaluate moving the roadway to the east. She also had concerns with the landscaping plan being lacking and glad to hear that the applicant will be adding additional landscaping. Kathy Williams noted that sight distances at Eileen Street onto Outward Reach are difficult and recommended the applicant look at these when conducting further evaluations.
- Brad Goodwin: Mr. Goodwin noted that Eileen Street has a steep rise into the subdivision, so he did not feel that access there was applicable and understands why access was shown off Route 6A. He withheld his remaining comments until after public comments.

f. **Written Comments**: Kathy Williams summarized the attached written comments as follows:

- 5/6/22 e-mail from Doug & Kathryn Hefty, 644 Route 6A:
 - Objects to the location of the proposed curb cut on Route 6a and requests that the waiver regarding street spacing be denied.
 - Safer access could be provided through Outward Reach and Eileen Street.
 - Location across from Hockanom creates an unsafe condition especially with vehicles from each direction vying for entrance onto busy 45 MPH Route 6a.
 - If access off Route 6a is absolutely necessary, should be relocated east of Hockanom.
- 5/10/22 Letter from Margaret Falbo, 10 Kencomsett Circle:
 - Opposed to the curb cut on Route 6a and requests that the curb cut be denied.
 - Adding another road access in close proximity to Kencomsett and across from Hockanom will make it more difficult to exit and increase chances of motor vehicle accidents.
 - Removal of native vegetation and tremendous grading to improve sight distance will permanently disfigure and disturb a section of historic Route 6A.
 - The proposed shrubs at the entrance to Miracle Way may impede sight distances for those leaving Kencomsett.
 - Suggests a safer access off Eileen Road.
 - Concerned the proposed sewer easement behind Lots 1-4 will directly affect her property and requests that easement reduction from 20' to 15' be denied.
 - With the heavy grading and tree removal, fear stormwater runoff will be directed to the homes on Kencomsett Circle and may also impact their existing septic systems.
 - More should be done to provide landscaping/screening for lots abutting Kencomsett Circle and suggests planting new evergreens in addition to the 25' natural buffer, as some trees are in poor condition.
- Jocelyn Howard:
 - Inquired to be sure the access to the subdivision would not be off Eileen Street.
- Thomas Orton, 26 Kencomsett Circle:
 - Requests a 200' wide buffer along the Kencomsett Circle lots.
 - Location for entry from Route 6a is much too close and will create a very dangerous intersection.
 - Loss of habitat is very sad for Yarmouth.

- Janice Lyman, 9 Kencomsett Circle:
 - Requests a reconsideration of the amount of clear cutting of a forested lot.
 - Suggests leaving a buffer zone of trees on the periphery for the environment, to buffer noise, and aesthetics.
 - One tree per lot is a token gesture, not a replacement for what is being lost.
 - Planned access location will create a hazardous intersection and requests a reconsideration of the access onto Route 6A.
 - Currently difficult to turn onto Route 6A.
 - When turning right, need to accelerate quickly to join flow of traffic and would mean accelerating directly towards the exit for this development.
- Irene Paine, 24 Gooseneck Road:
 - Fourteen 4-bedroom houses could have 8 people/house which will generate a hefty volume of sewage.
 - Will be adding nitrogen to Mill Pond, the headwaters to the Bass River, which is already impaired. Additional nitrogen is sending the numbers in the wrong direction and adding to the problem.
 - Suggests placing the septic systems for the homes closer to Route 6A, where the flow is directed away from Mill Pond. This will also allow for easier hook-up to future town sewer lines.
 - Lives near Mill Pond and is concerned about nitrogen loading from septic systems and the resulting algae growth and low oxygen levels.
- Dick Neitz, Neitz Real Estate (Agent for the owner):
 - Petitioner opted for 14 homes to help meet the demand for housing rather than looking at a 40B housing development which would be much denser.
 - Petitioner is planning to make a \$289,000 payment to meet the affordable housing requirements.
 - The lots are not in the Aquifer Protection District.
 - Delays in approval of this project will have significant and detrimental impact to the buyer/seller and the needs of our community for housing.
 - All proceeds from the sale will stay locally and go directly to St. Pius X Church in South Yarmouth, which has done good work for our community for the past 60 years.

