YARMOUTH COMPREHENSIVE PLAN

CHAPTER 8

LAND USE AND GROWTH MANAGEMENT

-LONG SUMMARY DOCUMENT

VOLUME I of II

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YARMOUTH COMPREHENSIVE PLAN

LAND USE/GROWTH MANAGEMENT CHAPTER
EXECUTIVE SUMMARY

I. INTRODUCTION

Land use plays a critical role in determining the Town's community character, economic productivity, environmental health, and overall quality of life. The purpose of the Land Use/Growth Management chapter is to guide the Town's future land use decisions and provide a balance between future development interests and environmental, natural resource, and community character needs. Yarmouth's increasing population and development pressures can, if not controlled, adversely impact these conditions. This chapter provides a detailed inventory and analysis of the Town's current land uses and projected future development patterns. It recommends future planning policies and actions that promote sustainable development, with particular emphasis on redevelopment and revitalization. The plan also includes various growth management techniques whose implementation will provide for planned growth and help meet the goals of this chapter. Since there is only minimal vacant developable land remaining in Yarmouth, the reuse/redevelopment of already developed areas is a major component of the Town's future land use plans. As Yarmouth accommodates future growth and redevelopment, the Town must ensure not only its ability to provide necessary public services, but also the preservation of community character, quality of life, and environmental protection.

II. COORDINATION WITH YARMOUTH'S COMPREHENSIVE PLAN

The Land Use/Growth Management chapter serves as Chapter 8 of Yarmouth's Comprehensive Plan, now in progress. The Comprehensive Plan serves as the Town's response to the Cape Cod Regional Policy Plan and will guide planning and growth decisions for the Town. This chapter is clearly the most important element of the Comprehensive Plan, as the subject of land use encompasses nearly every other chapter. Chapters that are particularly related to Land Use/Growth Management include "Open Space/Recreation", "Wetlands," "Economic Development," "Water Resources," "Coastal Resources," "Affordable Housing," and "Transportation."

III. CONTENTS OF THE EXECUTIVE SUMMARY

This document, the "executive summary" of the Land Use/Growth Management chapter, contains a synopsis of the chapter's issues, analyses, goals, policies, and action sections, as prepared for presentation at Town Meeting. The more complete document, the "long summary", presents these items in greater detail. It contains the chapter's technical, background, data, and implementation items.

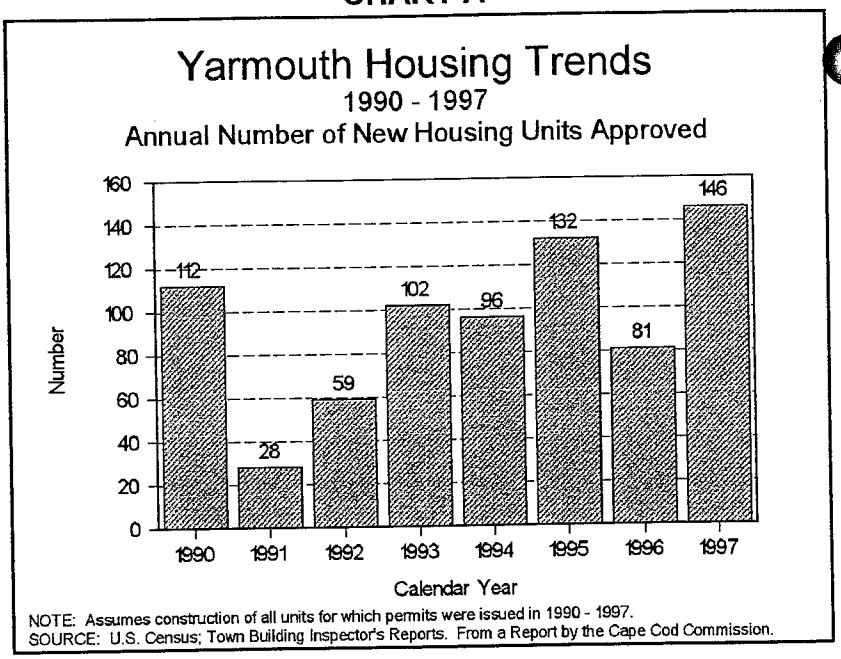
IV. PROPOSED GOALS OF THE LAND USE AND GROWTH MANAGEMENT CHAPTER

A. To improve Yarmouth's economic health and quality of life.
B. To encourage sustainable growth and development consistent with the carrying capacity of Yarmouth's natural environment.
C. To encourage the preservation and creation of activity centers and historic village centers that provide a pleasant environment for living, working, and shopping for residents and visitors.
D. To encourage employment, businesses and industries that are consistent with the town's resources and character.

V. NUMBER OF NEW HOUSING UNITS AUTHORIZED BY BUILDING PERMIT IN THE 1990S

Although Yarmouth appears to be substantially built-up several items have come into play here to extend its growth. Outside of the recession years of 1991-92 (and Hurricane Bob), the number of new housing units authorized moved erratically upward from 1990 thru 1997, from 112 to 146. Development of some of the smaller parcels, 1-5 acres in size, is partly to account for this. Secondly, the economy has increased development pressure. Thirdly, and most important ,zoning revisions to the non-conforming lot provisions by Town Meeting made a number of previously approved lots, "buildable." The result has been a steady development of in-fill that is expected to continue for some time. As a result Yarmouth is becoming more densely built-up.

CHART A



VI. POPULATION GROWTH PROJECTIONS - 1995-2015

At the present time two types of population forecasts have been prepared for Yarmouth, a "ratio-step down" forecast, and an " inferred migration rate" forecast. They are radically different in their approach since they assume two different premises about local changes in population. They represent a high and a low population forecast, giving us a range of size within which to work. Our forecast time frame has been for 20 years throughout the Comprehensive Plan study, that is from 1995 to 2015.

(Note: The Land Bank's impact on population growth, if any, is not yet clear.)

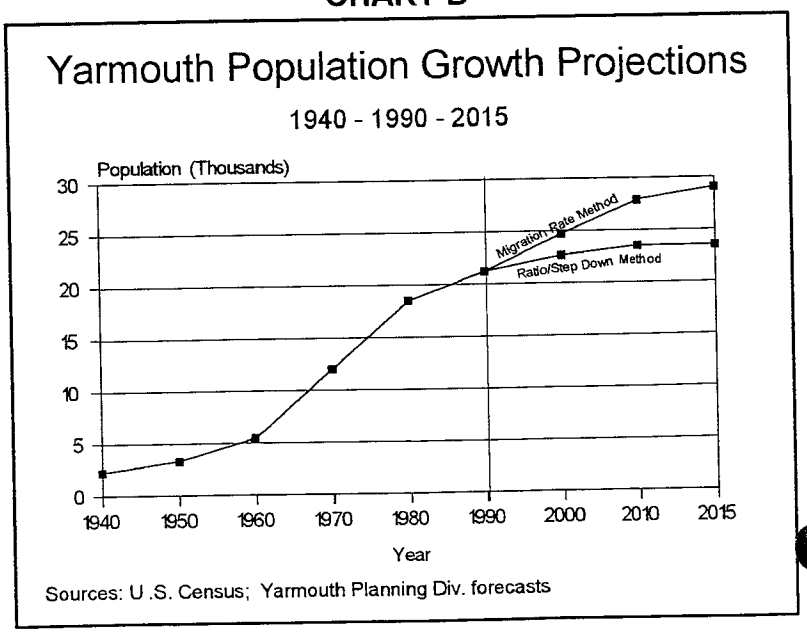
A. Ratio-Step Down Technique. This method uses Census Bureau figures and forecasts. The data indicates that over the last 50 years, Massachusetts has been an ever decreasing percentage of the national population. Its percentage contribution was factored even further downwards for the period 1990 until 2015.

On the other hand, Barnstable County has been increasing as a percentage of the state's population for the period since World War II. The percentage contribution was factored for a slow increase for the same time frame into the future.

And just to compound the analysis, Yarmouth's percentage contribution of the County increased since World War II, and has now started decreasing since 1980. That percentage contribution was projected to slowly decrease as a result.

Not surprisingly, this technique yielded a forecast that Yarmouth would increase very slowly until 2010, and level off at about 23,500 persons.

CHART B



B. Inferred Migration Rate Method. This technique is more sensitive to local conditions and changes, but not so much to regional or national impacts.

The registered births and deaths were projected using their current rates per 1000 population. An annual "natural" population decrease was then calculated, since deaths exceeded most years. A yearly inferred in - migration rate could then be calculated since our population was climbing rapidly, and this rate was also projected. To get the projected population year by year, 1990 - 2015, fairly extensive calculations were done.

The resulting population forecast for 2015 was for 29,000 people, even taking into account the ever lessening amount of land we have. It appears from this we need to plan for a maximum increase of 7,800 people between 1990 and 2015! Over the first eight years of the 1990s decade, local population estimates and census counts indicate we are growing at a rate close to the middle point between our high and low population forecasts (See Chart B).

VII. EXISTING LAND USE AREAS IN YARMOUTH

Yarmouth is an interesting mixture of intensively built-up road corridors, sprawling suburban areas, and fairly extensive open spaces under public ownership. A look at the Table 1 shows it to be a middle sized town of some 16,000 acres with 900 acres of water bodies included.

We have tried to estimate the amount of land in roadways based on their known length and average width. The 300-400 foot wide swath of Route 6 uses up approximately 283 acres. The other streets in town use another 1,325.8 acres.

Yarmouth has had an active land acquisition program and this is reflected by the 4382 acres, 28.4 % of net area, in town ownership. The deeds on some of the parcels mention multiple uses. These uses have been allocated to the most applicable categories so that the sub-categories of public land are approximations.

The totals of various uses in various zones needs to be more carefully examined with a build-out analysis. Good buildable land appears to still be in the 1300 acre range.

VIII. EXISTING/FUTURE LAND USE DEVELOPMENT

The totals given in Table 2 are from the technical reports of our transportation consultant. They provide measurements of our current floor space in use for a variety of categories. These have been used in our Transportation Plan Chapter, done as part of the Barnstable Yarmouth Transportation Study (BYTS).

That study forecasts substantial growth of the retail and industrial/wholesale square footage. But in the three years since the study was completed, Yarmouth's new zoning has shifted to more of an emphasis on office space, including medical offices, and less on industrial uses. Future transportation plans will need to take that into account.

TABLE 1

LAND USE AREAS IN TOWN OWNERSHIP

Total Town Area	16,399.2 Acres
- Area Waterbodies	- 896.0
= Net Land Area	15,433.2 Acres
Estimated Total Area of Road Layouts(Pub.&Priv.)	1,608.8 Acres
Conservation	1,800 Acres
Watershed	955 Acres
Municipal (general)	755 Acres
Recreation Uses	525 Acres
Schools	210 Acres
Cemeteries	60 Acres
Other Categories (Sr. Center, Affordable Housing, etc.)	77 Acres
Total Area in Town Ownership	4,382.0 [redacted] Acres
Total Business, Industrial/Wholesale, Residential, Institutional, and other uses	8,107.4 [redacted] Acres
Remaining good, undeveloped Buildable Land	1335.0 Acres

Source: Overall State & County measurements, local measurements for specific uses.

TABLE 2

TOWN OF YARMOUTH
EXISTING LAND USE DEVELOPMENT
1995

Use Category	
1. No. of Single Family Households	13,358
2. No. of Multi-family Households	2,603
3. No. of Hotel/Motel Rooms	3,500
4. Square Footage - Retail	1,248,000
5. Square Footage - Office	572,000
6. Square Footage - Medical	85,000
7. Square Footage - Industrial	919,000
8. Square Footage - Transportation	134,000
9. Square Footage - Institutional	846,000
10. Square Footage - Other Uses	29,000

Source: Estimates from U.S. Census and McDonough Scully & Co., Consultants

In addition, the actual land area needs of individual categories will need to be examined by any future build-out analysis.

The overall pattern of Yarmouth, however, seems fixed as a combined commercial recreation and retirement oriented community and long range plans are moving in that direction.

IX. ISSUE: ACTIVITY CENTERS

Activity centers are areas that have been identified by the Town as suitable locations for growth and redevelopment. Establishing activity centers in designated locations of town is an important future land use/growth management objective. Channeling development into activity centers will create conveniently located, easily accessible "center" areas, and reduce further development into outlying locations. Growth is to be directed to vacant space in existing centers and to reuse or redevelopment/revitalization of many existing buildings, before encouraging construction of additional commercial space. Public and private sector investments and incentives should be coordinated to help channel development into the designated activity center locations. Redevelopment areas should also be encouraged in activity center locations.

The most appropriate types of activity centers for Yarmouth are **the village centers** (small scale activity centers characterized by mixed residential/commercial use, pedestrian orientation), **retail and office activity centers**, (similar to village centers but with an emphasis on commercial retail and office uses), and **minor regional activity centers** (characterized by mixed residential/commercial use, medium-sized stores, good road access).

The Land Use/Growth Management chapter proposes several potential sites for activity centers. Route 6A in Yarmouthport and the South Yarmouth/Four Corners area for example, are potential **historic village centers**. Retail and office activity centers should be created along designated sections of Route 28. Exit 8 off the Mid Cape Highway is a potential sub-regional activity center. (See map).

Recommended Policies/Actions: Define activity centers for designated locations by their own special features (commercial, historic, shopping, etc.), with specialized zoning for each; preserve and/or encourage scenic and natural separations; emphasize pedestrian use; deepen their boundaries where appropriate.

1. Provide adequate infrastructure through both public and private means in certified activity centers to support appropriate levels of density as determined by the Town in its Comprehensive Plan,
2. Encourage the development of activity centers and historic village centers: through zoning revision, design review, state and local assistance, and public relations programs,
3. Encourage "development agreements" to shape and control activity center development and to encourage imaginative design.
4. Create incentives to encourage reuse of buildings (tax incentives, regulatory flexibility). Identify and designate areas where density bonuses may be appropriate.

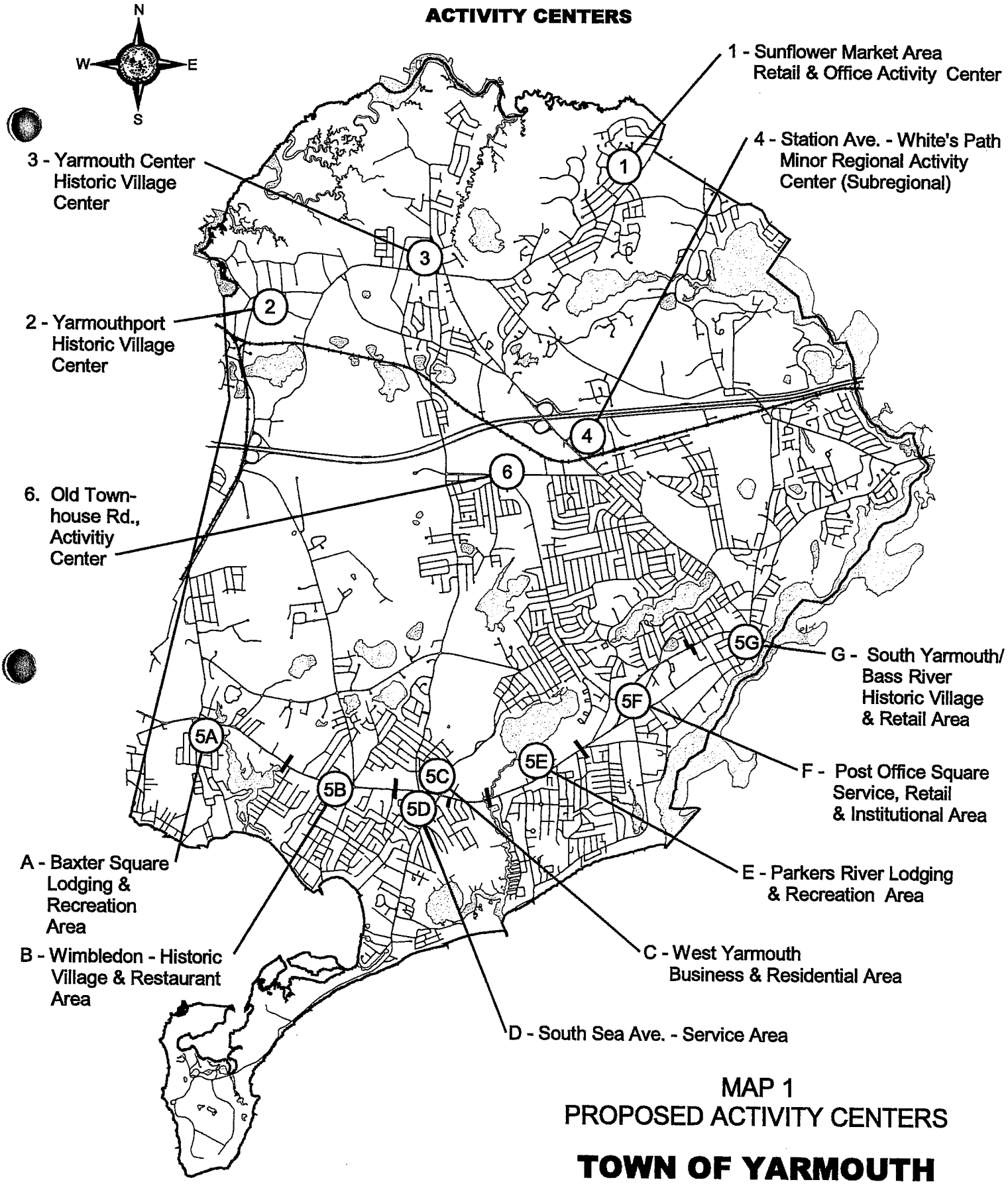
X. LAND USE

A. Redevelopment/Revitalization. As shown in Table 1, 1335 undeveloped, buildable acres remain in Yarmouth. Development now extends throughout all sections of town, with relatively few vacant parcels available for new development. Much of Yarmouth's future land use will involve re-use and re-vitalization of developed parcels. Their redevelopment will have a significant impact on the Town's future character, generating new economic opportunities and improving the general appearance of lots and structures that have fallen into disrepair. Public and private sector redevelopment incentives should be encouraged.

Recommended Policies/Actions:

1. Amend zoning regulations to encourage redevelopment.
2. Revise zoning laws to encourage mixed commercial/residential use in appropriate areas.
3. Create incentives to reuse buildings and for redevelopment projects, such as a "fast track" permit system, tax incentives, regulatory flexibility, specialized zoning, and other encouragements as found desirable.

ACTIVITY CENTERS



MAP 1
PROPOSED ACTIVITY CENTERS

TOWN OF YARMOUTH

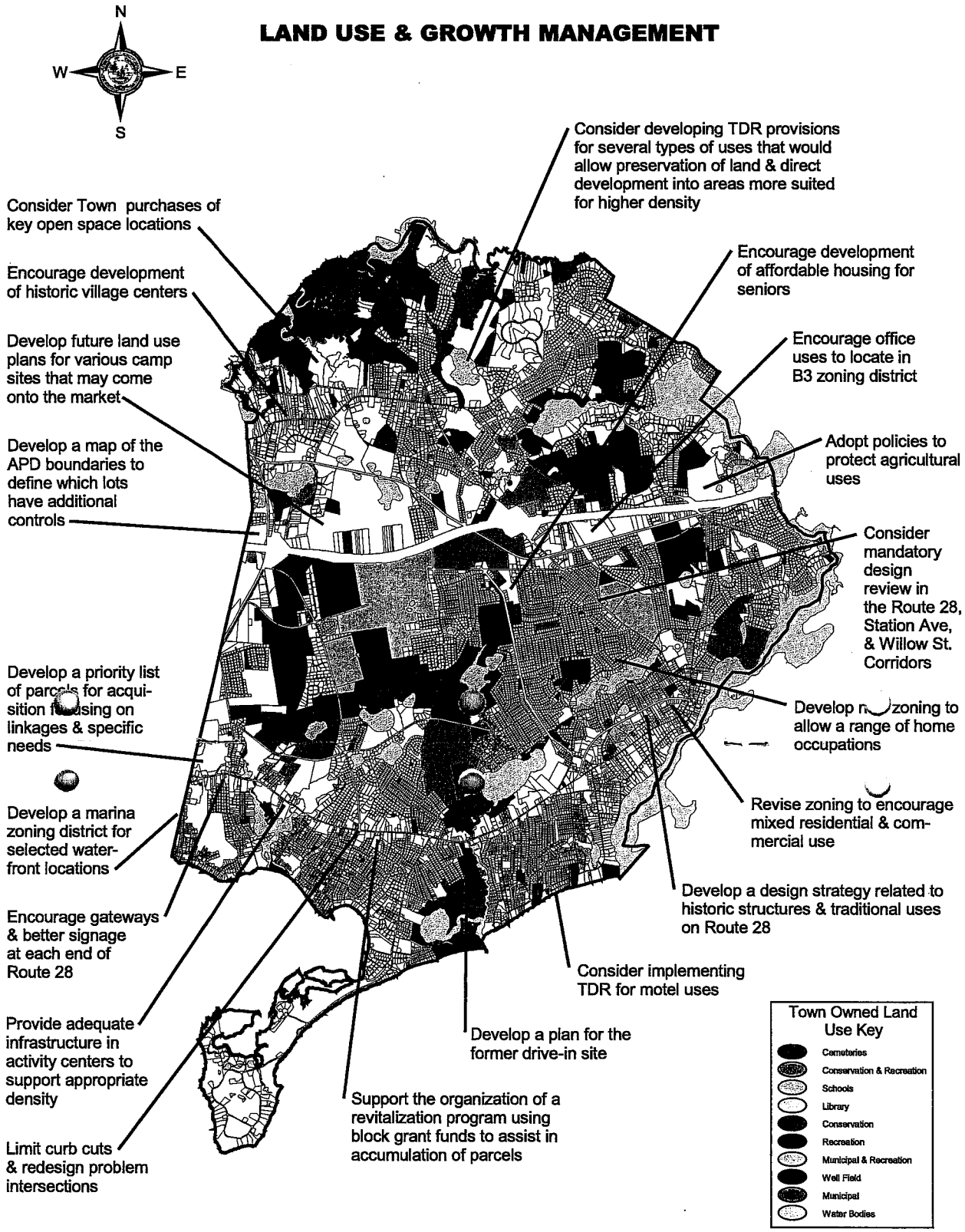
COMPREHENSIVE PLAN

- Land Use/Growth Management Chapter -

November 19, 1998

5 - Route 28 Corridor Segments
Acting as a whole - with 7 segments of different types, it is a
Major Regional Activity Center
for hotel/motel and recreation services, governmental, institutional, and retail uses

LAND USE & GROWTH MANAGEMENT



MAP 2
ACTION ITEMS WITH AREAL APPLICATION

TOWN OF YARMOUTH

COMPREHENSIVE PLAN

- Land Use/Growth Management Chapter -

NOTES:
1. Total number of policy & action items in text = 69.
2. Number of those proposals shown above = 20
3. For description of each action item, see the Executive Summary Report text.

