

# TOWN OF YARMOUTH

## Community Preservation Plan May 2022



Community Preservation Committee



# Table of Contents

## OVERVIEW

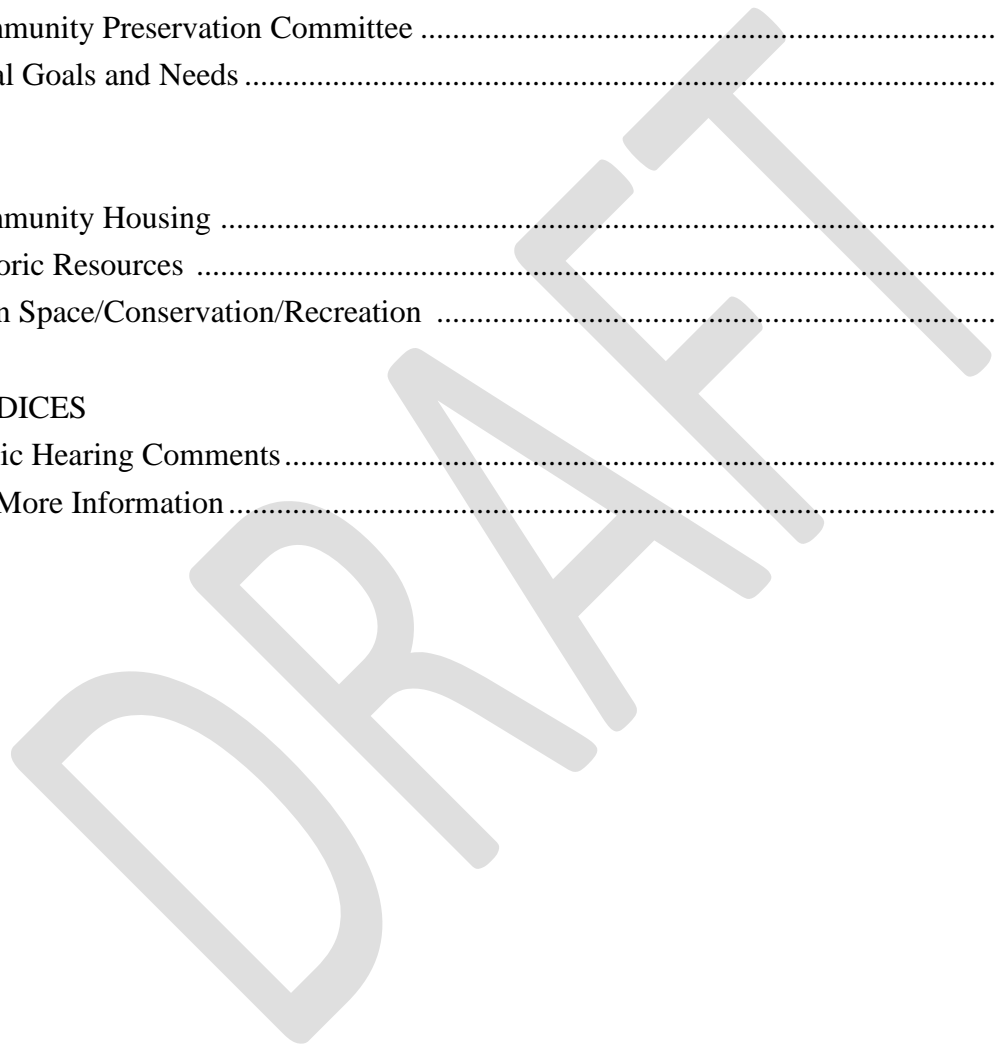
Purpose of this Plan .....	3
Community Preservation Act .....	3
Community Preservation Committee .....	4
Local Goals and Needs .....	4

## GOALS

Community Housing .....	5
Historic Resources .....	7
Open Space/Conservation/Recreation .....	8

## APPENDICES

Public Hearing Comments .....	10
For More Information .....	14



## Purpose of this Plan

The Community Preservation Plan was developed through a collaborative effort of the Community Preservation Committee (CPC) and the Town of Yarmouth. The plan presents a description of the Community Preservation Act (CPA), a definition of CPA goals, and local procedures for the administration of CPA funds. The plan presents general information for the citizens of the Town, guidelines and instructions for applicants seeking project funding, and guidance for the CPC to review applications and make recommendations to Town Meeting. This document may be amended from time to time.