g. **Public Comments:**

- Rick Bishop, Executive Director Friends of Bass River (FBR): Although not speaking directly against the project, Mr. Bishop spoke strongly against how the applicant is addressing their wastewater. He noted that the FBR is investing significant funds to improve the water quality of the upper reaches of the Bass River where the MEP Report notes a need for a 73% reduction in nitrogen, whereas this project will add nitrogen. He referenced a Boston Globe article which he provided to the Board which noted alternative septic systems as a solution and strongly asked the Planning Board to consider I/A systems as part of this project.
- Richard Gegenworth, OKH Chair: Mr. Gegenworth noted that the Old Kings Highway (OKH) Committee will need to approve the design of the proposed homes which should compliment the area and include variation in the house styles. He also noted that the layouts of the proposed homes are not conducive to solar and recommended the orientation of the houses be looked at to promote solar.
- Brian Dudley, Sophie Anne Drive - off Hockanom Road: Mr. Dudley confirmed there is no "Title 6" system, which is a phrase coined for enhanced treatment systems. He expressed concerns about the impacts of a new intersection across from Hockanom, the difficulty taking a left hand turn now, the limited benefit of the enhanced sight distances, that low accident rates are a function of the extra care of residents, and the construction challenges to access off Eileen Street are not insurmountable. Mr. Dudley indicated he

was glad to see 7 lots go to Chase Garden Creek watershed where there is currently no documented impairment, but suggested providing a shared system closer to Route 6A for the 7 lots in the Bass River, which could get wastewater outside the impaired Bass River watershed. Even with enhanced treatment, the 7 lots in Bass River would still be contributing nitrogen which should be avoided.

- Patrick Sullivan, Hockanom Road: Mr. Sullivan noted that as a former member of the Yarmouth Fire Department, he had gone to several major accidents in this area. He expressed concerns about the proposed curb cut noting the angled approach of Hockanom, the fast speeds along Route 6A which is posted at 45 mph, the backups experienced along Route 6A, the impacts of having a new road directly across from Hockanom, Hockanom being the only outlet for about 50 homes, noted the previous petition submitted against the curb cut, difficulty in making the road safer, regardless of need to move earth the access off Eileen Street provides other options for traffic to move in different directions and not impact Route 6A, and asked the Board to make the right decision. Later in the public comment portion of the meeting, Mr. Sullivan asked the Board to conduct a site visit and felt access off Eileen would be safer. He noted the bus stop at the end of Hockanom. If the access can't come off Eileen, he recommended leaving the property as open space.
- Brendan Baker, Route 6A: Mr. Baker wanted to piggyback on Mr. Sullivan's comments and noted the difficulty in pulling out onto Route 6A and can't clear cut enough to make it safe due to the speeds.
- Anne Marquardt, Outward Reach: Ms. Marquardt commented on the safety issues with through traffic cutting through Outward Reach, the high speeds, and the grades along Outward Reach, making access off Eileen a safety issue. She confirmed with the Applicant that these will be year-round rentals.
- Jim Wolf, Gooseneck Road: Mr. Wolf commented on the septic systems and nitrogen loading, feels the town is working at cross purposes with upcoming municipal sewer system, noted this area will not be sewered for 40 years, directing nitrogen into Chase Brook watershed may repeat what got us in our current situation, even if just 7 homes, that's 28 bedrooms, 56 people, increasing nitrogen loading to the Bass River. Would like the applicant to figure out a way to go net zero nitrogen into the Bass River and not just dump into Chase Brook. He also suggested a firm stand on the Town regarding the Bass River as it contributes to the character and quality of our town. Mr. Wolf suggested a shared system, and if net zero, this will require some other houses in the surrounding neighborhood to be included in that system. Mr. Wolf also commented on the orientation of the housing to maximum solar and suggested relocating the houses. Understands we need housing.
- John Jablonski, Conservation Drive: Mr. Jablonski commented on the safety issues and noted that any project that is asking for this many waivers is a little self-serving. He noted that by the time you see a car looking east from Hockanom there is not enough time to pull out, and the steeper grade and skewed entrance from Hockanom makes it more difficult. He felt coming off Eileen Street should be researched more. Understands we need housing.
- Pamela Parker, Kencomsett Circle: Ms. Parker expressed concerns about the location of the new road and its proximity to Kencomsett, volume of traffic and speeds along Route 6A with the worst time being 5-7 pm, the increase in number cars going down Route 6A since the pandemic, a lot of variances are being proposed, and noted the natural habitat of which there is little along Route 6A. Understands we need housing.
- Rich Donovan, Route 6A: Mr. Donovan expressed his opposition to the proposed curb cut noting the difficulty of getting onto Route 6A, which is exacerbated in the summer.