November 19, 1998

4. Support the organization of an active revitalization program, using block grant funds, as well as Town and State aid, to assist in the accumulation of parcels into useful groupings and to aid in design and location decisions (particularly for businesses).
5. Following adoption of the Comprehensive Plan, encourage "development agreements" to shape and control redevelopment and to encourage innovative design, as opportunity arises,
6. Develop an overall plan for sidewalk construction, and especially require sidewalks for all new subdivision when possible to provide walking linkages.
7. Update, re-codify, clarify, and reorganize subdivision rules and regulations when appropriate.

XI. ISSUE: FUTURE LAND USE NEEDS

A. Public Land Acquisition. Public land acquisition (through purchase or donation) is an effective growth management technique that enables the Town to protect land areas of special value to the community or provide needed municipal facilities (schools, libraries, etc.) 4382 acres of land in Yarmouth are publicly owned (primarily Town owned, plus a few state, housing authority, and federally owned parcels). Most of that land is watershed (955 acres) or conservation land (1800 acres, though much is unbuildable wetland). It is important to note that while 28.4% of Yarmouth's land area is held in public ownership, these publicly owned parcels are distributed in a uneven pattern throughout Town and lack contiguous links to each other (See Map 2). As the Town approaches full build-out, public ownership, not only of large parcels of open space but also of the scattered small vacant lots, is an effective method of preserving undeveloped green space and maintaining community character.

In addition to providing natural resource protection, scenic preservation, access, and/or recreational benefits, town purchase of open space can reduce future growth and eliminate additional infrastructure and public services costs necessitated by that. While the initial purchase cost of open space may be high, the long term savings in infrastructure and public service costs usually off-sets the initial fiscal impact of purchase. The use of Land Bank funds may also help off-set the initial first impact of purchases.

Recommended Policies/Actions:

1. Develop a priority list of desirable parcels for Town acquisition, focusing on parcels that could provide open space linkage or could fulfill a specific community need, natural resource protection, access, land for traffic mitigation, recreation, municipal facility, scenic preservation.
2. Develop future land use plans for various camp sites in Yarmouth that may come into the open market.
3. Assess existing open space uses and develop a future plan for open space.
4. Continuing to make Town-owned land available for agricultural use.
5. Develop plans for Bray Farm, Packets Landing, cemeteries, and similar town assets, including for Land Bank parcel purchases, to guide future investments in such Town-owned lands.

B. Senior Housing. Demographic studies have indicated that Yarmouth's senior population (over 65) which was 30.74%of the Town's population in 1990 (or 6500 persons), will steadily increase to 45% of the total population by 2015. This will mean providing services for up to 13,000 seniors by that time.

Recommended Policy/Action:

1. Encourage the development of both public and private affordable housing for seniors, with an emphasis on congregate facilities and units for particular use by the frail elderly.
2. Continue leasing or donating parcels of Town owned land for senior and/or affordable housing.

XII. ISSUE ITEM: SENSITIVE RESOURCES/INCOMPATIBLE USES

"Sensitive resource areas" (well protection areas, 100 foot buffers to ponds, streams, and lakes, Federal Emergency Management Agency (FEMA) V zones, zones of contribution to public supply wells, coastal resource areas and areas dependent on private wells can accommodate some development, but it should be directed away from them through conservation restrictions, town purchases, buffer zones, transfer of development rights, cluster development, and other growth management techniques. These areas should be zoned for very low and low density uses.

Commercial and residential development and population growth should not harm Yarmouth's natural environment. Sensitive resource areas should be identified and evaluated to protect them from development impacts and incompatible land uses. Once they have been identified, development can be modified or directed to more appropriate locations. Extremely sensitive areas (such as barrier beaches, wetlands, vernal pools, water bodies, FEMA velocity zones, public water supply wellhead buffer zones, and rare and endangered species habitat) can be negatively impacted by development and should be preserved through Town acquisition and conservation restrictions, and other mechanisms for protection. These extremely sensitive resource areas are often protected by local, state and federal laws, as is the case in Yarmouth.

A. **Incompatible Uses/Density.** Despite local land use regulations, areas of incompatible uses and densities do exist: Yarmouth's (former industrial district) B-3 is totally located within the Aquifer Protection District. A number of densely developed residential areas have been built in FEMA A & V zones; the development along the Lewis Bay shoreline area, the southwest area of the Bass River, and parts of the south shore will experience substantial flood damage in 100 year storm events. Heavy boat traffic, lawn, road, and septic run-off in densely developed areas have contaminated some shellfish beds and caused their closure. Over- development has caused elevated nitrogen levels in some wells.

Recommended Policies/Actions:

1. Develop a statement about the Aquifer Protection District (APD) indicating types of acceptable uses for the area that would not negatively impact the aquifer.
2. Develop a map of the APD boundaries on a lot by lot basis to clearly define and delineate lots with additional APD controls.
3. Consider if a limit on future development will be necessary based on available water resources, waste disposal, and infrastructure capacity.
4. Encourage small cluster subdivisions as a means of preserving future open space and protecting sensitive resources while accommodating development.
5. Encourage office uses to locate in the B-3 industrial district.
6. Adopt policies to preserve agricultural uses, especially cranberry growing, through buffers, conservation restrictions, and other growth management techniques.

XIII. ISSUE: ZONING ITEMS

As noted earlier in this summary, the Town should amend its zoning regulations to encourage redevelopment and revitalization and the creation of activity centers, with mixed residential/commercial uses in appropriate locations (see the Redevelopment/Revitalization and Activity Centers section). The following zoning issues and proposals are also recommended for future consideration:

1. Re-codify and redraft the Zoning Bylaw, where appropriate, for improved organization and clarity.
2. Develop a zoning atlas at 200 scale showing district boundaries on a parcel by parcel basis. Request Town Meeting endorsement and distribute to public on request.
3. Develop new zoning provisions to allow a range of home occupations (especially communications and computer related) in residential areas, with strict controls limiting the impact on the neighborhood.
4. Develop a "Municipal Use District" to allow various types of municipal uses (watershed, recreation, conservation, etc.).
5. Develop a "Professional and Medical Office District" for application in areas where there are already numerous offices as allowed by Board of Appeals special permit action.
6. Develop a "Marina Zoning District" for use in selected waterfront locations to allow expansion of water-related uses.
7. Develop a new zoning district tailored for business uses in the Route 6A corridor. Such a zone could ultimately replace the existing business zones.
8. Review measurements of the amounts of land in each zoning district, used and unused, buildable and not buildable, and compare projected demand for areas of various uses in each district; make recommendations for zoning map and text adjustments to meet these demands, when possible.
10. Reduce minimum required lot size for overall cluster development from 9 to 4½ acres.

A. Strip Development. Commercial strip development in Yarmouth occurs primarily along the Route 28 corridor and sections of Station Ave. and Willow St. Numerous curb cuts and multiple access points cause traffic congestion and impair driver/pedestrian safety. The continuous roadside development and highly visible off street parking areas detract from the Town's natural beauty. Establishing activity centers (see map), redesigning problem intersections, and implementing design review will improve the access into and the appearance of strip development areas.

B. Route 28 Corridor. The Land Use/Growth Management chapter outlines several proposals and recommendations for Route 28 re-development (as recommended by the Route 28 Task Force's proposals.) The objectives include:

1. To improve economic health of the area.
2. To improve traffic safety in the corridor.
3. To upgrade transportation access and traffic flow.
4. To develop a design strategy related to the historic structures, natural resources, and commercial uses on Route 28 in Yarmouth.
5. To upgrade substandard properties and make the area more attractive.
6. To enhance services for tourists and year round residents.
7. To achieve scenic enhancement through use of natural breaks and structure separation.

Recommended Policies/Actions:

1. Consider a binding design review process in the Route 28 corridor and the Station Avenue, White's Path and Willow St. corridors through amendments to the zoning bylaw.
2. Limit curb cuts and redesign problem intersections.
3. In the activity centers along the corridor amend the zoning to allow 0-lot lines, lesser frontages, shared parking, and similar provisions to improve accessibility within the center.
4. Encourage "gateways" and improved signage along corridors through specialized zoning, revised site plan control, and spot purchase of available sites.
5. Consider Town purchases of key open space locations (for access, scenic vistas, or recreational uses).

D. Revitalization. Re-development proposals for the Route 28 corridor encourage the establishment of mixed use, "pedestrian-friendly" **activity centers** along the route that provide a variety of services in conveniently located, compact areas. The Cape Cod Commission has recommended conceptualizing various districts along the corridor by function (such as a tourist/motel district in West Yarmouth, for example). Other possible "theme" districts include the following: a government/municipal center in the Town Hall area, an historical center in the West Yarmouth library area, a business/retail center by Long Pond Rd., a recreational/open space center in the Parkers River area, a lodging/visitor center in the Mill Pond area, and a gateway district in the Packet's Landing - Four Corners Area in South Yarmouth.

E. Hotels/Motels. As a means of controlling the rapid growth of hotels/motels in Yarmouth, zoning regulations were amended in 1986 to prohibit hotel/motel uses in all zoning districts. Pre-existing hotels/motels are considered non-conforming uses and must be granted special permits for renovation work. Many motel owners feel that these regulations make it difficult and costly to upgrade (modernize) their properties, while many residents view the regulations as necessary to prevent over-development of hotel/motels and to protect community character and environmental health. In addition to the numerous motels that line the Route 28 corridor, nearly all of the Town's waterfront motels are located in the South Shore Drive area. Public beach access, creation of open vistas, and coastal water quality are common concerns regarding motel/hotel uses.

F. Recommended Policies/Actions:

1. Develop a new Hotel/Motel zoning district which will allow for upgrades and modernization of older buildings. Any allowances for modernization and upgrading must include a more attractive site design and improved traffic flow.
2. Consider implementing a transfer of development rights (TDR) program for hotel/motels uses.

XIII. ISSUE ITEMS: GROWTH MANAGEMENT

Future development in Yarmouth should complement its natural environment and its community character. It is also important that new development contributes to the additional public services and facilities that it necessitates. Various growth management techniques will help ensure that this future development is consistent with both the carrying capacity of the Town's natural environment and the desired future vision of the community. Both regulatory and non regulatory techniques should be implemented to direct future growth to appropriate areas, encourage redevelopment and revitalization, and protect community character and environmental quality.

Before developing a growth management plan, the Town should first conduct a build-out analysis and carrying capacity study. This information, plus a careful examination of recent development trends, will help determine which growth management techniques are most appropriate for Yarmouth.

The following growth management techniques should be utilized as appropriate:

A. **Cluster Development:** enables the "clustering" of development on one part of a parcel, while keeping the remaining land for open space (or recreation land, noise barrier, buffer zone, scenic preservation, etc.). The overall density of the parcel does not increase since the maximum number of units allowed is calculated based on the upland area of the total parcel being subdivided.. By encouraging cluster development, Yarmouth can preserve valuable open space at no additional expense to the Town, while improving the design for the overall development making use of the buildable area and reserving unbuildable areas around the development for open space.
B. **Conservation Easements/Restrictions: provide** a landowner with substantial tax benefits in exchange for foregoing future development of the property. They are appealing to both large and small landowners for their tax benefits, and they enable towns to preserve open space and restrict future development at no additional cost.
C. **Current Use Assessment Programs:** Under M.G.L. chapters 61,61A and 61B, owners of agricultural, forest, and private recreation lands can receive tax abatements. Through these programs, land is valued and taxed at its current use, rather than the "highest and best use" (commercial or residential development), thereby reducing property taxes for the landowner. It is important to note that the current use assessment programs are not permanently tied to the land. A landowner must renew the application annually and can withdraw any time.
D. **Development Agreements:** establish a framework for improved cooperation between a developer and the public sector, and provide the town with a means of securing infrastructure, environmental, and community improvements to mitigate the impacts of a proposed development. These agreements encourage innovative design and development that is mutually beneficial to both town and developer. Development agreements allow future growth while minimizing its financial burden on the Town.
E. **Impact fees:** provide a mechanism for a town to collect revenue for the additional capital investments necessitated by new development. The town collects a small percentage of the total development cost to fund the necessary additional infrastructure improvements and public services. Impact fees may include the creation or improvement of streets, water supplies, parks, school, library, affordable housing, or other capital facilities. Impact fees help a town pay for growth without raising the tax rate.
F. **Land Bank:** provides a mechanism for a town to raise revenue for land acquisition. A land bank program provides the means for a town to preserve open space, protect natural resources, and retain its natural beauty. Participation in local Land Banks was recently approved by all 15 Cape towns.
G. **Land Trusts:** private, nonprofit charitable organizations that acquire land and preserve it as open space. Most acquisitions are donated as gifts (by individuals, foundations, and corporations) although land trusts occasionally raise revenue to purchase property. The trust manages and preserves the land while the donor receives tax benefits. Donations to land trusts ensure preservation of open space at little cost to either the Town or to taxpayers.
H. **Transfer of Development Rights (TDR):** are allows a landowner to separate the rights to develop the land from its existing use and then transfer those development rights to another (designated) parcel. The owner of the "donor" parcel sells the development rights at market value and keeps the land in less

intensive use. The purchaser may then develop the "receiving" parcel at a greater density than standard zoning. TDR is an innovative growth management technique that enables a town to preserve land of special value to the community and direct development into areas more suited for greater density.

XIV. ADDITIONAL VALUABLE INFORMATION

There are at least five items of considerable interest that have already been commenced which appear to have important impact on this chapter, and should very probably be added to this chapter in the near future. Some involve policy and so must be submitted to Town Meeting, and all contain interesting and important back-up material.

A. **Build-out Analysis:** The "holding capacity" of various areas, in the sense of uses and population location, based on the existing zoning and also the future land use plan, needs to be known. This means a lot by lot analysis of buildability. There are 19,000 parcels in Yarmouth. We have just received a County funding allocation to do some of this analysis work.
B. **Redevelopment/Revitalization:** As the Town has built up, the need for renewal of various kinds, and parcel accumulation of smaller lots has become apparent. "Development Agreements" have become desirable. More specific suggestions are needed. Block grant funding may help.
C. **Goals and Objectives:** Addition of Objectives, Minimum Performance Standards and Development Review Policies to the goals proposed here would be a helpful clarification.
D. **DRI Thresholds:** An analysis was made of the dozen developments of regional impact (DRI's) that had been proposed here and sent to the Cape Cod Commission, it indicated a major raising of development size thresholds might be desirable to provide for flexibility.
E. **Paper Subdivisions:** An analysis of the 20 or so remaining unbuilt subdivisions and associated lots is needed.

XV. SUMMARY

This "executive summary" is unique in that the subject of "Land Use and Growth Management" has been dealt with from the top-down, that is from the general patterns to some very specific proposals. Both this text and maps indicate that. Land use however is such an all-inclusive subject that we may well find we would like to add more detail as we continue our outreach program. Hence even though there is considerable material being presented in this document we may well add more at future town meetings. (Note the items listed above.) " Planning is an on-going process" is a well-worn but very true phrase we are finding. Much of the subject matter of each individual chapter has a land use impact. This "executive summary" is three times longer than any of the previous ones because of the wealth of material needed to be summarized. We are making every effort to report to you the key portions of that material.

NOTE: We receive many comments on the Town's Comprehensive Plan, as noted. 10 of its 18 chapters are now complete. If you wish to comment on this chapter on Land Use/Growth Management please feel free to do so. If you wish copies of the executive summaries or long summaries of the 10 completed chapters please contact the Planning Division of the Yarmouth Community Development Department, at Town Hall, 1146 Route 28, South Yarmouth, MA 02664 or call at (508) 398-2231 ext. 275.

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YARMOUTH COMPREHENSIVE PLAN SCHEDULE OF PLAN ENDORSEMENTS

CHAPTER NO.	TITLE	TYPE OF ARTICLE	TOWN MTG. TYPE-DATE	ARTICLE NO.	ACTION
	Vision Statement	Policy *Amendment*	ATM- 27 Apr 94 ATM- 10 Apr 01	Art. 24 Art. 16	Endorsed Endorsed
1	Introduction to Comp Plan	Research			Not Presented
2	Outreach Program	Research			Not Presented
3	Population Study and Forecasts, 1995-2015	Research			Not Presented
4	Economic Development - Inventory	Research			Not Presented
5	Intergovernmental Coordination and Resources of Regional Importance	Research			Not Presented
6	Recreation and Open Space	Policy *Replacement*	ATM- 10 Apr 97 STM- 27 Nov 01	Art. 26 Art. 2	Endorsed Endorsed
7	Coastal Resources	Policy	ATM- 10Apr 97	Art. 27	Endorsed
8	Land Use/Growth Management	Policy	STM-1 Dec 98	Art. 1	Endorsed
9	Transportation Plan	Policy	ATM- 11 Apr 00	Art. 15	Endorsed
10	Economic Development, Analysis and Plan	Policy	STM- 11 Jan 00	Art. 7	Endorsed
11	Wetlands	Policy	ATM- 14 Apr 98	Art. 14	Endorsed
12	Water Resources Plan	Policy *Replacement*	STM- 29 Jul 97 STM- 27 Nov 01	Art. 2 Art. 2	Endorsed Endorsed
13	Wildlife and Plant Habitat	Policy	ATM- 14 Apr 99	Art. 14	Endorsed
14	Affordable Housing	Policy	STM- 10 Feb 98	Art. 2	Endorsed
15	Community Character Chapter - Scenic Vistas - Historic Preservation Portion	 Policy Policy	 ATM- 10 Apr 01 ATM- 10 Apr 01	 Art. 15 Art. 15	 Endorsed Endorsed
16	Infrastructure Chapter -Solid & Liquid Waste Portion	Policy	STM- 27 Nov 01	Art. 3	Endorsed
17	Intergovernmental Coordination and Resources of Regional Importance	Policy *Supercedes Chapter 5*	ATM- 10 Apr 01	Art. 16	Endorsed
18	Implementation, Financial Information, and Capital Programming	Policy	STM- 27 Nov 01	Art. 3	Endorsed
19	Community Facilities and Services - Energy Portion	Policy	STM- 27 Nov 01	Art. 4	Endorsed

BACKGROUND TO LAND USE AND GROWTH MANAGEMENT ELEMENT

WHAT IS A COMPREHENSIVE PLAN?

The Comprehensive Plan for the Town of Yarmouth is a far-reaching formulation of ideas and strategies for change and improvement that attempts to take into account the various pressures that are created by a dynamic society. These are forces which, if not guided, can result in a disorderly growth pattern that will be both unattractive and costly to serve from the standpoint of land use, highways, schools, utilities, recreational and coastal facilities.

As population pressures increase, the competition for land becomes more intense, making the job of maintaining such a balance more difficult. The Town Plan is an attempt to guide the growth of the Town of Yarmouth in an orderly manner with the proper balance among residential, commercial, public, and open uses.

WHY DO WE NEED ONE?

The Yarmouth Comprehensive Plan will serve several functions. It is an expression of the Town's vision of its future. In addition it is a guide to making the many public and private decisions that determine what Yarmouth will be in the future.

If we can agree on a common goal as to the kind of town we want to be, using a wide variety subjects and parameters, plan for the achievement of such goals, and embrace change when there is a clear evidence of the need for such change, we can surmount any difficulties, and move ahead steadily and confidently.

WHO WILL BE RESPONSIBLE FOR THE PREPARATION OF THE LAND USE AND GROWTH MANAGEMENT CHAPTER?

Primary responsibility for the creation of the Plan is borne by the Local Planning Committee, the Planning Board, working in conjunction with the Growth Policy Advisory Council. This Local Planning Committee was designated by the Board of Selectmen in 1993. It will also be responsible for the updating of the Plan, and its various individual elements, on average every 5 years. To aid them in their efforts they have available to them appropriate town staff members from the Community Development Department

BASIC ORGANIZATION OF THE YARMOUTH COMPREHENSIVE PLAN

The Yarmouth Comprehensive Plan Program was set up to be done over a period of at least six years, divided into two phases of 9 elements each. The first phase, the current one now being completed, contains the Introduction to the Plan, "Vision" and Goals, Population, Land Use and Growth Management, Coastal Resources, Economic Development-Inventory, Transportation Analysis, Open Space and Recreation and Regional and Local Coordination. The second phase will see the extension of the Outreach Program, Affordable Housing, Wetlands, Water Resources, Wildlife, and Plan Habitat Elements, Economic Development Plan, completion of the Transportation Plan, Infrastructure, Community Character, and Capital Improvements.

As the individual Plan Elements are completed they will be presented to Town Meeting for "endorsement," as indeed the "Vision Statement" and other chapters have already been. These documents will be presented in groups with the first five done for a "Special Town Meeting in August 1996, followed by others for 1997 Annual Town Meeting. Hence our concern for an on-going and excellent public relations program throughout.

For presentation purposes "long summary reports" will be prepared for each of these elements for general distribution. When these are completed a final executive summary probably will be sent to Town Meeting for approval.

OUTLINING THE PLANNING PROCESS

The general process that is expected to be used in developing each element of the comprehensive plan includes:

a. Preliminary assessment of problems
b. Identification of goals, policies, and measurable objectives for that subject
c. Inventory and mapping of resources and trends
d. Analysis of conditions and needs for the future
e. Plans for specific steps to achieve the goals and objectives of the element
f. Development of a defined implementation strategy based on prioritization, timing, specific actions and regulatory controls and various laws.

AN "OUTREACH" PROCESS FOR LAND USE AND GROWTH MANAGEMENT?

An active strategy for involving members of this community in the development of the Comprehensive Plan has been developed. It is designed to encourage involvement at all stages of the planning process by town officials, citizens' groups, businesses, neighborhood groups, senior citizens and the many others in the community. A series of public work shops is to be held to glean their sentiments.

Opportunities for submitting written comments will be numerous as we proceed, and other educational efforts such as public forums, pamphlets, and slide presentations and meetings will be employed. Newspaper articles, and committee participation will be used at various times.