## Community Preservation Act

CPA legislation was designed to help Massachusetts towns and cities plan ahead for sustainable growth and provide funds to achieve their community preservation goals. The CPA (MGL. ch. 44B) was enacted by state legislators allowing any Town in the Commonwealth to adopt a property tax surcharge of up to 3%, the revenues from which and any matching state funds could be directed to community housing, historic preservation, open space, and recreation. The CPA was subsequently amended in August 2004 to allow Cape Cod communities to adopt the CPA in place of the Cape Cod Land Bank.



In January 2005, Yarmouth voters adopted the CPA and simultaneously withdrew from the Cape Cod Land Bank program (CCLB). The CPA generates revenue from an existing local property tax and matching State funds for the following purposes:

- The acquisition, creation, preservation, and support of **community housing**.
- The acquisition, preservation, rehabilitation, and restoration of **historic resources**.
- The acquisition, creation, and preservation of **open space**.
- The acquisition, creation, preservation, rehabilitation, and restoration of land for **recreational use**.
- The rehabilitation or restoration of community housing and open space land that is acquired or created with CPA funds.

At the November 2020 Annual Town Meeting, voters approved a 0.78% reduction to the local CPA surcharge to offset a corresponding new surcharge creating a Water Infrastructure Investment Fund (WIIF). These changes were approved by voters on the May 2021 ballot.

The CPA mandates that each fiscal year, Yarmouth must spend or set aside for future spending, at least 10% of the net annual revenues into reserves for community housing, historic resources, and open space. Beyond these required allocations, Town Meeting decides how much of the remaining 70% of the funds to spend in the four target areas of community housing, historic resources, open space or recreation, based on CPC recommendations. In addition, up to 5% of annual Community Preservation revenues may be appropriated for operating expenses of the Community Preservation Committee.

The Town currently generates approximately \$1.5 million annually in CPA tax receipts which is supplemented by approximately \$300,000 in matching funds from the State. The CPA has afforded us with the opportunity to fund more than 100 projects to date. These funds are essential for improving Yarmouth's character and the quality of life for our residents and visitors.

## Community Preservation Committee

### Mission

In April 2005, the Board of Selectmen (BOS) appointed a Community Preservation Committee (CPC) to study the needs, possibilities, and resources of the Town regarding community preservation annually. The CPC consults with municipal boards and other Town committees to update such studies. The CPC reviews applications for funding and makes its recommendations to the BOS and Town Meetings on projects to be funded by resources in the Community Preservation fund.

### Appointment

The CPC consists of nine voting members. Seven members come from representative committees including the Community Housing Committee, Conservation Commission, Historical Commission, Open Space Committee, Planning Board, Recreation Commission, and the Yarmouth Housing Authority. Two seats are citizen-at-large positions appointed by the Board of Selectmen.

Upon initial appointment, three members were appointed for three years, three members were appointed for two years, and three members were appointed for one year. Three-year terms are specified at reappointment. Should any of the members resign, the contributing committee(s) shall appoint a suitable person to serve in his or her place, and the Board of Selectmen shall select a suitable person for the citizen-at-large positions. All appointments must be approved by the Board of Selectmen.

### Operations

The CPC shall not meet or conduct business without the presence of a quorum. A majority of the members shall constitute a quorum. The CPC may make decisions based on its established policies. The CPC shall hold one or more public hearings each year on the needs, possibilities and resources regarding community preservation and a notice shall be posted publicly and published for two weeks preceding the public hearing in a local newspaper of general circulation. General administration and staff support for the CPC is provided through the Department of Community Development.