- Mary-Ann Agresti, Point of Rocks: Ms. Agresti expressed concerns about accessing off Eileen, where children play, people drive fast, there is a dip in the road, and felt additional traffic from 14 houses would be frightening. She noted this property does not have a great safe solution for access. Living on the Bass River and working on its health, she expressed surprise that the Town is not requiring I/A systems, noting the efforts of many volunteers to improve the river.
 - Rita Chaves, 2 Kencomsett Circle: Ms. Chaves agrees with her neighbors that the additional traffic onto Route 6A is irresponsible and dangerous, this is a scenic highway that people travel for pleasure, vehicles go extremely fast, there are school buses, larger vehicles, and high volumes of traffic. She also inquired about the number of variances, specifically related to the distance from her property line to the proposed house on Lot 1 which should be 50'. Kathy Williams noted that the plan shown does meet the required 50' setback, which will ultimately be reviewed for compliance when a building permit application is made.
 - Lisa Bartran, Barnacle Road: Ms. Bartran noted that there is quite a downhill slope on Eileen Street and people go very fast. Her neighborhood is a cut through with traffic and big trucks. Although not unsympathetic to people on Route 6A, access off Eileen has line of sight issues and is dangerous as is now. She wondered why Route 6A is 45 mph in this area and should petition the state to have it lowered.
 - William Tarnowski, Outward Reach: Mr. Tarnowski seconded what Ms. Bartran said about their neighborhood. He noted that it may appear to be a quiet pedestrian neighborhood, but as a cut through there are times cars just whiz by making it difficult getting out of their driveways. Their neighborhood is used as a way to avoid the Union/Route 6A intersection. He acknowledged concerns about the Route 6A access, but noted there are concerns for the Eileen access also. He also noted that Outward Reach has enjoyed beautiful woods for 50 years and loss of this will be a big change already, and it doesn't seem fair to add the additional traffic.
 - Phil Henderson, Eileen Street: Mr. Henderson noted that he lives at the end of Eileen and the intersection of Eileen Street/Outward Bound is very bad with high speeds and it is hard to get through the intersection. There is a giant hill at the end of Eileen which would also be difficult. Route 6A definitely needs to have the speed limit changed regardless of whether this project moves forward as it seems very high.
 - Kala Jablowski, Conservation Drive – off Hockanom: Ms. Jablowski voiced concerns about the curb cut and safety, noting it can take several minutes to turn left. She works in real estate and agrees that there is an uptick in people moving here and will see more year-round homeowners. Many in their neighborhood have young children and wait for the bus at the end of Hockanom as the school bus will not come down their road. If have children that need to cross the Route 6A from this development, this is a tragedy waiting to happen. She has no problem with bringing more homes in, but disagrees with the location of the curb cut.
- h. **Supplemental Planning Board/Staff Comments:**
- Susan Brita: Ms. Brita expressed appreciation for the thoughtful comments and participation from the public. She noted this is not an easy issue and input from the public helps the Board. She noted the two big issues were safety and the environment. She is looking for more expert guidance on the safety issue.
 - Chris Vincent: Mr. Vincent noted the safety issue is complicated with no perfect solution. Regarding the septic and Bass River watershed, he indicated existing homeowners are discharging nitrogen into the watershed now and will continue to do so for the next 40 years until sewers come to this area. He inquired as to whether those present would be

willing to spend their own money for an I/A system for their properties, noting it is easy to spend someone else's money.