COORDINATION WITH ADJOINING TOWNS

Our neighboring towns share common concerns arising from social, cultural and economic needs, common geographic features, physiographic conditions, transportation systems, and recreation and open space needs. By exchanging information about such concerns during the development of each of the Local Comprehensive Plan Chapters we can better coordinate our efforts and develop inter-municipal coordination programs. The Yarmouth Local Planning Committees and the staff have already begun meeting with LPC's from the adjoining towns of Barnstable and Dennis. We are pleased with the early results. Barnstable is well ahead of us in their program, with an extensive draft prepared, presented and approved. Dennis began work on their plan several years later than we. The three mid-Cape Towns are also involved in a joint transportation study and plan for the Mid-Cape sub-region.

FINAL APPROVAL OF THE PLAN

Upon approval of the final summary Plan document the Comprehensive Plan and its attached back-up documents will be submitted to the Cape Cod Commission for their review, comments, coordination, and hopefully ultimate approval. Once that is accomplished the document will be filed with the Registry of Deeds. This will end a formidable task and one that will no doubt experience its successes and failures before the final document is enacted, but will be of outstanding value to the Town.

And since it appears five years will have elapsed to achieve completion it will be time to start the up-dating process of at least some of the changing Plan elements shortly after.

LAND USE/GROWTH MANAGEMENT STEERING SUB-COMMITTEE

In order to gain consensus on this important subject, the Local Planning Committee has called together a Steering Sub-Committee made up of representation of the Planning Board, Growth Policy Advisory Council, Economic Revitalization Committee and the Route 28 Task Force. They have worked well together and with Planning Division staff. We feel the results has been the endorsement of the initial chapter by Town Meeting.

"SETTING THE SCENE"

The issues of land use and growth management are intertwined with many of the other issues present in the Yarmouth Comprehensive Plan, including economic development, affordable housing, recreation and open space, coastal resources, population and capital facilities. In several noticeable instances here in Yarmouth sprawling sub-divisions and strip development along major roads have blurred the definition of our traditional villages.

Because of a concern for degradation of water quality and loss of their original character, many Cape towns, including this one, have substantially increased the minimum lot sizes of their zoning in recent years. The result has been that Yarmouth has gone through a period of increased land consumption for all kinds of uses, especially residential, especially in the 1965-85 period time frame. The remaining buildable land resource has become a very precious item as a result.

At the same time, commercial development has spread out along major highways, notably Route 28 and Station Ave. from the older historic centers to form new activity nodules. Vacant commercial establishments have been a major concern in the older centers and strips, and are left in need of rehabilitation and redevelopment.

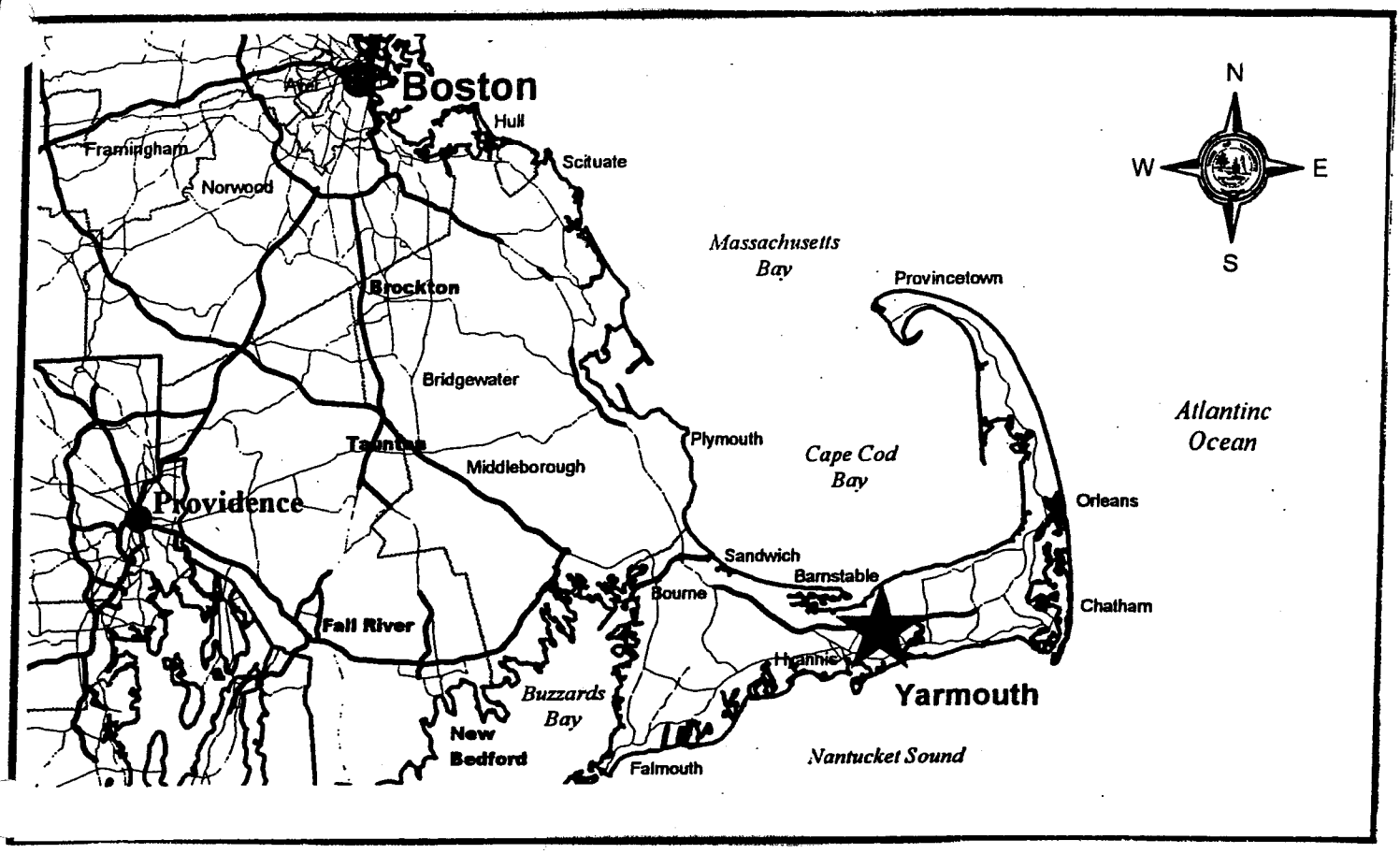
While such land use patterns have adversely affected the appearance of this and other Cape communities, their other effects are even more far-reaching. Traffic congestion has been worsened by numerous curb cuts and by many short trips between destinations. Pedestrians have not been encouraged to walk freely in activity centers. In some cases businesses in activity centers have been adversely impacted by commercial, and heavy business development outside the village and activity centers.

This plan advocates clustering of residential and commercial subdivisions and in the future also mixed-use developments. Our current by-laws limit such clusters to large parcels of land, and discourages its use by making it more difficult and time-consuming (double stepped) for the developer than using conventual gridiron development.

The early zoning by-law for Yarmouth set a "blueprint" for development that in many cases did not sufficiently recognize environmental constraints. In some of our areas, the density of development is too high to be served adequately even by upgraded Title V septic systems. In other areas, the zoning has permitted commercial and especially industrial development over sensitive aquifer land. In places we have a "wall"of motel development along our shorelines which has blocked both public access to waterfront areas, and valuable scenic vistas, and finally adverse effects have accrued where a large number of seasonal cottages have been converted to year-round use without adequate lot size for upgraded septic systems, especially south of Route 28.

The Comprehensive Plan identifies population growth, chaotic economic development, traffic congestion, loss of open space and loss of community character as the five most serious problems facing Yarmouth. The management of these issues will depend in large measure on sound land use and growth management policies.

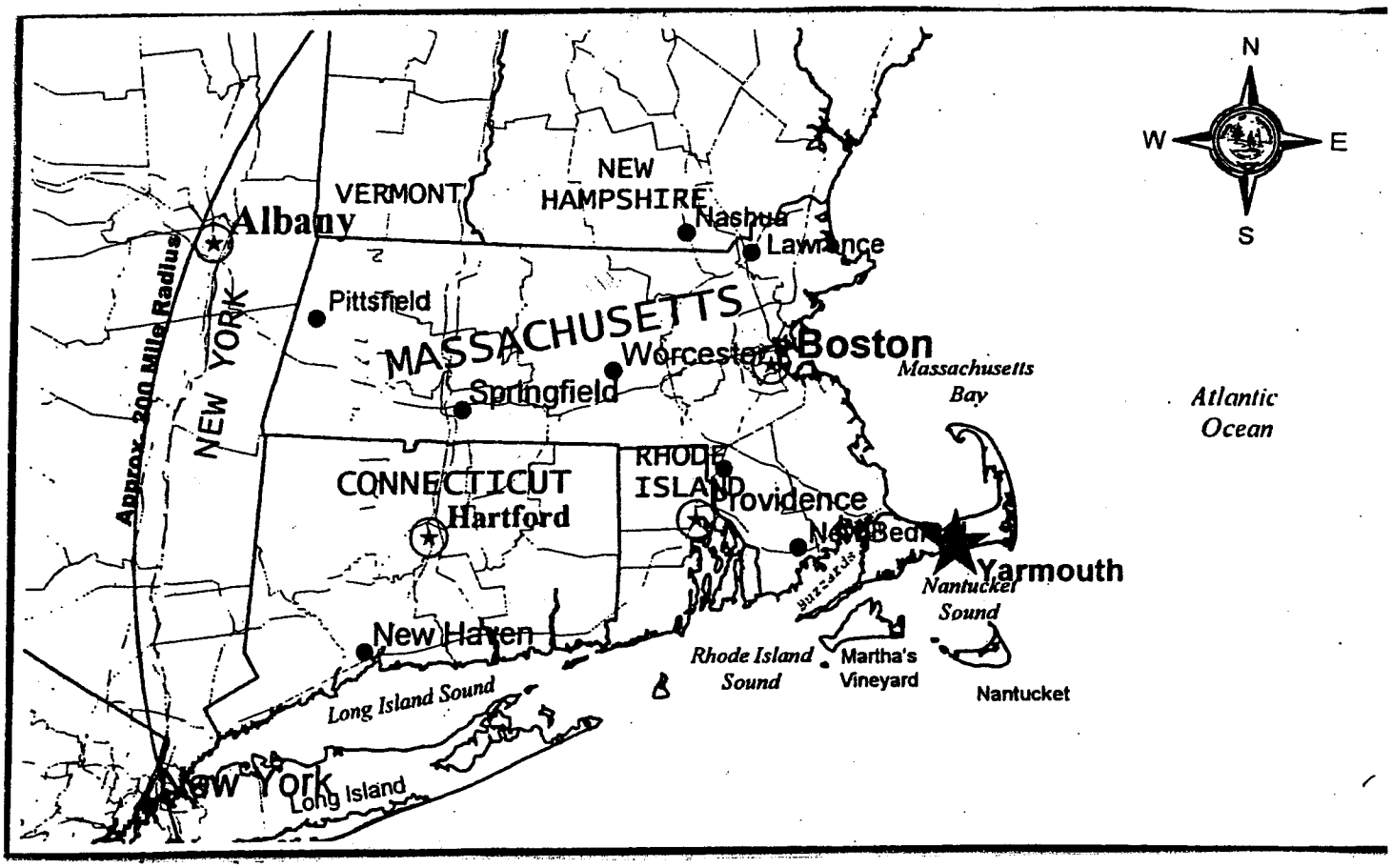
REGIONAL LOCATION MAP



Map 8.1 from Here to New York City/Albany and Portland, Maine

The importance of the Cape Cod location cannot be over-emphasized. Yarmouth lies on the Cape Cod neck some 22 miles out into the Atlantic Ocean on a spit of sand pushed up by the last glaciation approximately 50,000 years ago. It is both the best and worst of locations. On the one hand it is remote for some things and yet very accessible for others. Improved telecommunications have made it just that much more accessible.

SOUTHEASTERN MASSACHUSETTS MAP



8-2 Map of Yarmouth - in a southeastern New England location

While the Cape was indeed an off-beat site for years, first the construction of the two bridges over the Canal in the early 1930's, and then the construction of the inter-state highway system in the mid - 1950's made it highly accessible for tourists and retirees.

The Cape has boomed as a result. But it is a boom that has been achieved at a price -traffic jams, pollution, over-crowding, noise, etc. Still this is a location that attracts high-tech trained business persons, especially in telecommunications and related businesses. However, that kind of businesses or industry, although dependent on rapid communication, will cause further growth and stress.

One of the main purposes of the Comprehensive Plan is to try to help deal with the dislocations related to this change.

YARMOUTH COMPREHENSIVE PLAN CHAPTER 8
LAND USE/GROWTH MANAGEMENT

INTRODUCTION

The issues of land use and growth management are inseparable from many of the other issues addressed in the Yarmouth Comprehensive Plan, including transportation, air quality, economic development, affordable housing, capital facilities, community character, open space and others. It is important that all of these issues be carefully balanced, with priority given to maintaining the character of the Town, the high quality of our drinking water, and the overall quality of life that both our residents and visitors enjoy.

A significant problem in Yarmouth has been the land consuming pattern of development. Development currently covers more than 32% of the Cape's land area, and in Yarmouth it covers 95%, including public lands! Residents and visitors alike have expressed concern about the loss of community character. Sprawling subdivisions, highly visible utility lines, and strip development along major roads have blurred the boundary between village centers and rural areas. In some cases, existing zoning and subdivision regulations have contributed to the problem. Because of concerns about degradation of water quality and loss of rural character, this town like many others, increased it's minimum lot size during the 1980's. As a result, Yarmouth has experienced a period of increased land consumption for all kinds of uses, particularly residential, from the 1960's through the 80's. Our remaining buildable land has become a precious resource.

At the same time, commercial development has spread out from the older historic centers to major highways, notably Route 28 and Station Ave. Vacant commercial establishments within the older centers and strip areas are in need of rehabilitation and redevelopment.

While such land use patterns can adversely affect the appearance of the Cape's communities their other effects are even more far-reaching. Traffic congestion and air quality are worsened by the many curb-cuts and numerous short trips between destinations. In Yarmouth, you are lost if you do not have an auto! Pedestrians are unable to walk to and around business districts and village centers. In many cases, downtown business is experiencing adverse impacts from commercial development outside village or activity centers.

The early zoning bylaw for Yarmouth set a "blueprint" for development that in many cases did not recognize environmental constraints. In some areas the density of development is too high to be adequately served by even updated Title V septic systems. In other areas zoning has permitted commercial and industrial development over sensitive aquifer areas. A "wall" of development along some of Yarmouth's shorelines blocks public access to waterfront areas and has resulted in eutrophication of surface waters. Similar adverse effects have occurred where a large number of seasonal cottages have been converted to year-round use without adequate lot size for upgraded septic systems (particularly in the area south of Route 28).

The Comprehensive Plan identifies population growth, chaotic economic development, traffic congestion, and the loss of open space, and loss of community character as the five most serious problems facing Yarmouth. Effective management of these issues requires sound land use and growth management policies. Since the Cape Cod Commission reviews only a small fraction of the overall development activity on Cape Cod, it is extremely important that the Town endorse and implement its Local Comprehensive Plan, which is coordinated with the County's Regional Policy Plan. Effective growth and land use management can be accomplished only through a cooperative partnership of town and regional efforts.

GOALS AND POLICIES FOR LAND/USE AND GROWTH MANAGEMENT

PROPOSED GOALS:

A. To improve Yarmouth's economic health and quality of life.
B. To encourage sustainable growth and development consistent with the carrying capacity of Yarmouth's natural environment.
C. To encourage the preservation and creation of activity centers and historic village centers that provide a pleasant environment for living, working , and shopping for residents and visitor.
D. To encourage employment, businesses and industries that are consistent with the town's resources and character.

GOAL A To Improve Yarmouth's economic health and quality of life.

GOAL B To encourage sustainable growth and development consistent with the carrying capacity of Yarmouth's natural environment.

Minimum Performance Standards

1. Compact forms of development such as cluster development, redevelopment within certified activity centers, and where appropriate, mixed use residential/commercial development should be encouraged in order to minimize further land conservation and protect open space.
2. All residential subdivisions of 5 or more lots should submit a cluster development preliminary plan for consideration by the Town, during the development review process.
3. Extension or creation of new roadside "strip" commercial development outside of certified activity centers should be strictly controlled.

Other Development Review Policies

1. Adequate infrastructure, including water and septage, should be provided by public and private means in certified growth centers to support appropriate levels of density as determined by the Town in its Local Comprehensive Plan.
2. Where strip commercial developments exist, efforts should be made to improve their appearance through improved sign control, controlled infill, relocation of parking, landscaping, under grounding of utilities, design review, and with redevelopment, consistent with the recommendations of the Cape Cod Commission Technical Bulletin#96-001.
3. Appropriate redevelopment of existing residential and commercial areas and construction within existing subdivisions should be encouraged in areas that have the capacity to sustain the impacts of this additional development in order to accommodate growth, while minimizing additional subdivision and development of land .
4. Commercial and industrial subdivisions are encouraged to consider the use of cluster development whenever appropriate.
5. Development unrelated to agricultural operations should be determined so as to avoid, or minimize, development on land capable of sustained agricultural production as evidenced by soils, recent agricultural use, and/or surrounding agricultural use.

GOAL C To encourage the preservation and creation of activity centers and historic village centers that provide a pleasant environment for living, working, and shopping for residents and visitors..

GOAL D To encourage employment, businesses, and industries that are consistent with the Town's resources and character.

GOAL E IMPLEMENTATION ACTIVITIES

Joint Town/Commission Actions

The Town is using its GIS to map natural and cultural resource constraints, existing development, and infrastructure, and undeveloped land, in order to identify appropriate areas for designation as activity centers and business districts. As a result the Town should review this information and establish its activity centers and business district boundaries through its Local Comprehensive Plan operation.

Commission Actions

1. The Commission should continue to seek amendment of state zoning and subdivision control statutes to allow cluster development to occur without a special permit at the option of the Town, and to modify current provisions that permit multiple lot "Approval Not Required" subdivision.
2. The Commission should develop a methodology for analyzing capacity constraints and assist the Town in evaluating how much future growth can be sustained. This methodology may be fine tuned to recognize specific needs and characteristics of different towns on Cape Cod.
3. The Commission should provide technical assistance in identifying appropriate revisions to local zoning by-laws which promote village style development and maintain public safety.
4. The Commission and the Town should encourage the use of preferential tax treatment for farms, forest land, and open space through the use of the various existing preferential tax premiums.
5. The Commission should encourage inter-town management of resources of regional significance that cross town boundaries, through coordination of local comprehensive plans and the development of District of Critical Planning Concerns.
6. The Commission should investigate the effects of different types of development and land conservation on municipal costs and property taxes of Cape Cod towns, especially Yarmouth, for comparative purposes.

Recommended Town Actions.

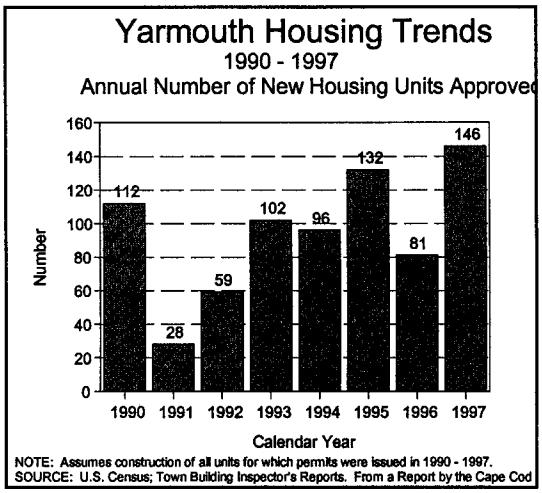
1. The Town should revise its zoning by-law to allow the development of smaller size cluster subdivisions on parcels of more than 4.6 acres in area.
2. The Towns' zoning by-law, including, but not limited to lot sizes, parking requirements, under-grounding of utilities, setbacks, and road widths, should be revised to permit village-style development to occur at appropriate locations in "activity centers".
3. The local by-laws, including cluster, increased lot sizes, overlay districts and other techniques should be encouraged to foster preservation of areas identified on the Open Space/Recreation Plan.
4. The Town should consider continuing making appropriate town-owned land available for agricultural use.
5. The Town should revise its zoning by-law to encourage mixed residential/commercial development in appropriate areas.

DEMOGRAPHICS

NUMBER OF NEW HOUSING UNITS AUTHORIZED BY BUILDING PERMITS IN THE 1990'S

Although Yarmouth appears to be substantially built-up several items have come into the plan here in Yarmouth to extend its growth. Outside of the recession years of 1991-92 (and Hurricane Bob), the number of new housing units authorized moved erratically upward from 1990 thru 1997, from 112 to 146. Development of some of the smaller parcels, 1-5 acres in size, is partly to account for this. Secondly, the economy has increased development pressure. Thirdly, and most important, zoning revisions to the non-conforming lot provisions by Town Meeting made a number of previously approved lots, "buildable". The result has been a steady development of in-fill that is expected to continue for some time. As a result Yarmouth is becoming more densely built-up.(See Chart 8-2)

CHART 8-2



SENIOR HOUSING - Demographic studies have indicated that Yarmouth's senior population (over 65) which was 30.74% of the Town's population in 1990 (or 6500 persons), will steadily increase to 45% of the total population by 2015. This will mean providing services for up to 13,000 seniors by that time.

RECOMMENDED POLICIES/ACTIONS

1. Encourage the development of both public and private affordable housing for seniors, with an emphasis on congregate facilities and units for particular use by the frail elderly.
2. Continue leasing or donating parcels of Town owned land for senior and/or affordable housing.

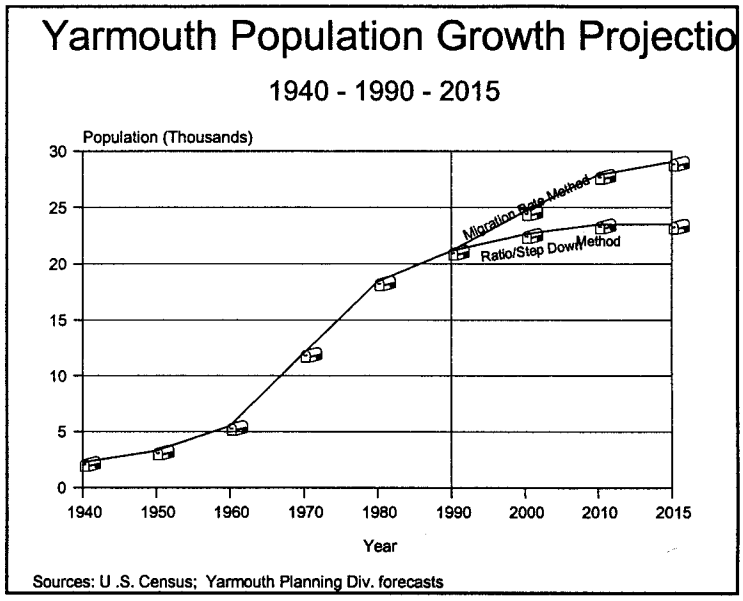
POPULATION GROWTH PROJECTIONS - 1995-2015

At the present time two types of population forecasts have been prepared for Yarmouth, a "ratio-step down" forecast, and an "inferred migration rate" forecast. They are radically different in their approach since they use two very different premises about local changes in population. They represent a high and a low population forecast, giving us a range of size within which to work. Our forecast time frame has been for 20 years throughout the Comprehensive Plan study, that is from 1995 to 2015.