## Local Goals and Needs

To better understand community needs and to determine priorities for project funding, the CPC will gather information and ideas from people and committees that are knowledgeable about each of the community preservation areas. For instance, the CPC may consult with members of the Planning Board, the Historic Commission, the Conservation Commission, the Recreation Commission, Affordable Housing Committee, Open Space Committee, the Yarmouth Housing Authority, or with other interested groups and individuals as necessary to ensure support from those entities.

Based on the information gathered from these sources, as well as from the Town of Yarmouth Comprehensive Plan, the CPC developed a list of goals and priorities for the specific target areas, which are listed below. Some of these projects are ready for immediate action while others will be acted on in the future.



*Water pump on Old Main St.*

## Community Housing

### Goals

- Assist the Town in reaching the 10% goal for affordable housing as set forth in MGL. ch. 40B.
- Meet the regulations and guidelines of the Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) to qualify in the 40B Subsidized Housing Inventory.
- Promote affordable housing opportunities consistent with the Town's Housing Production Plan and Affordable Housing Standards.
- Promote the re-use and redevelopment of existing properties.
- Promote local preference for Yarmouth residents and employees.
- Preserve affordability of units in perpetuity.

### Background

Each town/city in Massachusetts is currently mandated through MGL ch. 40B to maintain an affordable housing stock equal to or greater than 10% of its year-round housing units (as determined by the most recent decennial census). For Yarmouth, this number currently translates to 1,204 units.

As of December 2020, the Town of Yarmouth, has 602 units of affordable housing that contribute to the Town's affordable housing stock as determined by the Massachusetts Department of Housing and Community Development (DHCD). Accordingly, if we compare the existing affordable housing stock to that required by the State, Yarmouth is "short" by approximately 602 units.



*Brush Hill Road Project*

Yarmouth has a variety of affordable housing needs including both rental and ownership housing. The types of households that need affordable housing include the elderly, seasonal workers, single employed people, disabled persons, and working families.

### Priority Projects

- Projects which redevelop existing residential, municipal, and commercial buildings into affordable housing, prioritizing underused, older and/or blighted properties.
- Projects which develop vacant land into affordable rental and ownership housing, making clear efforts to employ low-impact development techniques and to conserve the maximum amount of tree cover and open space.
- Projects involving private/public partnerships to create affordable housing.
- Projects which include a higher percentage of affordable housing than required.
- Projects which support affordable homeownership and/or affordable rental unit creation.
- Projects which implement home purchase price buy-down program for owner-occupied properties.
- Projects which provide funds for home preservation for elderly, disabled, and low/medium income residents.
- Projects which incorporate other target areas, use CPA funding to leverage additional resources, or redevelop existing commercial or residential property.
- Projects which provide for a diversity of housing types (such as multi-family) and housing services (such as rental assistance).

## Potential Use of Funds

Projects to be considered include, but are not limited to the following:

- Redevelopment of existing residential, municipal, and commercial (including lodging facilities) buildings into affordable housing. Funding may be provided for expenses associated with: rehabilitation, acquisition, and/or soft costs associated with the redevelopment project (i.e. engineering or architectural plans). Funding may be provided to non-profits, for-profit developers, and private home owners. An example of a project that might be funded includes, but is not limited to, the acquisition of a duplex property by a non-profit developer who seeks to repair the property and rent it to a low- or moderate-income household.
- Acquisition and construction of new Affordable Housing. Funding may be provided for: (bridge) financing for construction and/or land acquisition, soft costs (engineering, legal, architectural plans, etc.), and/or costs associated with development of housing on Town-owned property (RFP development, surveys). Funding may be provided to Town agencies, local/regional non-profits, for-profit developers, and private home owners. Examples of projects that might be funded include, but are not limited to, funding for land acquisition where a developer proposes to build rental or ownership housing.
- First-time homebuyer programs. Funding may be provided to buy down the price of housing to an affordable level or to pay other down payment and/or closing costs. Funding may be provided to Town agencies or local/regional non-profits. Examples of projects that might be funded include, but are not limited to, funding provided to a non-profit that will provide buy-down assistance to eligible home buyers to bridge an affordability gap.
- Preservation of existing Affordable Housing, including foreclosure prevention and emergency repairs.