- **Brad Goodwin**: Mr. Goodwin thanked everyone for participating and understands the fear of uncertainty neighbors may be feeling. He inquired about the width of the longer driveways per a previous Fire Dept comment. Mr. Reedy noted that the driveways are 10' wide with 2' shoulders on each side approved by the Fire Dept. Mr. Goodwin expressed concerns about the runoff due to the grades and the ability to contain the water on the site. Mr. Goodwin noted that there is always the possibility of a Chapter 40B project with higher density and hopes to have a win-win solution with the developer. He indicated there is open capacity at Kings Way wastewater treatment facility.
- **Kathy Williams**: Ms. Williams noted the public referencing the waivers being requested and suggested the Applicant go through them. Mr. Reedy noted the 400' street intersection waiver which has been discussed, with the other four waivers being recommended by Town Staff but were contradictory with the Rules & Regulations. Attorney Tardif noted the specific waivers being the reduction of easements from 20' to 15', change to HDPE drainage pipe rather than RCP or corrugated aluminum, change to drainage structures diameters/depths, and utility locations to meet separation distances request by the water department.

i. **Public Follow-Up Comments**:

- **Mary-Ann Agresti, Point of Rocks**: Ms. Agresti requested more information on the HDPE drainage pipe as some polymers can be harmful. Mr. O'Reilly noted he can provide the specification sheet, but it is drainage pipe that is in common use.
- **Patrick Sullivan, Hockanom Road**: Mr. Sullivan noted a comment from Brad Goodwin during the December 2, 2020 preliminary subdivision meeting where he talked about Walden Way. Mr. Sullivan noted this project is very different as Walden Way has clear line of sight in both directions. He noted none of the cars on Outward Reach are going 45 mph.

- j. **Planning Board Discussions**: The Planning Board had a general discussion on whether they are inclined to deny the application or whether the Board is seeking additional supplemental information. Joanne Crowley expressed interest in them looking at I/A septic systems and for the Applicant to listen to the public comments and come back to see if they can accommodate some of the requests. Brad Goodwin felt we needed more information/analysis and was looking for some win-wins and does not want to see a Chapter 40B on this site. Jim Saben wanted to give the applicant an opportunity to address some of the concerns expressed and noted the housing crisis in addition to the water quality crisis. Will Rubenstein expressed concerns as to whether the project met the Special Permit granting criteria and felt we need multi-family houses and not more single-family houses. Susan Brita was not interested in having the applicant move forward based on the septic issues and should not be a decision based just on money. She felt the environmental issue was easier to address than the safety issue. Chris Vincent felt there were still some questions to be answered. After a general discussion, the consensus of the Board was to move forward with the request for additional information including responding in writing to Staff, Planning Board and Public comments, conducting a traffic analysis with the intersection moved to the east to meet the 400' separation and evaluate the safety of that location, further evaluation of issues coming off Eileen Street, and further evaluation of I/A systems or shared septic systems.

Kathy Williams inquired as to whether the Board was interested in a peer review of the traffic study. Funds have already been submitted but would need an extension if the applicant were willing to provide it, otherwise the Board would need to decide based on the information

available. Kathy Williams noted that the Cape Cod Commission may also be able to review the traffic assessment.

The Board had a general discussion on continued hearing dates and that new information would need to be provided by 6/1 for a 6/15 hearing. The decision on a peer review will be made at the 6/15 meeting, although it could take 4-6 weeks to get a peer review and would require an extension. Attorney Tardif asked if Liz Hartsgrove would participate in the continued hearing by watching the videotape of this meeting and Ms. Crowley indicated this would be likely.

- k. **Hearing Continued:** The public hearing was continued to allow the applicant to provide the requested additional information.