A. Ratio-Step Down Technique. This method uses Census Bureau figures and forecasts. The data indicates that over the last 50 years, Massachusetts has been an ever decreasing percentage of the national population. Its percentage contribution was factored even further downward for the period 1990 until 2015.

On the other hand, Barnstable County has been increasing as a percentage of the state's population for the period since World War II The percentage contribution was factored for a slow increase for the same time frame into the future.

CHART 8-3



And just to compound the analysis, Yarmouth's percentage contribution of the County increased since World War II, and has now started decreasing since 1980. That percentage contribution was projected to slowly decrease as a result.

Not surprisingly, this technique yielded a forecast that Yarmouth would increase very slowly until 2010, and level off at about 23, 500 persons by 2010.

B. Inferred Migration Method. This technique is more sensitive to local conditions and changes, but not so much so to regional or national impacts on the town.

The registered births and deaths were projected using their current rates per 1000 population. An annual "natural" population decrease was then calculated, since deaths exceeded births most years. A yearly inferred in-migration rate could then be calculated since our population was climbing rapidly, and this rate was also projected. To get the projected population year by year, 1990 - 2015, fairly extensive calculations were done.

The resulting population forecast for 2015 was for 29,000 people, even taking into account the ever lessening amount of land we have. It appears from this we need to plan for a maximum increase of 7,800 people between 1990 and 2015! Over the first eight years of the 1990's decade, local population estimates and census counts indicate we are growing at a rate close to the middle point between the high and low population forecasts (See Chart B-3)

ANALYSIS

Current Trends

Most of the current development in Yarmouth is residential infill. Since the vast majority of land is developed, most of the town's current development involves the remaining vacant parcels, which are scattered throughout the town. The number of building permits for new homes has grown steadily, with 69 issued in the first quarter of 1998, tripling the 24 issued in 1997 first quarter. Yarmouth's 1st quarter total was the second highest in the county (led only by Barnstable's 145 new units.

Retirement and assisted-living housing is a growing sector in Yarmouth. Nearly two-thirds (45) of Yarmouth's new home approvals were in retirement or assisted living communities: 28 at Thirwood Place in South Yarmouth and 17 at King's Way in Yarmouthport. Before that, December 1997, permits were also issued for an additional 25 units at Mayflower Place, a retirement and assisted living complex in West Yarmouth. (See Long Summary, Vol. II.)

Home conversion from seasonal to year round living has increased steadily since the 1980's. Second homes, formerly used only seasonally, have become primary and full time homes for many retirees. The conversion to year round homes has increased Yarmouth's permanent population, and creates infrastructure stress, particularly on water supply and traffic congestion.

EXISTING LAND USE AREAS IN YARMOUTH

Yarmouth is an interesting mixture of intensively built-up road corridors, sprawling suburban areas, and fairly extensive open spaces under public ownership. A look at the Table 8-1 shows it to be a middle sized town of some 16,000 acres with 900 acres of water bodies included.

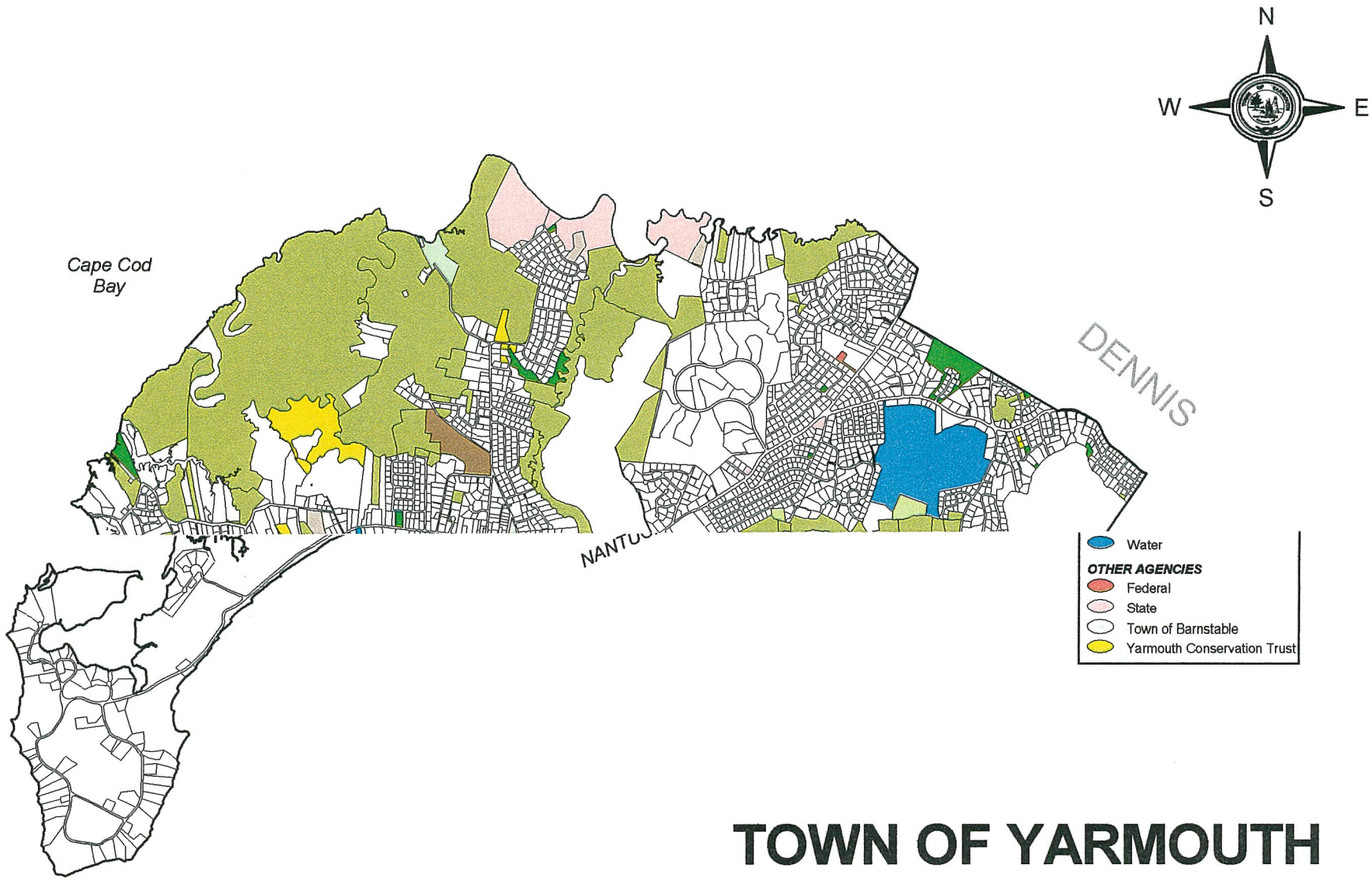
We have tried to estimate the amount of land in roadways based on their known length and average width. The 300-400 foot wide swath of Route 6 uses up approximately 283 acres. The other streets in town use another 1,325.8 acres.

Yarmouth has had an active land acquisition program and this is reflected by the 4482 acres, 28.4% of net area, in town ownership. The deeds on some of the parcels mention multiple uses. These uses have been allocated to the most applicable categories so that the sub-categories of public land are approximations.

TABLE 8-1

LAND USE AREAS IN TOWN OWNERSHIP

Total Town Area	16,399.2 Acres	
- Area Waterbodies		-896.0
= Net Land Area		15,503.2 Acres
Estimated Total Area of Road Layouts (Public & Priv.)		1,609.8 Acres
Conservation		1,800 Acres
Watershed		955 Acres
Municipal (general)		755 Acres
Recreation Uses		525 Acres
Schools		210 Acres
Cemeteries		60 Acres
Other Categories (Sr. Center, Affordable Housing, etc)		77 Acres
Total Area in Town Ownership		4,482.0 Acres
Total Business, Industrial/ Wholesale, Residential, Institutional and other uses		8,107.4 Acres
Remaining good, undeveloped Buildable Land		1335.0 Acres



TOWN OF YARMOUTH
PUBLIC LANDS *

NOTES:
1. * Property of the Yarmouth Conservation Trust, a private, non-profit, agency is shown.
2. Report any errors, omissions, or additions to the Yarmouth Planning Division.
3. Uses of municipal land are shown as listed on individual parcel deeds.

YARMOUTH GIS

MAP-8-3 6-

The totals of various uses in various zones needs to be more carefully examined with a build-out analysis. Good buildable land appears to still be in the 1300 acre range.

EXISTING/FUTURE LAND USE DEVELOPMENT **TABLE 2**

The totals given in Table 8- 2 are from the technical reports of our transportation consultant. They provide measurements of our current floor space in use for a variety of categories. These have been used in our Transportation Plan Chapter, done as part of the Barnstable Yarmouth Transportation Study (BYTS).

That study forecasts substantial growth of the retail and industrial/wholesale square footage. But in the three years since the study was completed, Yarmouth's new zoning has shifted to more of an emphasis on office space, including medical offices, and less on industrial uses. Future transportation plans will need to take that into account.

In addition, the actual land area needs of individual categories will need to be examined by any future build out analysis.

TOWN OF YARMOUTH
EXISTING LAND USE DEVELOPMENT
1995

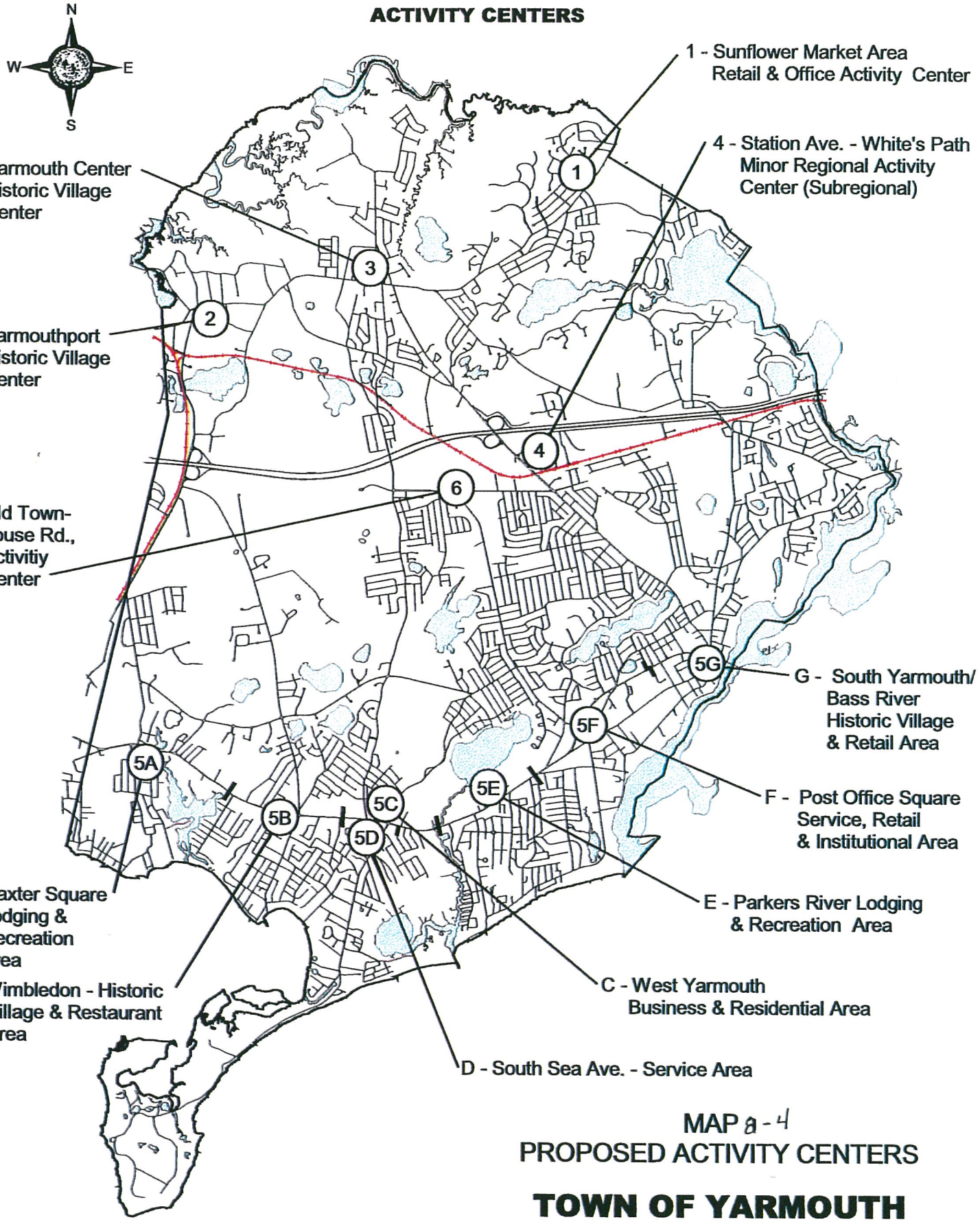
Use Category	
1. No. of Single Family Households	13,358
2. No. of Multi-Family Households	2,603
3. No. of Hotel/Motel Rooms	3,500
4. Square Footage - Retail	1,248,000
5. Square Footage - Office	572,000
6. Square Footage - Medical	85,000
7. Square Footage - Industrial	919,000
8. Square Footage - Transportation	134,000
9. Square Footage - Institutional	846,000
10. Square Footage - Other Uses	29,000

Source: Estimates from U. S. Census and McDonough Scully & Co. Consultants

The overall pattern of Yarmouth, however, seems fixed as a combined commercial/recreation and retirement oriented community and long range plans are moving in that direction.

Through a combination of existing data and field work, a data base of existing commercial properties and lands will be developed and will include information on whether the parcel and/or existing buildings are vacant or occupied, the current use, and the current zoning.

ACTIVITY CENTERS



5 - Route 28 Corridor Segments
Acting as a whole - with 7 segments of different types, it is a
Major Regional Activity Center
for hotel/motel and recreation services, governmental, institutional, and retail uses

MAP 8-4
PROPOSED ACTIVITY CENTERS

TOWN OF YARMOUTH

COMPREHENSIVE PLAN

- Land Use/Growth Management Chapter -

November 19, 1998

ISSUE:

Activity Centers

Activity centers are areas that have been identified by the Town as suitable locations for growth and redevelopment. Establishing activity centers in designated locations of town is an important future land use/growth management objective. Channeling development into locations is not particularly helpful. Growth is to be directed to vacant space in existing centers and to reuse or redevelopment/revitalization of many existing buildings, before encouraging construction of additional commercial space. Public and private sector investments and incentives should be coordinated to help channel development into the designated activity center locations. Redevelopment areas should also be encouraged in activity center locations.

The most appropriate types of activity centers for Yarmouth are the village centers (small scale activity centers characterized by mixed residential/commercial use, pedestrian orientation), retail and office activity centers (similar to village centers but with an emphasis on commercial retail and office uses), and minor regional activity centers (characterized by mixed residential/commercial use, medium - sized stores, good road access).

The Land Use/Growth Management chapter proposes several potential sites for activity centers. Route 6A in Yarmouthport and the South Yarmouth/Four corners area for example, are potential historic village centers. Retail and office activity centers should be created along designated sections of Route 28. Exit 8 off the Mid Cape Highway is a potential sub-regional activity center. (See map B-4)

Incentives

Since most developable parcels in the potential activity center locations are already developed, activity centers in Yarmouth will focus on the reuse and redevelopment in the designated centers. Streamlining the regulatory process and offering some regulatory flexibility for projects in designated activity centers is one incentive. Tax incentives for redevelopment of buildings and financial incentives for small businesses will also draw business into these areas. Density bonuses could provide additional incentives. If Yarmouth develops a transfer of development rights program, certain activity centers should be designated as receiver zones.

Recommended Policies/Actions: Define activity centers for designated locations by their own special features (commercial, historic, shopping, etc.), with specialized zoning for each; preserve and/or encourage scenic and natural separations; emphasize pedestrian use; deepen their boundaries where appropriate.

1. Provide adequate infrastructure through both public and private means in certified activity centers to support appropriate levels of density as determined by the town in its Comprehensive Plan.
2. Encourage the development of activity centers and historic village centers: through zoning revision, design review, state and local assistance, and public relations program.
3. Encourage "development agreements" to shape and control activity center development and to encourage imaginative design.
4. Create incentives to encourage reuse of buildings (tax incentives, regulatory flexibility). Identify and designate areas where density bonuses may be appropriate.

Strip Development
Commercial strip development in Yarmouth occurs primarily along the Route 28 corridor and sections of Station Avenue and Willow Street. Numerous curb cuts and multiple access points cause traffic congestion and impair driver/pedestrian safety. The continuous roadside development and highly visible off street parking areas detract from the Town's natural beauty. Establishing activity centers (see "Activity Centers" map/section), redesigning problem intersections, and implementing design review will improve the access into and appearance of these strip development areas.

Minimum Performance Standard
Extension or creation of new roadside "strip" commercial development outside of certified growth/activity centers should be prohibited.

Development Review Policy:
Where strip commercial developments exist, efforts should be made to improve their appearance through sign control, infill, relocation of parking, landscaping, under grounding of utilities, design review, and redevelopment.

Action:
Consider a mandatory design review process in the Route 28 corridor and the Station Avenue and Willow Street corridors through amendments to the zoning bylaw.

Route 28 Corridor

Route 28 serves as Yarmouth's major commercial route, extending linearly for 5.5 miles between West and South Yarmouth. A variety of businesses from retail shops to offices to motels line the corridor, making it one of the busiest roads on Cape Cod. Route 28 passes through historical areas such as the Baxter Mill in West Yarmouth and Bass River National Historic District in South Yarmouth. Nantucket Sound and its beautiful beaches also lie just a short distance from the route.

While Route 28 represents the Town's economic backbone, many Yarmouth residents share concerns regarding its traffic conditions, appearance and economic well being. The strip development along the corridor detracts from Yarmouth's seaside charm. Heavy traffic frequently lines the route, particularly in summer. Several buildings sit vacant and in need of repair. Route 28 improvement is a major planning objective of the Town.

In 1995 the Cape Cod Commission completed its "Route 28 Redevelopment Project". The study includes analysis of various issues involving Route 28 and identifies **the following goals for general revitalization of the area:**

1. Improve the economic health of the area.
2. Improve traffic safety along the corridor.
3. Upgrade transportation access and traffic flow.
4. Develop a design strategy related to the historic structures, natural resources, and traditional uses of Route 28 in Yarmouth.
5. Upgrade substandard properties to make the area more attractive.
6. Enhance services for tourists and year round residents.

7. Achieve scenic enhancement through the use of natural breaks and structure separation.

Redevelopment/revitalization of Route 28 is a complex process that requires input, cooperation, and support from Yarmouth residents, property owners, business managers, and town officials. Reaching these goals entails implementation of both short and long term strategies. The steps listed below will assist in attaining them.

1. **Improve the economic health of the area:** a) Obtain Economic Opportunity Areas' (EOA) money. b) Seek Community Development Block Grants to improve and rehabilitate storefronts. c)Attract more year round businesses to help enhance "Village Center" concept.
2. **Improve traffic safety on the corridor:** a) Limit and consolidate curb cuts to reduce "conflict" points. b)Redesign dangerous intersections. c) Improve signalization. d)Upgrade pedestrian facilities.
3. **Upgrade transportation access and traffic flow:** a) Add off-street public parking lots in strategic areas. b)Improve signalized intersections. c) Increase public transportation in the area. d)Provide uniform signage for popular destinations.
4. **Develop design strategy related to historic structures, natural resources, and traditional uses of Route 28:** a) Implement design review. b) Seek collaboration with the Planning Board and Zoning Board of Appeals, and coordination with the Historic Commission where appropriate.
5. **Upgrade substandard properties:** a) Remove structures that are beyond repair. b) Seek EOA and CDBG money to improve blighted areas.
6. **Enhance services for tourists and year-round residents:** a) Increase public parking areas, b) increase trolley and mini-bus services. c) Encourage "gateways" and improved signage along the corridor through specialized zoning, revised site plan control, d) spot purchase of available sites.

In addition to the preceding goals, **the Cape Cod Commission project also identified the following issues** concerning redevelopment of Route 28:

1. Transportation Improvements
2. Water Quality/Wastewater
3. Open Space
4. Design/Appearance
5. Land Use
6. Funding

These issues represent primary concerns regarding the corridor's revitalization. Recommendations include the following:

Transportation improvements: Implement traffic safety and capacity improvements such as left hand turning lanes and reduced speed limits in activity centers. Consolidate curb cuts, and increase public parking areas. Rezone activity centers to reduce frontage requirements and provide parking in rear. Increase public transit service, particularly between beaches and business districts. Provide service to Hyannis. Add pedestrian improvements such as walkways and bikeways, particularly to beaches. Improve crosswalks and lights.

Water quality/waste water: Upgrade the drainage system. Add oil traps to catch basins. Increase green space and vegetation for better absorption. Consider installing sanitary sewer system to facilitate various Village Centers.

Open space to include views and recreational facilities: Encourage Town purchase of key locations for open space. Take "John Doe" lots by eminent domain. Encourage land conservation donations along the route.

Design/Appearance: Seek EOA and CDBG funds for improvements. Encourage public involvement in tree planting and landscaping. Implement design review. Bury electrical lines on Main Street.

Land use: Implement zoning changes in "centers" to allow 0 setback lines, party wall construction, and less frontage. Rezone to encourage mixed use.

Funding: Seek state and federal transportation funds for transportation improvements. Expand Historical Preservation Program. Expand CDBG program. Seek additional funding sources.