## Historic Resources

### Goals

- Preserve, restore, rehabilitate, or reconstruct properties held in ownership by the Town of Yarmouth or a non-profit organization which is listed or eligible for listing on the National Register of Historic Places.
- Research, document, and preserve historical records and/or restore historic Town documents and artifacts.
- Acquire threatened resources of historical and archaeological significance.
- Create historic marker program and identify sites of historical and archaeological importance.
- Adaptively re-use historic buildings.

### Background

Yarmouth's long, varied and distinguished history has produced an incredibly rich and varied mix of historic and archaeological resources. These include buildings, bridges, mills, churches, cemeteries, farms, scenic roads, and historic districts. All of these resources work together to tell the story of how Yarmouth developed over time and how it achieved its unique sense of place.

There has been strong public support for preserving Town character, and Yarmouth's Local Comprehensive Plan includes preservation goals within its Historic Preservation Chapter. Yarmouth also recognizes that historic preservation and tourism contribute to the economy of the Town, as well as the quality of life for those who live here. Pursuant to Yarmouth's adoption of the CPA in 2005, the Community Preservation Committee (CPC) and its representative from the Historical Commission must evaluate and make recommendations on proposals for spending 10% of the funds allocated for historic preservation.

### Priority Projects

Buildings and other historic resources owned by the Town of Yarmouth or non-profit organizations are good candidates for CPA Historic Preservation grants. Potential projects include, but are not limited to:

- Taylor Bray Farm
- Baxter Grist Mill
- Judah Baker Windmill
- South Yarmouth Library
- Acquire land to expand Town historic properties
- Preserve historic Town-owned properties
- Preserve historic buildings owned by non-profit organizations



*Historic Artifacts Discovered  
at Taylor Bray Farm*

### Potential Use of Funds

Projects to be considered include, but are not limited to the following:

- Proposals that preserve or rehabilitate historic resources (defined as buildings or structures listed or eligible for listing on the State Register of Historic Places, or determined by the Yarmouth Historical Commission to be significant to the history, archaeology, architecture, or culture of Yarmouth).
- Proposals made within the context of a long-term plan for that resource.

## Open Space, Conservation, Recreation

### Goals

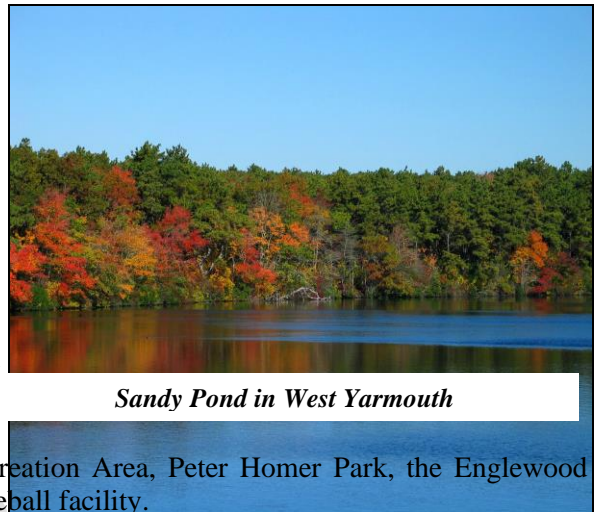
- Protect and enhance Yarmouth's fragile environmental resources, including water quality, scenic beauty and unique habitats.
- Preserve and manage sufficient areas to maintain a healthy natural environment, provide habitat for wildlife, encourage outdoor recreation and retain community character.
- Meet all residents' and visitors' recreational needs by providing balanced year-round leisure facilities to promote healthy lifestyles while protecting sensitive natural resources.