VOTE: On a motion by Susan Brita, and seconded by Chris Vincent, the Planning Board voted (6-0) to continue the Public Hearing for Definitive Subdivision No. 2936A and Special Permit #116 to the regularly scheduled Planning Board meeting on June 15, 2022 at 5:30 PM, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, Will Rubenstein and Jim Saben voting in favor.

3. **Committee Assignments:** The Board briefly discussed having Jim Saben serve as the Planning Board representative to the Land Disposition Committee which was being temporarily filled by Susan Brita. Mr. Saben currently serves on that Committee as an at-large member. If appointed as the Planning Board representative, this would leave a vacant at-large position.

VOTE: On a motion by Joanne Crowley, and seconded by Susan Brita, the Planning Board voted (6-0) to have Jim Saben serve as the Planning Board representative to the Land Disposition Committee, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, Will Rubenstein and Jim Saben voting in favor.

4. **Meeting Minutes:**

- a. **May 4, 2022:** On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (5-0-1) to approve the meeting minutes of May 4, 2022, with Brad Goodwin, Chris Vincent, Joanne Crowley, Susan Brita and Will Rubenstein voting in favor, and Jim Saben abstaining.

5. **Board of Appeals Agenda & Decisions:** The attached ZBA Agenda and Decision were sent to the Planning Board via e-mail. Joanne Crowley noted the solar canopies proposed over the hospital parking lots.

6. **Committee Updates from Board Members:**

- a. **Drive-In Site Utilization Committee (DISUC):** Susan Brita noted that the DISUC will be presenting the Riverwalk Park, Boardwalk and Event Space update to the Board of Selectmen at their May 24th meeting.

7. **Board Member Items:** Will Rubenstein inquired about the state outdoor dining regulations sunseting and whether the Board needed to think about this. Kathy Williams noted that these regulations were related to temporary authorizations allowed by Staff for outdoor dining locations and alcohol sales during the pandemic. Applicants can go through the regular process to make these changes permanent, and no zoning changes are needed. Susan Brita inquired as to whether there had been any interest in food trucks. Kathy Williams indicated she was unaware of any inquiries to the health or building departments. Jim Saben noted the need for housing and ADUs and the impact of sewerage on development and on existing residential neighborhoods.

8. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.

9. **Staff Updates:** Kathy Williams noted the upcoming ROAD Application public hearing which will held on June 15th.

10. **Upcoming Meetings:**

- a. June 1, 2022
- b. June 15, 2022
- c. July 6, 2022

YARMOUTH TOWN CLERK

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11. **Adjournment: VOTE:** On a motion by Chris Vincent, seconded by Jim Saben, the Planning Board voted unanimously (6-0) to adjourn at 8:30 PM.

ATTACHMENTS:

- **May 18, 2022 Agenda**
- **Sign-In Sheet and List of Remote Participants**
- **Public Hearing Def Subdivision No. 2936A and Special Permit #116:** Hearing Notice; May 13, 2022 Staff Report; Table 1 – Summary of Town Staff Comments and Memos; SPR Comments; Certificate of Approval of Preliminary Plan; 7 Written Comments; Aerial; Application Forms and Materials; and May 17, 2022 e-mail from VHB on supplemental Traffic information
- **Committee Assignment Summary**
- **Draft Minutes:** May 4, 2022
- **Miscellaneous Correspondence:**
 - ZBA Agenda for 5/26/22 and ZBA Decision 4949
 - Con Com Agenda for 5/19/22 with May 10, 2022 Memo from Town Planner on Open Space & Recreation Plan Update
 - May 12, 2022 Memo from Town Planner to the Cape Cod Commission on the Cape Cod Hospital Cancer & Cardiology Expansion Development of Regional Impact (DRI)

Approved on June 15, 2022:

On a motion by Susan Brita, and seconded by Jim Saben, the Planning Board voted (6-0) to approve the meeting minutes of May 15, 2022, with Brad Goodwin, Liz Hartsgrove, Joanne Crowley, Susan Brita, Jim Saben, and Will Rubenstein voting in favor.