The Cape Cod Commission has also recommended conceptualizing various districts along the corridor by function (e.g. a tourist/motel district in West Yarmouth). Other possible "theme" districts include the following: a government/municipal center in the Town Hall area, an historical center in the West Yarmouth library area, a business/retail center by Long Pond Rd., a recreational/open space center in the Parker's River area, and a lodging/visitor center in the Mill Pond area.

The Cape Cod Commission examined the Route 28 corridor in great detail and proposed several revitalization/ improvement strategies. **The following proposal are some highlights of this plan, entitled "Yarmouth Seaside Route 28 Concept Plan":**

1. Bass River Historic Village Area: Pursue funding for acquisition of Packet Landing Park. Develop informational signage with directions to beach area. Encourage and improve alternate transportation to beaches by providing expanded shuttle service and bicycle routes. Consult residents and town officials to establish consensus regarding design vocabulary of the area.

2. Post Office Square Service/Institutional Area: Develop town common for community events. Provide for additional tree planting and landscaping along Route 28. Offer incentives for business owners to improve building facades. Consolidate curb cuts and share parking areas. Encourage frontage infill development and redevelopment. Improve beach access for vehicles and pedestrians by establishing gateway and directional signage. Realign Wood Road to improve access and traffic flow.

3. Parker's River Lodging/Recreation Area: Provide additional indoor/outdoor recreational facilities to accommodate lodging uses. Redevelop drive-in site with mixed-use recreational facilities and provide access to Parker's River. Explore increasing visual access to the river. Explore improvements in pedestrian/bicycle access to South Shore Drive beaches.

4. South Shore Drive Area: Improve beach access for automobiles, bicycles, and pedestrians through guide signage and bicycle routes. Improve visual access to the coast for any proposed redevelopment along the shore through building siting, massing, and walkways. Explore possible expanded visual and recreational access at Parker's River outlet. Improve appearance of Shore Drive by moving dumpsters away from roadway edge. Improve appearance of beach parking lots with fencing and landscaping.

5. Wimbledon Ave Historic Village: Develop consensus for appropriate design vocabulary to encourage development and redevelopment in traditional Cape architectural style. Pursue redevelopment of south side of Berry Avenue/Route 28 consistent with historic character. Emphasize historic character with West Yarmouth Congregational Church and West Yarmouth Public Library as focal point. Investigate potential for providing public space on parcel adjacent to Flagship Motel playground.

6. West Yarmouth Residential Business Area: Investigate opportunities to enhance multi-use small business residential uses. Explore opportunities to enhance guest house/cottage colony areas. Develop incentives for business owners to improve signage/facades. Provide additional tree planting along Route 28. Develop guidelines for signage/frontage improvements to unify the area Explore opportunities to enhance bicycle/pedestrian usage. Investigate feasibility of realignment to the intersection of Winslow Gray Road and South Sea Avenue.

7. South Sea Avenue Service Area: Explore potential for frontage infill development and redevelopment. Develop incentives for business owners to implement signage/facade improvements. Provide additional tree planting along Route 28. Examine feasibility of alignment to the intersection of South Sea Avenue to Winslow Gray Road.

8. South Sea Avenue/Winslow Gray Road: Near term improvements: implement access management strategies, close Ruby Street to vehicular traffic. Improve provisions for pedestrian, bicycle, and transit travel. Long term improvements: realign South Sea Avenue with Winslow Gray Road. Create gateway to Sea Gull Beach.

Recommended Policies/Actions:

1. Consider a binding design review process in the Route 28 corridor and the Station Avenue, White's Path and Willow Street corridors through amendments to the zoning bylaw.
2. Limit curb cuts and redesign problem intersections.
3. In the activity centers along the corridor amend the zoning to allow zero lot lines, lesser frontages, shared parking, and similar provisions to improve accessibility within the center.
4. Encourage "gateways" and improved signage along corridors through specialized zoning, revised site plan control, and spot purchase of available sites.
5. Consider Town purchases of key open space locations (for access, scenic vistas, or recreational uses).

Hotels/Motels

As a means of controlling the rapid growth of hotels/motels in Yarmouth, zoning regulations were amended in 1986 to prohibit hotel/motel uses in all zoning districts. Pre-existing hotels/motels are considered non-conforming uses and must receive special permits for renovation work. Many motel owners feel that these regulations make it difficult and costly to upgrade (modernize) their properties, while many residents view the regulations as necessary to prevent over development of hotels/motels and to protect community character and environmental health. In addition to the numerous motels that line the Route 28 corridor, nearly all of the Town's waterfront motels are located in the South Shore Drive area. Public beach access, protection of scenic vistas, and coastal water quality are common concerns regarding hotel/motel uses.

Actions:

- Develop a new Hotel/Motel zoning district which will allow for upgrades and modernization of older buildings. Any allowances for modernization and upgrading must also include a more attractive site design and improved traffic flow.
- Consider implementing a modified transfer of development rights (TDR) program for hotel/motel uses.

REDEVELOPMENT/REVITALIZATION

As shown in Table 8-1 page 16, 1,335 undeveloped, buildable acres remain in Yarmouth. Development now extends throughout all sections of Town, with few vacant parcels available for new development. Much of Yarmouth's future land use will involve re-use and re-vitalization of developed parcels. Their redevelopment will generate new economic opportunities and improve the general appearance of lots and structures that have fallen into ill repair.

Minimum Performance Standards:

1. Compact forms of development such as cluster development, redevelopment within certified activity centers, and, where appropriate, mixed -use residential/commercial development should be encouraged in order to minimize further land consumption and protect open space.
2. All residential subdivisions of five or more lots should submit a cluster development preliminary plan for consideration by the Town or the Commission, as appropriate, during the development review process.

Development Review Policies:

1. Appropriate redevelopment of existing subdivisions should be encouraged in areas that have the capacity to sustain the impacts of this additional development in order to accommodate growth while minimizing additional subdivision and development of land.
2. Commercial and industrial subdivisions are encouraged to consider the use of cluster development wherever appropriate.

Action:

- Amend zoning regulations to encourage redevelopment
- Review zoning laws to encourage mixed commercial/residential use in appropriate areas.
- Create incentives to reuse buildings (tax incentives, regulatory flexibility).
- Offer an expedited "fast track" permit system as incentive for redevelopment projects.
- Support the organization of an active revitalization program, using block grant funding, as well as Town and state aid, to assist in the accumulation of parcels into useful groupings and to aid in design and location decisions (particularly for businesses).
- Encourage "development agreements" to shape and control redevelopment and to encourage appropriate design.

LOCAL LAND USE REGULATIONS

As set forth in the Local Comprehensive Plan Guidelines, the Town is required to examine its local land use regulations (zoning, subdivision, conservation, health, etc.) and evaluate their effectiveness in managing growth and in advancing the goals and polices of the comprehensive plan. The following actions are recommended

Zoning: the town should amend its zoning regulations to encourage redevelopment and revitalization (particularly along the Route 28 corridor) and the creation of activity centers, with mixed residential/commercial use in appropriate areas. (See the "Redevelopment/Revitalization" and "Activity Centers" sections in Vol. I.) The following zoning issues and proposals are also recommended for future consideration:

- Re-codify and redraft the Zoning Bylaw, where appropriate, for improved organization and clarification.
- Develop a zoning atlas at 200 scale showing district boundaries on a parcel by parcel basis. Request Town Meeting endorsement and distribute to public upon request.
- Develop new zoning provisions to allow a range of home occupations (particularly communications and computer related) in residential areas, with strict controls to limit the impact on the neighborhood.
- Develop a "Municipal Use District" to allow various types of municipal uses (watershed, recreation, conservation, etc.) The creation of a municipal use district would establish stricter use controls on municipal lands.
- Develop a "Professional and Medical Office District" for application in areas where there are already numerous offices as allowed by Board of Appeals special permit action. A zoning district for these uses would provide uniform regulations to better control their location and development.
- Develop a "Marina Zoning District" for use in selected waterfront locations to allow expansion of water-related uses. Most of Yarmouth's water front areas are zoned residential, and a marine zoning districts would help preserve water dependent uses.
- Develop new zoning district tailored for business uses in the 6A corridor. This district could ultimately replace the existing scattered business zones.
- Reduce minimum required overall lot size for cluster development from 9 to 4 ½ acre acres. This revision is needed to enable additional clusters in town. Current zoning requires a 9.2 acre minimum for cluster development, but there are few large vacant building lots left in Yarmouth. REducing the cluster minimum lot size would create greater potential for clusters.
- Review measurements of the amounts of land in each district (used/unused, buildable/non-buildable), and compare projected demand for areas of a various uses in each district; make recommendations for zoning map and text adjustments to meet these demands when possible.
- Update, recodify, clarify, and reorganize subdivision rules and regulations where appropriate.
- Require sidewalks for all new subdivisions and develop overall plan for sidewalk construction.

Conservation Commission and Board of Health Regulations

Should be reviewed for their impact on Land Use and Growth Management. The latter are not readily available. However, the Conservation Administrator has prepared several environmental chapters of this Plan and it is felt outstanding coordination has been achieved.

:ACTION ITEMS PERTAINING TO ZONING

From Land Use and Growth Management:

General:

- Create incentives to reuse buildings for redevelopment projects, such as a "fast track" permit system, regulatory flexibility, *specialized zoning.....*

Specific:

- Amend zoning in the designated activity centers along the Route 28 corridor to allow zero lot lines, lesser frontages, shared parking, fewer curbcuts, and similar provisions to improve accessibility within the center.
- Develop a new Hotel/Motel zoning district which will allow for upgrades and modernization of older buildings.
- Consider implementing a transfer of development rights (TDR) program for hotel/motel uses.
- Consider developing TDR provisions for several types of uses that would allow preservation of land and direct development into areas more suited for higher density.

From Affordable Housing Chapter

General

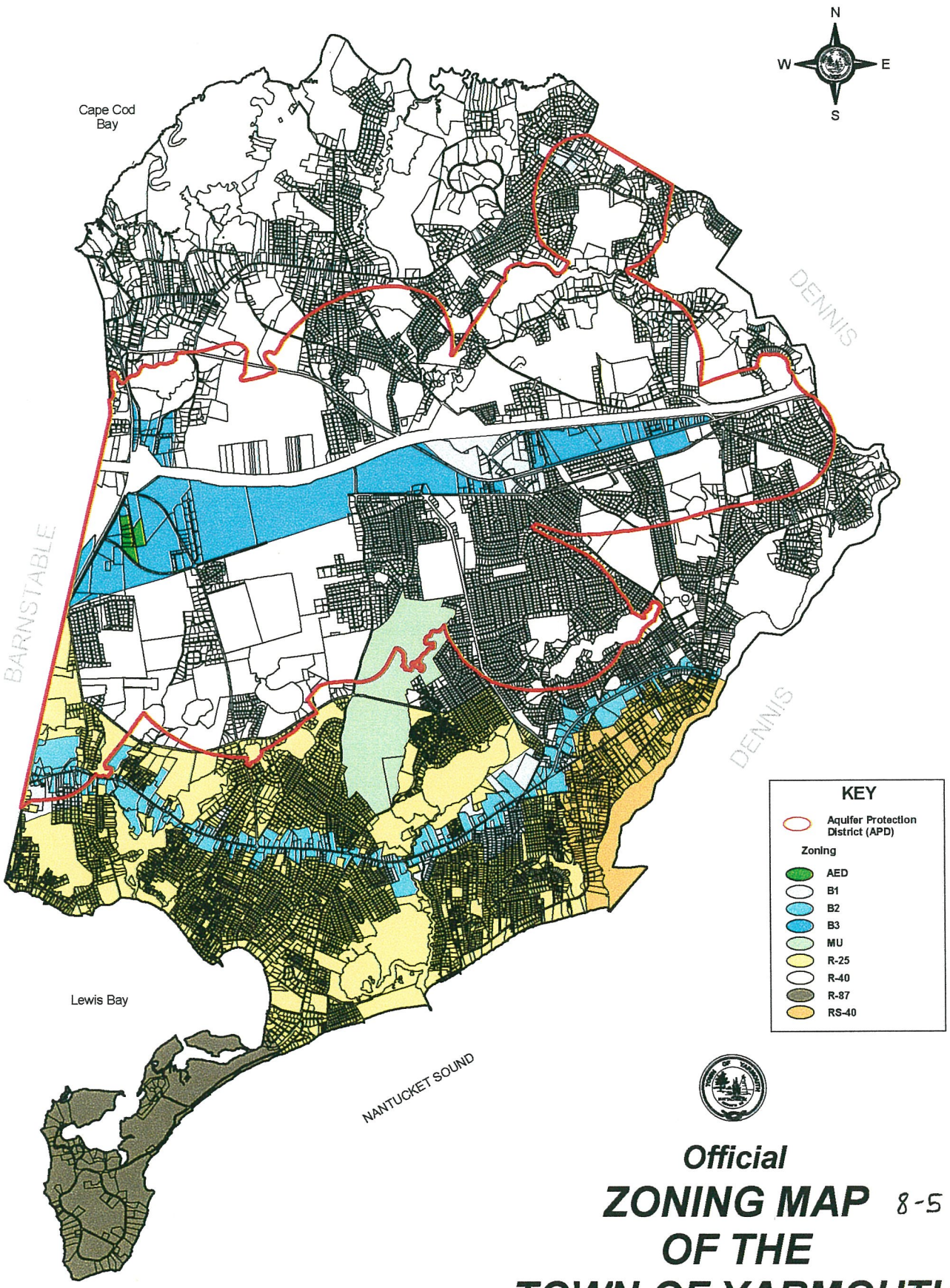
- Reevaluate the zoning bylaw and other town codes and regulations to remove "barriers" to affordable housing and to encourage its development where appropriate.
- Adopt zoning bylaw amendments that allow for the conversion of existing buildings into permanent, year-round affordable housing. Such conversions should include family related apartments, rental duplexes, and condominiums where appropriate

From Economic Development Chapter

- Create a new zoning district in the Exit 7 area with a specialized set of permitted uses targeted to technology=based businesses and professional offices.
- Create zoning bylaw provisions to allow appropriate home business.
- Amend zoning bylaw to allow TDR within targeted districts. ((The Route 28 activity centers in the town's land use plan are one option for target areas in which to use TDR "receiver" parcels).

From Coastal Resources Chapter

- Amend zoning bylaw to prohibit new non-water dependent construction in the FEMA V-flood zones, except where the height of the first floor elevation meets or exceeds the 100 year storm-wave height.
- Designate working waterfront overlay zones along the shoreline to ensure the preservation and expansion of traditional maritime uses. Develop harbor management plans in accordance with state guidelines and implement "watersheet zoning" to protect coastal resources and prevent use conflicts on the water.



Official ZONING MAP OF THE TOWN OF YARMOUTH

8-5

Refer to Zoning Bylaw sections 201.5 and 201.6 to resolve any B1 or B2 Business Zone discrepancies.

Format adopted at Special Town Meeting, February 6, 2001, Article 16

YARMOUTH COMPREHENSIVE PLAN

CHAPTER 8

VOLUME II OF II

Yarmouth Comprehensive Plan
Chapter 8

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GROWTH MANAGEMENT TOOLS

The Local Comprehensive Plan articulates Yarmouth's future planning goals and objectives. A number of growth management tools will help the Town meet these goals and plan for future development. The purpose of implementing growth management techniques is not to stop the Town's growth rate altogether, but rather to facilitate an orderly growth pattern. Growth management tools can protect Yarmouth from further, unplanned growth and enable the Town to develop in an efficient manner consistent with the goals and policies of the Comprehensive Plan.

Before developing a growth management plan, the Town must first conduct the following studies:

1. ***Resources Analysis***: Assess the current town resources such as water, open space and conservation land, transportation, utilities, services, and all developable residential, commercial and industrial land.
2. **Carrying Capacity**: determine how many people Yarmouth's current resources can support. Calculate current and predicted future ground water supplies, for example). Examine which resources will be most impacted (or depleted) by future growth and population increases.
3. **Build-out Analysis**: Determine the maximum amount of development in Yarmouth that current zoning regulations will allow. Quantify maximum potential future growth for residential, commercial and industrial parcels and indicate likely growth areas in detailed maps and charts.
4. ***Growth Policy:*** Create a Town wide growth management policy and develop strategies to accommodate future growth while preserving Yarmouth's special character and maintaining the Town's economic and environmental vitality.

These studies shall help determine which growth management techniques best address Yarmouth's growth concerns. Among the tools to consider are the following:

REGULATORY MEASURES:

Zoning: Zoning is the basic traditional planning tool employed by towns to control land use and density. Towns can revise their zoning codes and rezone particular districts to better address the goals of the community. Revising Yarmouth's zoning requirements to encourage compact forms of development (clusters, village centers) and mixed residential/commercial uses in appropriate areas will help minimize land consumption and reduce sprawl. Rezoning can also help direct compatible land uses to appropriate areas and encourage revitalization within designated areas. In cases where early zoning regulations failed to address particular environmental issues (industrial district located within a water resource protection zone, for example), rezoning will protect sensitive land from such intensive uses.

However, it is important to note that zoning alone is not a fully adequate means of managing growth, and we need to implement additional growth management strategies that enable the Town to channel its development more effectively. As Yarmouth approaches a built-out state, we need to channel its development more effectively and we need to consider alternative growth management techniques that allow future development, while preserving the Town's unique character and protecting its environment.

Growth Centers help channel development to designated areas in order to promote future growth and redevelopment there. Rather than spreading new development to outlying areas (adding to suburban sprawl), growth is directed to "growth centers" where infrastructure and public facilities are already in place. Various development incentives direct (density bonuses, transfer of development rights, for example) growth to areas that provide a variety of services and activities in a convenient, easily accessible location. Growth centers encourage reuse of vacant structures and revitalization of areas that have lost their vitality. By targeting development to its designated "growth centers", a town can facilitate an efficient growth pattern that best meets the needs of the community and reduces additional land consumption.

Village Centers are small scale growth centers that serve the local community by offering mixed housing types and a variety of commercial services within a compact area. The mixed use/residential emphasis of village centers encourages pedestrian access and minimizes traffic congestion. They are also well served by public transportation. Those who choose to drive can leave their cars parked (in public parking lots or on the street) and walk to the various establishments. South Mashpee Village and Wellfleet are two examples village centers.

Commercial Corridor Standards provide a mechanism for a town to promote quality commercial development along a major transportation route while ensuring that the new development is designed and landscaped in a way that is compatible with existing businesses and promotes community character. By adopting commercial corridor standards as an overlay for a district (which must be defined and delineated on the zoning map), a town can encourage commercial growth centers and reduce strip development along its highways.

Commercial corridor standards could be established along Route 28 Yarmouth, for example, to ensure that new development is compatible with existing businesses and that its traffic impact is minimal. Reducing curb cuts and requiring businesses to share entrance ways would mitigate traffic impact and improve road safety. Implementing buffering, landscape, and architectural requirements would enhance the area's aesthetic quality.

Historic District preserves the visual character of buildings and places of historical significance to a town. By designating a particular area as an "historic district", a community can protect the distinctive character of structures in the area and encourage the design of new construction to be compatible with the existing buildings. A well preserved historic district creates a sense of community pride and also serves as a tourist attraction.

Cluster Development enables the "clustering" of structures on one part of a parcel, while keeping the remaining land for open space (or recreation land, noise barrier, buffer zone, scenic preservation, etc.) A builder is allowed to develop part of the site at a greater density than standard zoning in exchange for designating a substantial portion of the land as open space. The overall density of the parcel remains unchanged, but the density of the developed part is increased.

Clustering benefits the town, the developer, and the homeowner. For towns, cluster developments provide an effective tool for preserving open space as well as reducing a development's impact on the surrounding community. For a developer, the cost of paving and supplying utilities is reduced because of reduced lot size and frontage requirements. The reduction in construction costs could, in turn, be passed on to the home buyers as reduced prices for homes. Clusters are also appealing to homeowners for their proximity to open space and recreation land.

A number of misconceptions about cluster developments has contributed to some residents' aversion to them. First is the myth that cluster developments increase the town's total density rate. This is untrue. The cluster development maximizes the density on a single subdivision parcel, but the density of the overall site must meet current zoning regulations. Clustering does not change the total land density. Another popular misconception about cluster development is that they consist of condominiums, affordable housing, or low-income units. While clustering might include any one of these housing types, it is important to note that clusters include single family dwellings as well. (A single family house in a cluster development might be an attractive option for residents who want to own their own home but do not want the responsibilities of keeping up a larger lot.)

Furthermore, in contrast to the misconception that cluster developments are instruments of suburban sprawl, clustering actually helps break the sprawl cycle by concentrating development in one area and preserving

open space in the other. In areas with significant amount of developable land, adjoining neighboring clusters could provide substantial additional open space.

Clustering is an important growth management technique, and by encouraging cluster developments, Yarmouth can preserve valuable open space at no additional expense to the Town. Offering developed incentives such as streamlining and "fast tracking", the permit process will encourage more clustering in Yarmouth.

Development Scheduling enables a municipality to "time"its growth to ensure that it can provide the necessary public services and facilities (adequate schools, roads, police and fire protection). As a town grows, so do its infrastructure costs. With the addition of new houses and businesses, the town must provide additional roads, sewer lines, utilities, and public services to accommodate them. A development scheduling bylaw establishes an orderly and economically viable growth plan for a town (based on the goals articulated in the local Comprehensive Plan). To implement development scheduling a town must first prepare a Capital Improvement Program (C.I.P.). The C.I.P. provides a detailed assessment of the town's present and (projected) future capital expenditures, and recommends an annual Capital Budget.

Development scheduling recognizes that the location of and access to public services strongly influences a town's growth pattern, and it seeks to ensure that a town can maintain its level of services as it grows. With a development scheduling bylaw, for example, a town could limit premature growth in its outlying areas (that lack the necessary infrastructure) and direct development to its downtown where such facilities already exist.

Development scheduling also helps a town retain its desired character (as expressed in the Comprehensive Plan), and protects it from suburban sprawl. While some may view it as an anti-growth tool, development scheduling actually encourages a pattern of planned growth that allows a town to maintain a high quality of services and facilities and services as it grows.

A development scheduling bylaw might not be an appropriate growth management technique for Yarmouth because most of the town is already developed. Still it is important to remember that new growth does require additional infrastructure and public service spending for the Town, and the development rate must not exceed the Town's ability to provide these essential services.