### Background

The Town of Yarmouth currently holds 4,271 acres, of which more than 1,800 acres are devoted to conservation. Much of the conservation acreage is wetland, and another major portion consists of large areas of woodland held for public water supply wells and wellfield protection.

In November 1998, Yarmouth voters approved the Cape Cod Open Space Land Acquisition Program, also known as the Land Bank. In 2005, Yarmouth voters adopted the CPA, and the Open Space Committee replaced the Land Bank Committee. Under the Land Bank and CPA program, the Town has protected more than 151 acres of land.

The Recreation Department was established in 1979 and oversees 212 acres of parks, 13 Town beaches, and more than 40 annual programs serving both youth and adults. The division has a full-time staff of two and a seasonal staff of 100+. During this time, the Town acquired and developed the Flax Pond Recreation Area, Sandy Pond Recreation Area, Peter Homer Park, the Englewood Sailing Center, and recently added a brand-new 10-court pickleball facility.



*Sandy Pond in West Yarmouth*

### Priority Projects

- Acquire land suitable for visible open spaces or scenic vistas.
- Provide linkage to existing Town-owned conservation land and protect water supply wellfields, aquifers and recharge areas, agricultural land, grasslands, fields, forests, and fresh and salt water marshes, wetlands, and ponds.
- Protect land within or adjacent to wetland areas pursuant to the MA Wetlands Protection Act.
- Preserve fresh water, marine fisheries, endangered species, and critical wildlife habitats.
- Protect beaches and dunes; control erosion, flooding, and pollution.
- Improve access to the beaches and public recreational facilities.
- Upgrade pocket-park playground equipment and public/school tennis and pickleball courts.
- Create a 20-year Master Plan for all recreation areas and parks in the community.
- Inventory all public land parcels purchased for municipal or active recreation use.
- Create sustainable outdoor recreation.



### **Potential Uses of Funds**

The use of Community Preservation funds will enhance the availability of open space, protect natural resources, and create recreational opportunities for Yarmouth constituents and summer visitors. It is our intent to protect the conservation areas, wildlife habitats, beaches, ponds, and waterways. Specific areas of concentration are creating scenic vistas near Bass River, Parkers River, and Mill Creek. There are town-wide opportunities to increase current land holdings by acquiring parcels that link to existing conservation or recreation land.

We intend to increase our ability to meet the recreational needs of the growing community by establishing long-range planning, rehabilitating decaying infrastructure at the parks and beaches, developing dormant parcels previously purchased for active recreation use, as well as restoring and expanding present facilities. Potential projects of interest are expanding bicycle trails within town and connecting the bicycle trail to adjacent towns; enhancing the Cape Cod Pathways, a county-wide network of linked walking trails from one end of Cape Cod to another; and expanding recreational options at Town recreational sites.



*Peter Homer Park on Old Town House Road*

As the community grows in size and diversity, we will look to expand our present level of programming to address the needs of the community. These plans will include programs for pre-school age children through early teens and active young retirees. The programs will focus on cultural/non-physical programs that will help bring people together for common recreational needs.

## **Appendix 1**

### **CPA Public Hearing Comments**

#### **CPA Public Hearing Comments 6/12/06**

1. Allow funds to be used for helping the elderly and handicapped stay in their homes by providing funds for renovations along with handicapped ramps.
2. Allow funds to buy-down existing homes that are being foreclosed on for affordable or senior housing, or housing for the handicapped.
3. Assist residents to meet homeownership costs. Underwrite a revolving loan fund for tenants who cannot afford first month, last month, and security deposits.
4. Prioritize types of affordable housing projects (single family, multi-family, and/or condominiums).
5. Specify preference for rental or home ownership.
6. Support affordable housing in conjunction with the motel bylaw.
7. Restore documents currently in storage and in need of cleaning and restoration.
8. Pursue Railway Bluffs for a possible Park.
9. Restore ball fields, soccer fields currently in need of upgrades or repairs and install irrigations systems.
10. In the description for recreational uses, add language about rehabilitation of facilities because it could be interpreted that recreational use is only land acquisition.