Timing Controls, similar to development scheduling, enable a town to control its growth rate to ensure that it is able to maintain adequate public services and facilities. Timing control measures such as *building permit caps and interim growth restrictions,* for example, allow a town to "catch up" to its development so it can still provide these services. Timed growth restrictions are temporary; they do not place a permanent freeze on development. While challenged as illegal or too restrictive by some, as long as these temporary controls are reasonable in scope and duration, protect public health, safety, and welfare and are implemented in good faith, they are generally legal. Communities that have experienced extreme fluctuations in growth rates have implemented temporary building permit limits, for example, to stabilize development rate and the town's ability to provide the necessary public services and facilities.

Transfer of Development Rights (TDR) is a growth management tool based on the concept that a package of rights accompanies land ownership. TDR allows a land owner to separate his right to develop the land from its existing use, and transfer the development rights to another parcel. Under a TDR plan, a town designates which parcels of land are to be "donors' of development rights and which are "receivers". The owner of the donor parcel sells his development rights at market value. He then keeps the land in less intensive use, while the purchaser may develop the receiving parcel at a greater density than standard zoning allows. Donor parcels are usually land areas that are considered valuable to the public good and in

the Town's interest to preserve (drinking water supply recharge areas, for example). The receiving parcels are usually assigned to areas that can accommodate additional growth at a greater density .

For the development of a TDR program, a community must first decide which land and resources it wants to protect and which areas can best handle additional growth. An inventory of the town's undeveloped land and location of its natural resources will help identify the donor parcels. The boundaries of a donor zone must be identified. The receiving parcels must be located in areas that can accommodate greater density and additional infrastructure demands. Growth centers are ideal receiving zones.

A TDR program is an innovative growth technique that allows a town to preserve land of .special value to the community .It also encourages development in areas best suited for greater density. TDR can help facilitate development of "growth centers" and of redevelopment/revitalization districts.

Impact Fees Provide a mechanism for a town to collect revenue for additional capital investments necessitated by new development. Impact fees shift the burden of paying for growth from the community at large to the new development. The town collects a small percentage of the total development cost to fund the additional infrastructure improvements, schools, police and fire protection necessitated by the development. Impact fees help the town pay for growth without raising the tax rate.

Site Plan Review establishes a system for the Town to evaluate layout plans for proposed developments and to ensure that all buildings and structures comply with the Zoning Bylaw requirements. The Site Plan Review Team reviews the design plan for certain proposed projects (as specified in the Zoning Bylaw) to ensure that the development minimizes adverse environmental impacts, preserves the site's unique natural and historical features, maintains the character of the neighborhood, avoids major topographical disturbances, and adequately addresses the area's traffic needs. Site plan review strengthens zoning enforcement and helps prevent haphazard development. At present Yarmouth's site plan review includes only an identification of what regulations affect a parcel. Planning, character, etc. issues are not addressed.

NON REGULATORY MEASURES:

Development Agreements establish a framework for improved cooperation between a .developer and the public sector. They provide a municipality with a means of securing infrastructure, environmental, and community improvements to mitigate the impacts of a proposed development. The municipality negotiates with a developer to provide these improvements in exchange for a guarantee that the zoning and permit requirements will remain unchanged for the duration of the project. Development agreements shift the burden of financing additional public facilities from the municipality to the developer. In the case of an office park, for example, the town might require the developer to fund the park's drainage, sewage, and street systems while the town agrees to maintain them. Development agreements often involve traffic impact mitigation measures. Where a development disrupts traffic flow, a developer might be required to install traffic lights. Development agreements allow additional growth while minimizing the financial burden to the community. Towns can also use them as a means of reducing developments environmental impact.

Land Bank provides a mechanism for a town to raise revenue for land acquisition. While land use regulations are effective in controlling new growth, town ownership is often a preferred method of land conservation. As availability of municipal revenues for land purchases is limited, a land bank provides an additional funding method for the town. A trust account is established to purchase land for open space. (Any proposed purchases must be approved by Town Meeting vote.) Land banks enable towns to acquire

property before it is prematurely developed, and thereby avoid the costly capital expenditures (infrastructure improvements, utilities, and public services) that new development would necessitate. Towns generally use land bank funds to purchase property considered to be of value to the .community at large (drinking water supply areas, scenic ares, etc.). Yarmouth's Land Bank Committee has been aggressive in using all its available funds immediately to purchase a variety of parcels.

Conservation Easements/Restriction provide a landowner with substantial tax benefits in .exchange for foregoing future development of the property .The landowner enjoys lower property taxes (and reduced capital gains taxes upon sale of the land) while restricting its future development. The specifications of conservation easements/restrictions vary .They could, for example, prohibit future development on a parcel or permit public access to the land. Easements might also be used to restrict certain uses of the land and prevent clear cutting. Conservation easements and restrictions are valuable growth management tools. They are appealing to both large and small landowners for their tax benefits, and they enable towns to preserve open space and restrict future development at no additional cost.

Land Trusts are private, nonprofit charitable organizations that acquire land and preserve it as open space. Most acquisitions are donated as gifts (by individuals, foundations, and corporations), although land trusts occasionally raise revenue to purchase property. The trust manages and preserves the land while the donor receives tax benefits for the contributions. As non governmental groups, land trusts provide an alternative means of acquiring land for open space preservation, farmland, and public recreational use. Land owners with an interest in preserving future open space and receiving tax reductions might want to consider making a donation to a land trust. These organizations play vital roles in growth management strategies.

Agricultural Preservation Restrictions help preserve existing farmlands and protect them from future development. The state run Agricultural Preservation Restriction Program (APR) offers landowners an alternative to selling off their farmland for nonagricultural development. Under APR, a farmer voluntarily sells the development rights to the state. The state, in turn, pays the farmer the difference between the appraised value of the land for development and its agricultural value. The farmer retains the title to the land with a permanent deed restriction against future development. The land is then taxed only as agricultural land, and the farmer receives a substantial reduction in property taxes. The state's APR funds are limited, so local communities often establish matching funds to contribute to the APR purchase. For its contribution to the purchase, the local community then becomes a co-holder of the farm's deed restriction.

Current Use Assessment Programs: Under MGL chapters 61,61A and 61B, owners of agricultural, forest, and private recreation lands can receive tax abatements. Through these programs, land is valued and taxed at its current use, rather than the "highest and best use" (commercial or residential development), reducing property taxes for the landowner. It is important to note that the current use assessment programs are not permanently tied to the land. A landowner must renew the application annually and can withdraw any time

SENSITIVE RESOURCES/INCOMPATIBLE USES

Future development should not endanger natural resources. The goals and policies of this chapter provide a framework for balancing natural resource protection and future development through planned growth strategies. Sensitive resource areas should be identified and evaluated to protect them from the impacts of incompatible land uses. Once they have been identified, development can be directed to more appropriate locations. Extremely sensitive areas (such as barrier beaches, wetlands, vernal pools, water bodies, FEMA velocity zones, public supply wellhead buffer zones, and rare and endangered species habitat) are negatively impacted by development and should be preserved through Town acquisition and conservation restrictions.

Other sensitive resource areas (well protection areas, 100 foot buffers to ponds, streams, and lakes, FEMA A zones, zones of contribution to public supply wells, coastal resource areas, areas dependent on private wells, and important ecosystem areas) can accommodate some development, but it should be directed away from them through Town purchases, conservation restrictions, buffer zones, transfer of development rights, cluster development and other growth management techniques. These areas should be zoned for very low or low density development.

Incompatible uses/density: Despite local land use regulations, areas of incompatible uses and densities do exist: Yarmouth's former industrial district (B-3) is entirely located within the Aquifer Protection district. A number of densely developed residential areas have been built in FEMA A& V zones; the Lewis Bay shoreline area, the southwest area of the Bass River, and parts of the south shore will experience substantial flood damage in 100 year storm events. Heavy boat traffic, lawn, road and septic run-off in densely developed areas have contaminated some shellfish beds and caused their closure. Over development has caused elevated nitrogen levels in some wells.

Minimum Performance Standards

- Development and redevelopment should be directed away from Significant Natural Resource Areas as illustrated on the Cape Cod Significant Natural Resource Area Map dated September 5, 1996, as amended.
- New development adjacent to lands in active agricultural production should maintain or provide a thickly vegetated buffer of sufficient width to prevent conflicts between the development and existing agricultural areas.

Development Review Policies

- Development unrelated to agricultural operations should be designed so as to avoid or minimize development on lands capable of sustained agricultural production as evidenced by soils, recent agricultural use, and/or surrounding agricultural use.
- Management practices that maintain the productivity of agricultural lands and minimize the use of chemical fertilizers and pesticides that could adversely impact the environment should be encouraged.

Actions:

- Develop a statement about the Aquifer Protection District (APD) indicating types of acceptable uses for the area that would not negatively impact the aquifer.
- Develop a map of APD (aquifer protection district) boundaries on a lot by lot basis to clearly define and delineate lots with additional APD controls.
- Consider whether a limit on future development will be necessary based on available water resources, waste disposal, and infrastructure capacity.
- Encourage small cluster subdivisions as a means of preserving future open space and protecting sensitive resources while accommodating development.
- Encourage office uses in the B-3 industrial district.
- Adopt policies to protect agriculture uses, especially cranberry growing, through buffers, conservation restrictions, and other growth management techniques.

Note: Commercial and residential development and population growth should not harm Yarmouth's natural environment. Sensitive resource areas should be identified and evaluated to protect them from development impacts and incompatible land uses. Once they have been identified, development can be modified or directed to more appropriate locations. Extremely sensitive areas (such as barrier beaches, wetlands, vernal pools, water bodies, FEMA velocity zones, public water supply wellhead buffer zones, and

rare and endangered species habitat) can be negatively impacted by development and should be preserved through Town acquisition and conservation restrictions, and other mechanisms for protection. These extremely sensitive resource areas are often protected by local, state and federal laws, as is the case in Yarmouth.

FUTURE LAND USE NEEDS - Part II

Public Land Acquisition

Public land acquisition (through purchase or donation) is an effective growth management technique that enables the Town to protect land areas of special value to the community or provide needed municipal facilities (schools, libraries, etc.). 4382 acres of land in Yarmouth are publicly owned (primarily Town owned, plus a few state and federally owned parcels). Most of that land is watershed (955 acres) or conservation land (1800 acres, though much of that is unbuildable wetland). While 28.4% of Yarmouth's land area is held in public ownership, these publicly owned parcels are distributed in an uneven pattern throughout Town and lack contiguous links to each other. (See map.) Substantial sections of open space land stand unconnected to other pieces. It is important to note that as the Town approaches full build-out, public ownership of not only large parcels of open space, but also the scattered small vacant lots within Yarmouth's various neighborhoods is an effective method of preserving undeveloped green space and maintaining community character.

In addition to providing natural resource protection, scenic preservation, public access, or recreational benefits, town purchase of open space can be a cost effective growth management technique that reduces future growth and eliminates the need to provide the additional infrastructure and public services necessitated by new development. While the initial purchase cost of open space may be high, the long term savings in infrastructure and public services costs usually off-sets the initial fiscal impact. The use of Land Bank funds will reduce that initial impact of purchases.

Yarmouth's land bank (approved by Town Meeting November 1998) will provide substantial funding for future open space acquisition. The Land Bank Committee will oversee the Town's purchasing program and recommend parcels for land bank acquisition to Town Meeting. The Conservation Commission has also developed its priority list for future purchases that may help guide and inform land acquisition decisions.

(Please note: for more information about the Town's conservation and recreation land use plans, see the newly updated "Open Space/Recreation " plan element (chapter 6). Bicycle trails, walking paths, and other open space areas are covered in this chapter.)

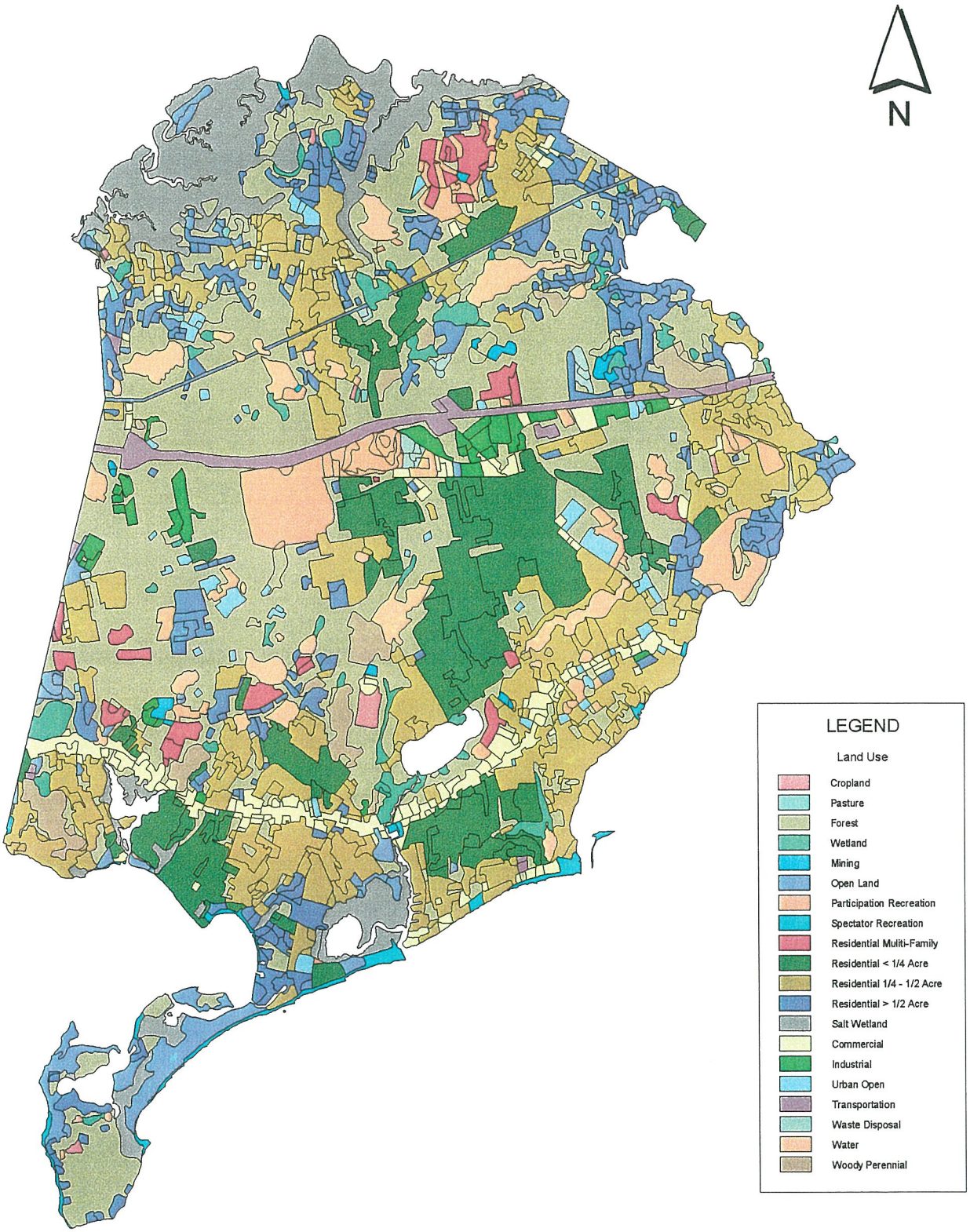
Actions:

- Develop a priority list of desirable parcels for Town acquisition, focusing on parcels that could provide open space linkage or could fulfill a specific community need (natural resource protection, access, land for traffic mitigation, recreation, municipal facility , scenic preservation).
- Develop future land use plans for various camp sites in Yarmouth that may come into the open market.
- Consider continuing to make Town-owned land available for agricultural use, and designate a portion of that land for a community garden.
- Develop a plan for the former drive-in site property.
- Develop plans for Bray Farm, Packets Landing, cemeteries, and similar Town assets (including parcels for Land Bank purchase) to guide future investments.

Senior Housing Demographic studies have indicated that Yarmouth's senior population (over age 65) will steadily increase to 45% of the Town's total population by 2015 (from 30.74% in 1990, 6,500 people at that time). This means that the Town will be providing services for 13,000 seniors by 2015.

Action:

- Encourage the development of both public and private affordable housing for seniors, with an emphasis on congregate facilities and units for particular use by the frail elderly.
- Continue leasing or donating parcels of Town owned land for senior and/or affordable housing.



TOWN OF YARMOUTH
EXISTING LAND USE

Source: MASS GIS

CODE	ABBREV	CATEGORY	DEFINITION
1	AC	Cropland	Intensive agriculture
2	AP	Pasture	Extensive agriculture
3	F	Forest	Forest
4	FW	Wetland	Nonforested freshwater wetland
5	M	Mining	Sand; gravel & rock
6	O	Open Land	Abandoned agriculture; power lines; areas of no vegetation
7	RP	Participation Recreation	Golf; tennis; Playgrounds; skiing
8	RS	Spectator Recreation	Stadiums; racetracks; Fairgrounds; drive-ins
9	RW	Water Based Recreation	Beaches; marinas; Swimming pools
10	R0	Residential	Multi-family
11	R1	Residential	Smaller than 1/4 acre lots
12	R2	Residential	1/4 - 1/2 acre lots
13	R3	Residential	Larger than 1/2 acre lots
14	SW	Salt Wetland	Salt marsh
15	UC	Commercial	General urban; shopping center
16	UI	Industrial	Light & heavy industry
17	UO	Urban Open	Parks; cemeteries; public & institutional greenspace; also vacant undeveloped land
18	UT	Transportation	Airports; docks; divided highway; freight; storage; railroads
19	UW	Waste Disposal	Landfills; sewage lagoons
20	W	Water	Fresh water; coastal embayment
21	WP	Woody Perennial	Orchard; nursery; cranberry bog
22	-	No Change	Code used by MassGIS during quality checking

APPENDIX

EXTRACTS FROM REPORT ON

"GENERAL BUILD-OUT, AND ANALYSIS OF ZONING "

AT THE

STATION AVENUE INTERSECTION

By Horsley & Witten, Inc.

Dated October 1999

Consultants Credit

*We entered into our first contract with Horsley & Witten, Inc. of Sandwich, MA in the Fall of 1999. This was after the availability of funds to undertake a "build out" study was advertised and consultants were interviewed.
* The consultants' prepared a detailed build out study for the entire area, with a concentration on the activity center on Station Ave. around the A&P. As you can see this was based on existing zoning, and used the available Town data base to examine each lot.
*The overall Build-Out was available in November of 1999 and has been used as an overall guide and analysis for a number of issues ever since.
* Horsley & Witten has worked in the meantime on a build-out study of the Old South Yarmouth Village (BAss River) Activity Center. This has been held pending the advancement of plans of the 3 keystone projects in the area findings will be available at a later date.
* It has been a pleasure to work with the Horsley & Witten staff on these undertakings. They have been very professional, knowledgeable, and most helpful to local staff and appropriate committees.
* A full report is available on the above subject if members of the general public wish to review the details. A synopsis of the study follows for those who wish a more abbreviated approach.

Prepared For the
Land Use and Growth Management
Steering Sub-Committee for
The Yarmouth Comprehensive Plan

EXTRACTS OF
GENERAL BUILD-OUT AND ANALYSIS OF ZONING
AT THE STATION A VENUE INTERSECTION

I. INTRODUCTION

The Town of Yarmouth contracted with Horsley & Whit ten, Inc. to provide land planning analysis to assist the Town in its Comprehensive Planning process. The analysis involved a general build-out to evaluate the number of potential lots available for further development under existing zoning and a more detailed analysis of the Station Avenue business district (Figure 1). This area was of particular concern to the Comprehensive Plan sub-committee as an area that would be likely to see further development and/or redevelopment in the future.

II. GENERAL BUILD-OUT ANALYSIS METHODOLOGY

An analysis of the potential for future development under existing zoning was conducted using the Town of Yarmouth's Geographic Information System data layers and assessors' database. Assumptions for the build-out analysis consisted of excluding lands which were considered non- buildable. Land considered non-buildable were as follows:

- Yarmouth Conservation Trust held properties
- State and Federal owned lands
- Schools (T own of Yarmouth owned and Dennis- Yarmouth regional school)
- Recreation Lands owned by the Town of Yarmouth
- Yarmouth Library Association owned lands
- Wetlands
- Kings Way and Blue Rock Golf Courses
- Great Island Realty Trust lands
- Town of Barnstable lands

The database was queried for the above properties and removed from the build-out analysis. Wetlands were accounted for in the database provided by the Town of Yarmouth. The data field named acres, contained acreage associated with upland developable land, it was this area that was used to determine the number of buildable lots available.

Buildable lands were considered under three conditions.

- Undeveloped parcels
- Underdeveloped parcels
- Sub-dividable parcels

Underdeveloped parcels consisted of parcels without existing buildings. These lots were analyzed for the

three buildable units were considered possible subdivisions and a 15% gross .reduction in acreage was applied for subdivision roads. The remaining acreage was then divided for possible buildable lots.

Underdeveloped parcels were considered to be those lots containing existing buildings which could have further development based upon the current zoning. For example, a three-acre lot exists in a one-acre zone with one building currently on it. Under the current zoning two more parcels could potentially be added. Underdeveloped parcels were calculated by querying the database for parcels with existing structures greater than 2 times the minimum lot size. This assumption was based upon one structure requiring the minimum lot size and that to further divide the parcel an additional lot would be needed. If the parcel had more than one structure currently on it, each building was given on minimum lot size of parcel area, the remaining was considered to be Sub-dividable. This manner of calculating underdeveloped parcels is limited and does not take into account the size of the building upon the property. For example, a parcel of land could be considered underdeveloped by this method even though the existing structure takes up the entire area of the buildable land.

Further detailed analysis would be required to provide more accurate results. This methodology does allow for a "first cut" and allows for the identified parcels to be examined further in the future.

This "general build-out" does not take into account setbacks, frontage, and other intricacies associated with determining whether or not a lot is actually buildable. The type of analysis done in this report will provide gross estimates on lots that have the potential to be developed and will offer a conservative estimate on the potential for new development. Many of the lots that have been identified in this analysis may not actually be available for development given other zoning constraints.

Definition of Terms
Undeveloped Parcels: Parcel with no existing buildings which conform to existing minimum lot size
Underdeveloped Parcels: Parcels with buildings where further development can occur up to 2 parcels
Sub-dividable Parcels: Parcels with existing buildings which can have three or more parcels added

Non-conforming Parcels: Parcels greater than 5,000 sq.ft with frontage (residential districts) or 8,500 (business districts)

III. RESULTS OF THE BUILD-OUT ANALYSIS

R-40 Zoning District

The R-40 Zoning District is the largest zoning district and covers the majority of land area in Yarmouth; this district requires a minimum lot size of 40,000 sq.ft and allows single family homes. Open land which consists of Town-held parcels, Yarmouth Conservation Trust parcels, Blue Rock and Kings Way golf courses, State and Federally held parcels, Town of Barnstable held parcels, and the Dennis- Yarmouth Regional School, consists of 302 parcels. Five hundred sixty one parcels are nonconforming, 10 are undevelopable, having less than 5,000 sq.ft. Of upland and 551 could have one residence each placed on them. Two hundred seventy two lots are greater than the minimum lot size and are undeveloped. These lots have the potential to be further divided into 955 lots, consisting of212 single lots and 743 Sub-dividable lots.

One hundred twenty two parcels are potentially underdeveloped, these parcels met the criteria of having an existing structure(s) and greater than 80,000 sq.ft. The underdeveloped parcels have the potential to

have an additional 43 single lots and 643 Sub-dividable parcels, for a total of 688 additional possible lots (figures 2 and 3). The R-40 Zoning District has the potential to have an additional 2,194 parcels developed.

Table I. Summary R-40 Zoning District Build-out Analysis (see Appendix)

	Existing Parcels	Potential Parcels
Undeveloped Parcels (>40,000 sq.ft., no existing structure)	272	955
Underdeveloped Parcels (parcels with existing structures, each structure was given 1 minimum lot size, the remaining area was considered for development)	122	688
Nonconforming Parcels (>5,000 sq.ft and <40,000 sq.ft., DO existing structure)	561	551
Total Buildable Potential Parcels 2,194 R-87 Zoning District		

R-87 Zoning District

The R-87 Zoning District is located in the southwest part of Yarmouth and zoning requires a minimum lot size of 87,210 sq.ft. Twenty-three parcels are owned in conservation by the Great Island Realty Trust. Twelve parcels are undeveloped and have the potential to be divided into a total of 40 parcels under the existing 87,210 sq .ft. minimum lot size. Of those forty, ten could become single lots and two parcels have the potential to be subdivided into three and twenty- seven home lots respectively. There are three potentially underdeveloped parcels in the R-87 Zoning District which could have an additional 18 lots developed. There are 13 nonconforming buildable parcels in this district each with the potential for one home to be built (Figure 4). Total, in the R-87 Zoning District, there is the potential for 71 new lots to be developed, under the methodology used for this build-out analysis.

Table 2. Summary of R-87 Zoning district Build-out Results (See Appendix)

	Existing Parcels	Potential Parcels
Undeveloped Parcels (>87,210 sq.ft no existing structure)	12	40
Underdeveloped Parcels (parcels with existing structures, each structure was given 1 minimum lot size, the remaining area was considered for development)	3	18
Nonconforming Parcels (>5,OOO sq.ft and <87,210 sq.ft, no existing structure	13	13
Total Buildable Potential Parcels	71	

R-25 Zoning District

The R-25 Zoning District is located in the southern portion of the Town of Yarmouth and borders Route 28 to the north and south (Figure 5). The R-25 Zoning District allows residential homes with a minimum lot size of25,000 sq.ft. Seventy-four parcels are undeveloped and are greater than 25,000 sq.ft., of these

parcels, 61 have the potential to be single home lots and there are 158 Sub-dividable lots, for a total of 219 possible lots. There are 299 nonconforming lots, 7 of which are not developable due limited upland area, 291 have the potential for one residence. There are 85 underdeveloped parcels which have the potential to have an additional 310 parcels developed.

The R-25 Zoning District has the potential for a total of 821 additional parcels to be developed with single family residences. The largest parcel of undeveloped land in this district is located in the western part of the district, south of Rt.28, is 47.5 acres and owned by the Cape Cod Hospital. Another significant parcel of undeveloped land in this district lies to the north of Rt.28, also in the western part of Town, contains 21 acres and is owned privately.

Table 3. Summary District R-25 Zoning District build-out Analysis (See Appendix 1)

	Existing Parcels	Potential Parcels
Undeveloped Parcels (>25,000 sq.ft., no existing structure	74	219
Underdeveloped Parcels (parcels with existing structures, each structure was given 1 minimum lot size, the remaining area was considered for development)	85	310
Nonconforming Parcels (>5,000 sq.ft and <25,000 sq.ft., no existing structure)	299	291
Total Buildable Potential Parcels	821	

Former RS-25 Zoning District (Now R-40 Zoning District)

The former RS- 25 Zoning District is located in the southeastern portion of the Town of Yarmouth and had a minimal lot requirement of25,000 sq.ft and allowed single and two-family dwellings. Recently (April, 1999) this area was rezoned as an R-40 district which has a minimum lot size of 40,000 sq.ft. and allows single family home development. There are 8 undeveloped parcels in this district, 5 have the potential to be developed into 5 single lots and 12 into Sub-dividable lots, for a total of 17 potential new lots. Nonconforming lots in this district total 42 parcels, all 42 have the potential for I new home each. There are 13 underdeveloped parcels in the R-40 Zoning District with the potential for four new lots to be developed. A total of 63 additional parcels could be developed in the R-40 Zoning District. The largest undeveloped parcel lies within the middle of the district, is owned privately and contains 6.58 acres (Figure 6).

Table 4. Summary RS-25 (now R-40) Zoning District build-out Analysis (See Appendix 1)

	Existing Parcels	Potential Parcels
Undeveloped Parcels (>40,000 sq.ft, no existing structure	8	17
Underdeveloped Parcels (parcels with existing structures, each structure was given 1 minimum lot size, the remaining area was considered for development)	13	4

Nonconforming Parcels (>5,000 sq.ft. and <40,000 sq.ft., no existing structure)	42	42
Total Buildable Potential Parcels	63	63

Bl Zoning District

The B 1 Zoning District business district is interspersed throughout the Town and has a minimum lot size requirements of 25,000 sq. ft. Nonconforming lots with a minimum area of 8,500 sq. ft. can be built upon in the B I Zoning District. There are 15 nonconforming parcels with the potential for development in the B I Zoning District. There are 19 undeveloped parcels which are greater than 25,000 sq.ft. within the Bl Zoning District. Of these 19 parcels, the potential exists for 21 new single lots and 11 Sub-dividable lots.

Underdeveloped parcels with existing buildings which have the potential for further development in the B I Zoning District were also examined. Results of these analysis indicate that the B 1 Zoning District has the potential for 88 new lots, 24 of which are single lots and 64 lots are Sub-dividable. A total of 137 additional lots are potentially available for development (Figure 7- 13)

Table 5. Summary B2 Zoning District build-out Analysis (See Appendix 1)

B2 Zoning District

The B2 Zoning District is located along the Rte 28 corridor and zoning requires lots to be a minimum of 20,000 sq.ft. (Figure 14 and 15). There are 13 undeveloped lots remaining in the district, of which 21 potential lots can be developed, 11 single lots and 10 Sub-dividable lots. There are 4 nonconforming lots, each with the potential for one structure to be built. One hundred parcels are identified as underdeveloped and have the potential for 222 new parcels to be developed, of these 54 would be single lots and 168 would be Sub-dividable lots. A total of 247 parcels could be potentially developed in the B2 Zoning District. The largest undeveloped lot is located in the westernmost portion of the district, but contains only 0.76 acres of buildable land upon which only 1 potential parcel could be developed. The next largest parcel is 2.04 acres, located in the eastern part of the corridor, and is privately owned.

Table 6. Summary B2 Zoning District Build-out Analysis (See Appendix 1)

	Existing Parcels	Potential Parcels
Undeveloped Parcels (>20,000 sq. ft. no existing structure)	13	21
Underdeveloped Parcels (parcels with existing structures, each structure was given 1 .minimum lot size, the remaining area was considered for development)	100	222
Nonconforming Parcels (>5,OOO sq.ft. and <20,000 sq.ft., no existing structure)	4	4
Total Buildable Potential Parcels		247

B3 Zoning District

The B3 Zoning District is located along Route 6 and has minimal dimensional requirement of 40,000 sq.ft (Figure 16). Twenty-one parcels are undeveloped and have the potential to have an additional 80 parcels developed, 14 of which would be single lots and 66 Sub-dividable. There are 19 nonconforming parcels, each would allow for one structure to be built upon it. There 17 underdeveloped parcels which have the potential to have an additional 83 parcels developed, of these 8 would be single lots and 75 would be Sub-dividable. A total of 182 parcels could be potentially developed within the B3 Zoning District.

Summary B3 Zoning District Build-out Analysis (See Appendix I)

	Existing Parcels	PotentiaL Parcels
Undeveloped Parcels (>40,000 sq.ft., no existing structure)	21	80
Underdeveloped Parcels (parcels with existing structures, each structure was given 1 minimum lot size, the remaining area was considered for development)	17	83
Nonconforming Parcels (>5,000 sq.ft. and <40,000 sq.ft., no existing structure)	19	19
Total Buildable Potential Parcels	182	

IV. STATION AVENUE DETAILED ZONING ANALYSIS

The second task included a more detailed analysis of the Station Avenue Bl Zoning District. The reason for choosing this area for further evaluation was twofold. One, the area is plagued with traffic problems because of the amount of traffic generated by the businesses in the district and the access to Route 6; two, this area was considered small enough to reasonably examine closely.

Minimum Dimensional Requirements Dl District

The intersection of Station Avenue and Rte 6 is designated as a BI zoning district. The B1 zoning district allows for many uses and has a minimum lot size of 25,000 sq.ft. (see Table 8. For other dimensional requirements). Several exceptions to the dimensional requirements pertaining to the B I district exist in the regulations, two are specific to the B1 district, that frontage setbacks in this area must be 75 feet for lots adjoining and southerly of Route 6 along Station A venue and that maximum building coverage, including paved and unpaved parking areas, shall not exceed 70% of the total square footage of any lot.

Table 8. Dimensional Requirements BI District

(excerpted from Town of Yarmouth Zoning Bylaw, Apri114, 1998)

MINIMUM LOT SIZE IN SQ.FT. (C,N)	MINIMUM FRONTAGE IN FT. (F)	FRONT	MINIMUM YARD IN FT SIDE	REAR	MAXIMUM BUILDING COVERAGE (%) (L)
25,000	150	30 (75)	25	20	25 (70%)

C. Two-family dwellings, where allowed, require twice (2 times) the normal minimum lot size of the district.

F. Corner lots shall have frontage on one street of at least the minimum required in the Table of Dimensional Requirements and frontage at least one hundred feet on any other abutting street.

J. Except for tots adjoining and southerly of Route 6 along Station Avenue, seventy-five feet.

L. The developed footprint of imperious surfaces (structures, pavement, etc.) Including any unpaved parking areas, shall not exceed 70% of the total square of any lot.

N. One hundred percent of the minimum lot size required must be upland (i.e. not a bank, beach, bog, dune, marsh, swamp or wet meadow under M.G.L. ch. 131, sec. 40)

Allowed Uses in the B1 District

Allowed uses in this district include residential, both single, two-family and multi-family by right. Cluster planned residential, boarding houses, bed & breakfasts or family-related apartments are allowed by special permit with Planning Board or Board of Appeals approval. Hotels/motels or mobile homes are not allowed in this district. Agricultural uses are allowed. Printing and publishing businesses are allowed (printing uses require a special permit from the Board of Appeals) Transportation services, communications facilities (with Board of Appeals). Transportation services, communications facilities (with Board of Appeals approval), and public utilities (with Board of Appeals approval) are allowed in this district. Retail trade, including building materials and garden supply shops, general merchandise stores, food stores, apparel and accessory stores, furniture shops, eating and drinking establishments, and miscellaneous retail are allowed by right. Motor vehicle service and repair stations, motor vehicle and boat dealerships, and fuel service stations are allowed with Board of Appeals approval.

Existing Uses in the B1 District at the Station Avenue Intersection

The methodology for analyzing the Station Avenue Business District built upon the previous .general build-out analysis in this district. The general build-out analyzed lots based on the minimum square footage required in the district. A further examination of setback, frontage and building coverage requirements were reviewed for the more detailed analysis.

Methodology for Analysis of Station Avenue Business District

The methodology for analyzing the Station Avenue Business District built upon the previous general build-out analysis in this district. The general build out analyzed lots based on the minimum square

footage required in the district. A further examination of setback, frontage and building coverage requirements were reviewed for the more detailed analysis.

Frontage, rear and side setbacks for nonconforming and undeveloped lots were measured from the Yarmouth GIS maps to examine if the parcels met the requirements (Figures 17 & 18). A comparison of these measurements with the zoning regulations for this district was conducted.

Assessing the potential for regrowth in underdeveloped lots was more difficult. Lots designated as underdeveloped based upon the previous analysis, may actually be fully developed when parking was taken into account. Percent cover, including parking and building roofs, was estimated using aerial photographs of the area taken in October of 1994 (Figure 19). If the percent cover was equal or exceeded the maximum 70% coverage for the lot, it was considered fully developed. One of the limitations for this method is the lack of information on existing building height. According to the zoning bylaws, building heights shall not exceed thirty-five feet and no building will contain more than three stories. Existing structures that do not exceed this building height, may have the potential for further growth, although it is likely the parking requirements would then become the limiting factor .

Results of Analysis of Station Avenue Business District

The B1 Station Avenue district contains 42 parcels. Two parcels were considered unbuildable, a large parcel of land, owned by the Town of Yarmouth, on which the current transfer station for the Town is located, and a vacant parcel on Beacon St. used as an easement by the State of Massachusetts Executive Office of Transportation and Construction. According to the criteria used in the previous general build-out analysis, there are six undeveloped parcels with the potential to be developed into nine parcels and four nonconforming parcels with the potential to have one structure placed one each.

Further review of these parcels indicates some are not buildable under the existing zoning bylaws. Table 9 summarizes the results of the comparison between the actual parcels to the zoning requirements for frontage, setbacks and % coverage. Two parcels originally considered nonconforming did not meet the necessary frontage requirements and are therefore no longer considered buildable. Two of the nonconforming parcels meet the requirements for frontage and setbacks and could potentially be built upon.

Four of the six undeveloped parcels did not meet minimum frontage requirements. Parce188-91 could be developed with a small odd shaped building. The parcel abuts another undeveloped parcel (with no frontage) and is owned in kind, these two parcels would most likely be combined for any further development. The 1994 aerial photograph depicts parcel 97-17 as cleared with pavement and parked cars on it, this parcel does not meet the frontage requirements, nor does the abutting parcel. These lots could be combined, but this would not increase the frontage.

Twelve parcels were designated as potentially underdeveloped lots in the initial analysis. The first task identified parcels as potentially underdeveloped if the lot size was twice the minimum area, or 50,000

sq.ft. in the B1 District, and had an existing structure on it. The number of potential parcels was determined based on the number of buildings and the area, (i.e. 2 buildings required 2 -50,000 sq.ft. lots). This method does not take into account the size of the building or the need for parking.

To adequately address whether a site was potentially underdeveloped many other factors would be considered, such as the economic cost benefit and amount of parking required. Underdeveloped lot coverage was examined using the areal photograph and compared with the allowed 70%. Most parcels have used a large amount of the allowed coverage, with few exceptions (Table 9). Parcels 98-109 and 98-108 have used the least amount of the allowed lot coverage and there is potential for these to be built more heavily upon.

V. CONCLUSIONS

General Build-out Analysis

The vast majority of land within the Town of Yarmouth has been built upon and/or disturbed at one time or another .However, a total of 3,721 new parcels could be created under current zoning regulations, approximately a 23% increase over current existing lots. The district with the most potential for growth is the R-40 Zoning District, with many undeveloped and nonconforming parcels scattered throughout its entire area. Examining Figures 2 and 3 reveals that many of the undeveloped and underdeveloped parcels lie within the northern portion of the Town, north of Rt. 6, in the R-40 Zoning District. Several large parcels, classified as underdeveloped, such as the parcels owned by the Boy Scouts of America and the Bass River Rod and Gun Club could be subdivided into numerous parcels. In addition, there are several other large parcels of land in the northwestern portion of the R-40 Zoning District that are privately owned and Sub-dividable.

The R-25 Zoning District still has a considerable number of potentially developable and/or Sub-dividable parcels. The parcels are scattered throughout the district with the largest undeveloped parcel owned by the Cape Cod Hospital, in the western section of the district, the parcel's total acreage is 93 acres, with only 47 of it considered upland, the rest is wetlands.

The recent rezoning of the RS-25 Zoning District to RS-40 has reduced the total number of potentially buildable parcels from 92 to 63. The majority of the parcels that are developable are .nonconforming lots, which total 42 parcels.

Several un-built upon parcels remain in the business districts, far fewer than within the residential districts. In particular , underdeveloped parcels in the business districts need to be examined more thoroughly to determine whether or not they could be further intensified.

The following table (Table 10.) Provides a summary of the total number of potential parcels within each district which have the potential to be built upon.

Table 10. Summary of Build-out Analysis

Zoning District	Potential Parcels
R-40	2,171
R-87	71
R-25	821
RS-25 (now RS-40)	63
BI	137
B2	247
B3	182
Total	**3,691.**

Analysis of Station Avenue Bl Zoning District

The more detailed analysis of the B 1 Zoning District revealed some of the limitations of the general buildout analysis. Not all nonconforming and undeveloped lots were able to be built upon when other zoning requirements were factored in. In particular , frontage requirements did not allow many of these parcels to developed. In the B 1 Zoning District general buildout analysis, four nonconforming parcels were identified. Upon further review, only two could be built upon. The same held true for undeveloped parcels, six were identified in the first analysis, but examined more closely only two had met the other zoning requirements. Underdeveloped parcels were particularly difficult to assess because of the many factors involved in the decision making for assessing the redevelopment potential of an already developed parcel. The majority of underdeveloped Bl Station Avenue parcels examined were at or close to their allowed 70% coverage. It is likely that parking constraints have not allowed for further development of these parcels.

If the B I Zoning District were considered as representative of the entire T own in terms of the discrepancy between the general build out analysis and the detailed analysis then 50% of the parcels considered nonconforming are actually not buildable and 80% of the previously identified undeveloped parcels are not developable. Examining frontages and setbacks would be a time consuming task for the other districts, but may be the only method for more accurately identifying lots that are potentially buildable.

Table 9. B1 District Station Avenue
Comparison to Zoning Bylaws

Nonconforming Parcels - no existing structures, >8,500 sq. ft. and ,25,000 sq.ft.						
Lot size (acres)	Map & Lot #	Frontage	Front Setback	Side Setback	Rear Setback	70%Impervious Coverage (sq.ft.)
0.45	97-11	N				
0.49	97-2	Y	Y	Y	Y	~14,900
0.52	97-1	Y	Y	Y	Y	~16,300
0.34	98-3	N				

Undeveloped Lots - no existing structures,.25,000 sq.ft.						
0.70 *	97-18	N				
0.70 *	97-17	N				
0.91	97-3	Y	Y	Y	Y	~27,000
0.79 *	88-91	Y	Y	Y	Y	~36,300
1.00 *	98-2	N				
3.08 **	88-94	N				

Underdeveloped Lots - existing structure, .50,000 sq.ft.				
Lot Size (acres)	Map & Lot #	% Existing Coverage	Residual Coverage	Existing Bldg. Size (sq ft)
1.33	88-92	60%	10%	3,337
1.76	88-93	40%	30%	8,437
3.66	87-41	72%	0%	13,089, 11,064, 3,864
3.80	97-20	37%	33%	18,965, 5,259
5.99	97-21	83%	0%	49,551 3,876
9.56	97-22	57%	13%	62,265
2.41	97-4	68%	2%	17,009
2.26	97-7	62%	8%	19,266
1.20	97-8	72%	0%	15,887
2.37	98-107	3%	67%	2,579 503
1.60	98-108	1%	69%	1,109
1.16	98-109	35%	35%	16,430

*Parcels owned by same person (potential to combine)

** No existing frontage, potential to build road exists

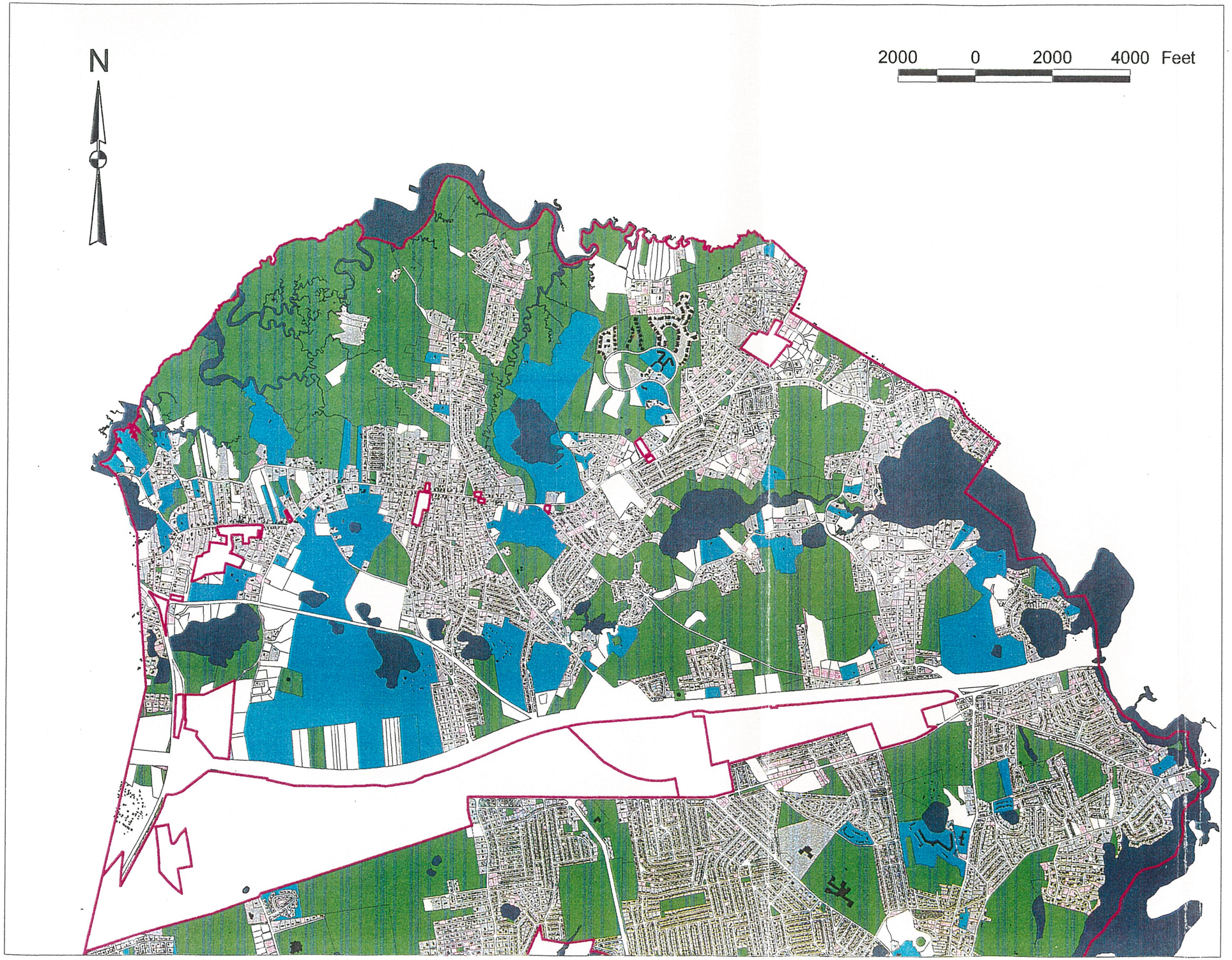
APPENDIX

ANALYSIS

GENERAL BUILD OUT ANALYSIS MAPS

Figure 2	R-40	District - North
Figure 3	R-40	District - South
Figure 5	R-25	District
Figure 6	RS-40	District
Figure 14	B-2	District West
Figure 15	B-2	District - East
Figure 16	B-3	District