#### **CPA Public Hearing Comments 10/30/07**

1. I read the article in this weeks Register, Yarmouth Seeks Input on Preservation Plan. I offer the suggestion that some of the CPA money go to the Golf Course. One major project the golf course is in need of is the Cart Paths at Bayberry and at Bass River. Golf is recreation, and is open to all residents of the Town, and is regulated by the State Department of Revenue under recreation. This project would enhance the golf courses to all who either play a round or those who I see are just out walking around the course on the present golf paths, and there are many who do this. This would be taxpayers money well spent.
2. I would like to see funds allocated for historic preservation of buildings, especially to the maintenance of the exterior of the John Simpkins School. This school has been in my neighborhood for many more years then most of us here today. It has sentimental value to many in Yarmouth, and especially me, as all of my brothers and sister attended the school. I have lived in this neighborhood for over 45 years and would not like to see exterior changes to it. I feel that it is very important to maintain its character and historic appearance, especially while there is discussion taking place for the future use of the building. I also would like funds to be appropriated to purchase homes in neighborhoods and resell them at an affordable rate. I feel that it is important for first time homeowners, and their families, to be part of neighborhoods through out our town and not concentrated in one area, or development. Thank you for the opportunity to make my suggestions known to your committee.

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3. I respectfully request that the Community and Preservation Act Committee give priority to the spending of funds in the purchase of those lands on Route 28 previously identified by the Planning Board and the Planning Division for open space. The creation of open space on Route 28 is key in the town's long-term goals to create vistas, to reduce traffic congestion and to promote smart development by concentrating commercial development in key areas.

### **CPA Public Hearing Comments 9/21/09**

1. Greetings: The dogs need their own park. The question is where: not the beaches of Yarmouth. At 4:30 this afternoon there were six dogs and their walkers at the Bass River-Smugglers Beach. One was a Labrador, a New Foundland whatever and four smaller dogs. Also, I resent having to share the Board Walk at Bass Hole with dogs. I won't get in to the cleanliness issue! The dog licenses should be increased by \$5 to help pay for a Dog Park. Maybe cats should be licensed too. As a former dog owner I sympathize with the owners as they like to have space to run. Dog parks are the answer, but where? Ideas: 1) Near the Senior Center. 2) Near the Buck Island Fire Station. 3) Willow Street at Dennis Pond, widen the walking path; enlarge the parking area. 4) Part of the Flax Pond recreation area. Thanks for your attention and consideration! *Received 9/14/09.*
2. I work closely with the Nam Vets Association of the Cape and the Islands and I would like some funds appropriated for Veteran rental housing. *Received 9/21/09*
3. The Community Housing Committee would like the CPC to prioritize funding for rental housing. *Received 9/21/09*

### **CPA Public Hearing Comments 9/28/11**

1. There is 18.68 acres of land that is going to be developed by the Yarmouth Housing Authority and it goes against the goals set by CPA. They are proposing a housing development on 18-acres of pristine forest and the Captain's Village is one of the densest areas in town. The letter received on 9/15/11 states, "... it is hereby requested that the parcel of land presently owned by the Yarmouth Housing Authority in South Yarmouth described as parcel 2 containing 18.68 acres as shown on plan entitled "Plan of Land in South Yarmouth" duly recorded with Barnstable County Registry of Deeds in Plan Book 413 Page 56 be procured for open space..."
  2. There is a Veteran's group who built the memorial at the Packet Landing Park, 1377 Bridge Street, South Yarmouth. They [the community] only needs bathrooms at the site.
  3. Acquire a ten acre parcel of land on White Rock Road owned by NSTAR for conservation land. The CPC received an application last year for the acquisition of the parcel. The article was postponed at the April 2011 Town Meeting because NSTAR didn't want to meet with the Town. The Town will continue to pursue the acquisition. *(Letter also received 9/15/11).*
  4. CPA funds have allowed us to complete projects that would never rise to the top of the priority pile. The CPC has done a tremendous job taking care of all parts of the community, and the video's shown at the hearing illustrate tremendous work on the South side of town.
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**CPA Public Hearing Comments 9/12/12**

1. Proposals for rental housing will need support.
2. Make more housing available for the people who work in this community and for the youth who grow up in this community and move out because they cannot find affordable housing.
3. Put some money into preserving and upgrading the conservation trails.
4. Opportunities to improve parks, beaches, and recreation centers.

**CPA Public Hearing Comments 5/29/13**

1. More CPA funds allocated to open space to effectively enhance the area.
2. Increase Housing Buy-Down Program. Keep Open Space left as Open Space rather than the development of more houses. Rehabilitate the existing housing stock. It makes more sense to buy hotels and existing houses rather than allow building of more housing.
3. Purchase the NSTAR property on White Rock Road, accomplished with a land swap, so that it reduces the purchase price.

**CPA Public Hearing Comments /2014**

1. Add sidewalks along Higgins Crowell Rd and pathways to residential areas near schools.
2. Add an outdoor concert shell at Mattacheese Middle School.
3. Extend the Rail Trail bike path from Dennis to Barnstable.
4. Add a boardwalk from Seagull Beach to the Drive In.
5. Create private/public partnerships for affordable housing. Convert Brentwood Motel into housing. Add affordable housing on Buck Island Road.
6. Seek to purchase Yankee Village Motel for open space.

**CPA Public Hearing Comments /2015**

1. Seek to purchase 10+ acres east of Horse Pond.
2. Seek to purchase 18 acres along Forest Road for the Housing Authority.
3. Seek improvements to establishments at Rt 28 and Old Main Street and at the plaza across from Pancake Man.

**CPA Public Hearing Comments /2016**

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1. Restore/repair Baxter Grist Mill.
2. Need a Master Plan for Gray's Beach that includes parking and sidewalks.
3. Undevelop Rt 28.
4. Add a Splash Pad to the Recreation Master Plan.
5. Affordable Housing counseling.
6. Acquire NSTAR property on White Rock Road.

#### **CPA Public Hearing Comments /2018**

1. Construct bike trails from the Rail Trail to the former Drive In site and to Sandy Pond Rec. Area.
2. 2020 - quadrangle sports field, basketball courts, volley ball courts, more walking paths, and more picnic rental areas at Flax Pond.
3. 2021 – Phase 1 of Sandy Pond upgrade.
4. Construct the Riverwalk and Boardwalk at the former Drive In site.
5. Habitat for Humanity home development.
6. Multi-family affordable housing.
7. Higher density affordable housing.
8. Support housing for adults with autism and dementia.
9. Keep CPA past 2020.

#### **CPA Public Hearing Comments /2019**

1. Indoor Pickleball Courts.
2. Maintain the CPA surcharge at 3%.

#### **CPA Public Hearing Comments/2020**

Due to Covid-19 restrictions, the 2020 Public Hearing was delayed until 5/12/21 and held via Zoom. There was no public comment during the hearing.

*Note: public comments are summarized from annual public CPA hearings.*

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## Appendix 2

### Contact Information

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[Community Development | Town of Yarmouth, MA - Official Website](#)

### Cover Photographs (left to right)

1. Taylor Bray Farmhouse Preserved
2. Youth Playing Tennis
3. View of Swan Pond from Open Space Area
4. Affordable Home in Yarmouth