Figure 2
R-40 District North
General Buildout Analysis

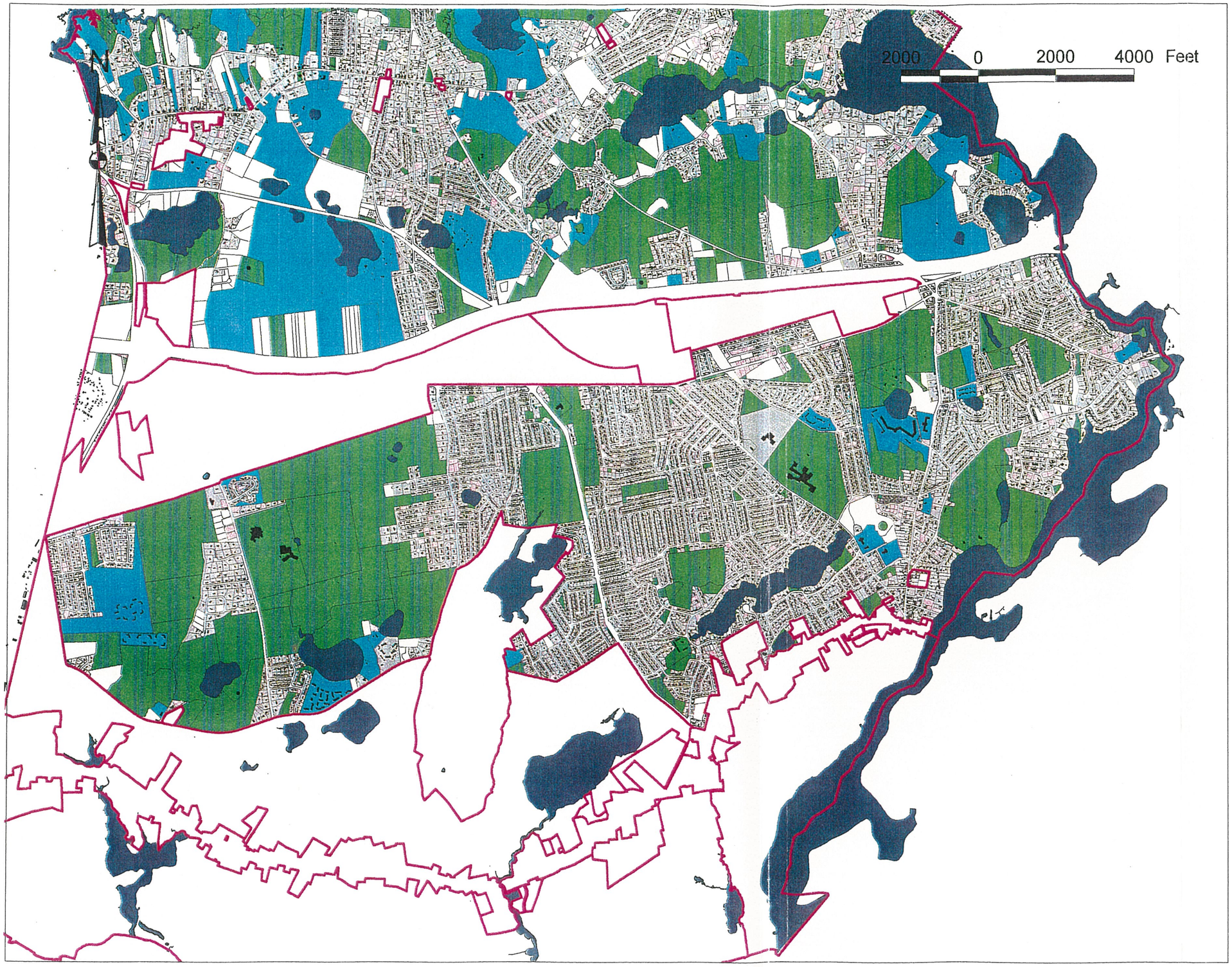


Legend

- Zoning
- Lakes
- Buildings
- Developed Parcels
- Non-conforming Buildable Parcels
- Underdeveloped Parcels
- Undeveloped Buildable Parcels
- Nonbuildable Lands

Basemaps provided by
Town of Yarmouth, GIS
July 7, 1999
Horsley & Witten, Inc.

Figure 3
R-40 District South
General Buildout Analysis



Legend

- Zoning
- Lakes
- Buildings
- Developed Parcels
- Non-conforming Buildable Parcels
- Underdeveloped Parcels
- Undeveloped Buildable Parcels
- Nonbuildable Lands

Basemaps provided by
Town of Yarmouth, GIS
July 7, 1999
Horsley & Witten, Inc.

Figure 5
R-25 District
General Buildout Analysis

Legend

- Zoning
- Lakes
- Buildings
- Developed Parcels
- Non-conforming Buildable Parcels
- Underdeveloped Parcels
- Undeveloped Buildable Parcels
- Nonbuildable Lands

Basemaps provided by
Town of Yarmouth, GIS
July 2, 1999
Horsley & Witten, Inc.

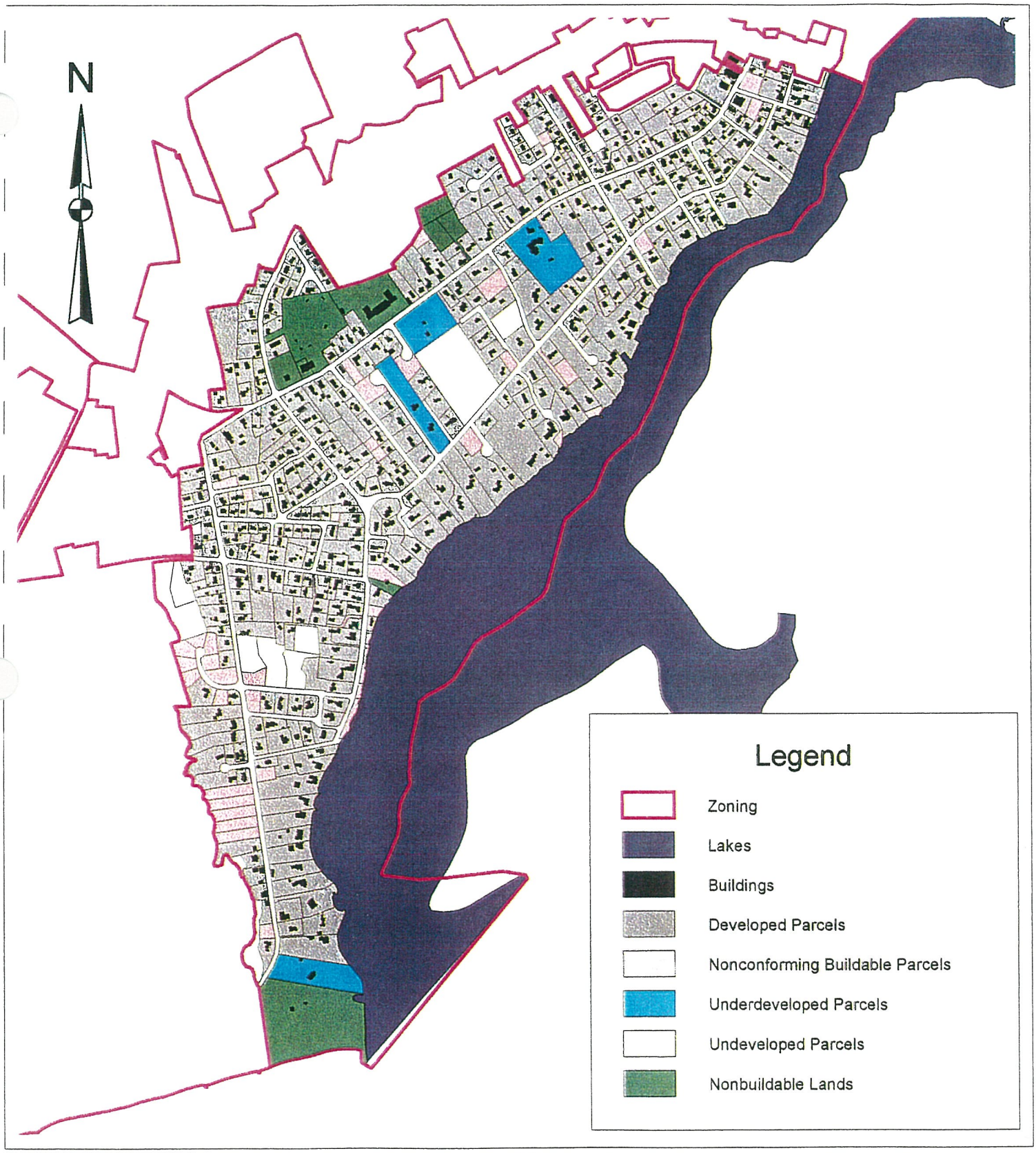


Figure 6
RS-25 change to R-40 District
General Buildout Analysis

Basemaps provided by Town of Yarmouth, GIS
September 15, 1999
Horsley & Witten, Inc.

500 0 500 1000 Feet

Figure 14
B2 District West
General Buildout Analysis

Legend

- Zoning
- Lakes
- Buildings
- Developed Parcels
- Non-conforming Buildable Parcels
- Underdeveloped Parcels
- Undeveloped Buildable Parcels
- Nonbuildable Lands

Basemaps provided by
Town of Yarmouth, GIS
July 2, 1999
Horsley & Witten, Inc.

Figure 15
B2 District East
General Buildout Analysis

Legend

- Zoning
- Lakes
- Buildings
- Developed Parcels
- Non-conforming Buildable Parcels
- Underdeveloped Parcels
- Undeveloped Buildable Parcels
- Nonbuildable Lands

Basemaps provided by
Town of Yarmouth, GIS
July 2, 1999
Horsley & Witten, Inc.

Figure 16
B3 District
General Buildout Analysis

Legend

- Zoning
- Lakes
- Buildings
- Developed Parcels
- Non-conforming Buildable Parcels
- Underdeveloped Parcels
- Undeveloped Buildable Parcels
- Nonbuildable Lands

Basemaps provided by
Town of Yarmouth, GIS
July 2, 1999
Horsley & Witten, Inc.

ADDITIONAL VALUABLE INFORMATION

There are at least five items of considerable interest that have already been commenced which appear to have important impact on this chapter, and should very probably be added to this chapter in the near future. Some involve policy and so must be submitted to Town Meeting, and all contain interesting and important back-up material.

A. **Build-out Analysis**: the "holding capacity" of various areas, in the sense of uses and population location, based on the existing zoning and also the future land use plan, needs to be known. This means a lot by lot analysis of buildability. There are 19,000 parcels in Yarmouth. We have just received a County funding allocation to do some of this analysis work.

B. **Redevelopment/Revitalization**: As the Town has built up, the need for renewal of various kinds, and parcel accumulation of smaller lots has become apparent. "Development agreements" have become desirable. More specific suggestions are needed. Block grant funding may help.

C. **Goals and Objectives**: Addition of Objectives, Minimum Performance Standards and Development Review Policies to the goals proposed here would be a helpful clarification

D. **DRI Thresholds**: An analysis was made of the dozen developments of regional impact (DRI's) that had been proposed here and sent to the Cape Cod Commission, it indicated a major raising of development size thresholds might be desirable to provide for flexibility.

E. **Paper Subdivisions**: An analysis of the 20 or so remaining unbuilt subdivisions and associated lots is needed.

FUTURE LAND USE/GROWTH MANAGEMENT SUBJECTS FOR DISCUSSION AND INVESTIGATION

The Land Use and Growth Management chapter has called attention to several corollary subject that could be undertaken in the future that would provide additional insight into the LU/GM subject and plan proposals. Six of these are listed below for incorporation into future updates of this chapter.

1. "Paper" subdivisions, i.e., approved projects which have not been constructed yet.
2. Vacant "developable land", (industrial, commercial, residential; note the "build-out" studies.) (See Build out Study I)
3. Estimate of vacant commercial and industrial space. (Square footage by type.)
4. Inventory of location and capacity of existing public water and septage facilities. (See Chapter
5. Discussion of current trends in land use and development, land conversion, etc. (in-fill, trophy homes, second homes, motel units)
6. Discussion of impact of future anticipated development on town sewers/septage and also its appearance. (Base projections should be in year-round and seasonal population estimates for the next 10 years.

Note: It is interesting to point out that of the 6 items listed above numbers 3,4,and 5 are currently under detailed study! (2/18/02)

APPENDIX
OTHER REPORTS OF INTEREST

1. Barriers Report
2. Water front Master Plan
3. Waterfront Re-Zoning

BARRIERS REPORT

In 1995 the Town of Yarmouth, in conjunction with the Cape Cod Economic Development Council and Cape Planning and Grants, produced the "Study of Barriers to Economic and Community Development". In its assessment of various regulatory, social, political, and resource barriers, the report proposed a number of recommendations to strengthen Yarmouth's economic and community development opportunities.

Several recommendations focus on improving the efficiency of the permitting process. The study found that securing permits for projects in Yarmouth can be a confusing and laborious task for applicants. Many projects require several permits; unnecessary delays are both frustrating and costly for developers.

The study proposes establishing a voluntary "Fast Track" comprehensive application process that enables an applicant to file for all relevant permits simultaneously. Applicants who choose the Fast Track would be assigned to a specially trained "liaison" (staff member) who guides them through the permit process, explaining the requirements and reviewing the procedures to ensure their understanding. The liaison continues to provide the applicant with compliance assistance for submission requirements as needed. Through Fast Tracking, the applicant's various permit submissions then receive concurrent review from the relevant agencies. This streamlined system could reduce the permitting process by several weeks.

The report also proposes numerous zoning changes to reduce economic and community development barriers. While some proposed changes may not be feasible (incompatible with other elements of the local comprehensive plan), some suggestions should be further investigated. The proposed reductions in setback requirements for LB (B2) and Old Town House Road industrial zones would enhance redevelopment opportunities in these areas.

The "Barriers" report offers helpful insights into Yarmouth's current economic and community development obstacles. As the document states, many of these barriers are "manageable". Cooperative efforts between the public and private sectors is a key to solving these issues and strengthening Yarmouth's future economic and community development opportunities.

Note: The various obstacles/barriers as well as assets to economic development in Yarmouth are discussed in greater detail in the Economic Development chapter.

Waterfront Master Plan

In response to local concerns about protecting the environmental quality of Yarmouth's waterfront areas, reducing use conflict, improving access, upgrading facilities, and enhancing recreational opportunities, Yarmouth's Waterfront Planning Group (WPG) has developed a detailed plan for the Town's future waterfront development. Its proposals are designed to revitalize Yarmouth's waterfront and enhance business, pleasure, and educational opportunities for Town residents and visitors.

The WPG report presents the following as goals for Yarmouth's future waterfront development:

- **To develop a plan for mitigating controllable pollution sources to our waterways and develop alternative funding methods for mitigation.**
- **To achieve a balance among the various residential, commercial, and recreational uses of our waterways, and to direct each use to areas best suited for it. Also develop a management plan that clearly defines allowable uses in each of the proposed Marine and Waterfront zones and establish responsibility for the plan's enforcement.**
- **Maintain and improve public access to the waterfront.**
- **Develop a viable management plan for our waterways that will enhance the safe and enjoyable use of this precious resource.**

In conjunction with these goals, WPG has identified a list of potential marine development/redevelopment sites. Listed below are some key concepts of the report. (Please note, however, that environmental constraints may preclude some recommendations. Their feasibility also depends upon attainment of various local, state, and federal permits.)

Mill Creek
Lewis Bay, West Yarmouth

The proposals for Mill Creek focus primarily on improving the environmental quality of the area. Since the shoreline is already fully developed, no additional growth is possible (although maintenance and improvements to existing structures are recommended). The marsh system has accumulated contaminants from Route 28 roadway run-off, and the Town must work with state agencies to develop a mitigation plan to prevent further contamination. Malfunctioning cesspools and septage systems are also a major pollution source of Mill Creek and Lewis Bay. A municipal sewer system for Route 28 between Mill Creek and Hyannis (connecting to the existing Hyannis sewage treatment center) would alleviate the septic contamination.

The Department of Natural Resources has recommended dredging 2-3 feet of sediment from the bottom of the Creek (after the roadway run-off contamination has been corrected) to provide a firmer surface for shellfish propagation. Although the Creek had been an active shellfishing area, its current contamination levels require shellfish to be transplanted elsewhere for flushing. Dredging of the "ditch" to the north and east of Colonial Acres beach is recommended for further flushing of shellfish beds.

Englewood Beach and Marina
West Yarmouth.

As boating activity has increased dramatically in the northeasterly portion of Lewis Bay, safety for both boaters and beach goers has become a pressing issue. The WPG has proposed extensive plans for Englewood Beach that include a new marina, boat launching ramp, floating docks, and moorings. (The lack of upland space could create a parking problem, but alternative parking areas may be available.)

The plan calls for extending the existing breakwater southwesterly about 600 feet and constructing a rip-rap sea wall easterly then northeasterly to within 150 feet of the shore to create a protected "harbor" area for

small pleasure boats and local fishing vessels.(The harbor area would be dredged 9-10 feet.) The extension of the breakwater would also enable the formation of a new beach area on its southwest side. The aqua culture and shellfish area to the southeast of the breakwater would be preserved, with all other uses prohibIted.

A cornerstone of the Englewood Beach and Marina plan is the town acquisition of the Red Rose Inn property (as well as vacant land on the west side of New Hampshire Ave. for upland support). The Red Rose property could provide the Town with additional space for waterfront facilities and parking.

The plan also recommends moving the existing boat launch ramp to a safer area (possibly to the end of Berry Ave, if the Town eventually acquires the Red Rose Inn property). Many residents have voiced concern about its current safety. The ramp not only needs repair, but it also poses serious hazards to the beach users who frequently cross the ramp area as they head for the beach on the southwest side of the breakwater

Reconfigured floating docks and "dinghy docks" would enhance safety and ease docking in the area. New (town-owned) moorings in the harbor would provide additional boat space and generate additional revenue for the Town.

Parkers River Estuary

The Parkers River area contains extensive salt and fresh water marsh systems and has been a productive shell fishing area. Route 28 divides the fresh water areas to the north from the salt water areas on its south side. Development along this corridor has damaged the surrounding ecosystem, adding roadway run-off and septic waste (from defective septic systems) to the river. Shoaling is a concern at several spots along the river.

The WPG plan proposes developing a "Parkers River Marina" on the 20 acre town-owned former drive-in theater property , but it acknowledges that the various state environmental restrictions would likely prohibit such a use. They have also proposed developing a "New England Fishing Village" as an alternative to the marina. Environmental constraints may restrict some elements of this proposal as well. The fishing village plan recommends the construction of a "marsh walk" boardwalk from the edge of the upland to Lewis Pond and Seagull beach. A proposed shuttle boat from the upland area to Seagull Beach would help alleviate beach parking problems. The plan also suggests providing overnight recreational vehicle parking at the drive-in site, which would generate additional revenue for the Town.

South Shore Drive Area
South Yarmouth

This area encompasses a 1.18 mile stretch of the Nantucket Sound shoreline from the Parkers River entrance to the entrance of the Bass River. Five beaches and most of Yarmouth's waterfront motels are located in this area. Some of the motels are in need of repair, but because the area is zoned residential, reconstruction and repair to these structures is quite difficult. The WPG plan suggests rezoning this area (excluding the residential section) as a new "Motel/Hotel Zone" to permit restoration of these properties and to control their redevelopment. In exchange for rezoning the area, motel owners could be required to improve public waterfront access and preserve or enhance open vistas.

Continued road water run-off monitoring and stormwater improvements are also recommended to mitigate contamination to the rivers.

Bass River Beach
South Yarmouth

The main recommendation for this popular beach concerns rezoning of the beach areas to allow accessory uses (such as a snack bar). Also suggested is a possible marina facility north of the parking area on a 3.22 acre parcel. WPG notes, also, that they have not fully explored this idea, but recommend investigating its feasibility should there be sufficient public interest. (Neighboring residents might, in fact, oppose this proposal.) Additionally, WPG has suggested (although not stated in this proposal) that the Cape Cod Commission designates the entire Bass River area as a District of Critical Planning Concern (DCPC).

Packet Landing Area
at Bass River Bridge

The WPG plan for this area recommends Town purchase of the Anderson property that abuts the landing area to the west. The site offers the Town many uses, including pollution mitigation and additional parking. Storm water run-off from the bridge area currently discharges directly into the river. A portion of the Anderson property could serve as a leaching area for the run-off. The site could also provide additional parking for marina users. WPG recommends developing a mini museum/park on the property to exhibit historical information about the area.

The plan also recommends town purchase of the former Bass River Savings Bank property (at the corner of Old Main and Union Streets) for municipal purposes. Because the building's construction makes it an ideal museum space, WPG suggests displaying local history exhibits to enhance the area's cultural attractions. The existing parking area is , sufficient, and many area residents have shown interest in this proposal. Additionally, if the museum is developed, the plan recommends building a dock at the end of Union Street (just a short walk from the museum) to display a replica of a "packet ship".

Bass Hole (Gray's Beach)
Yarmouthport

WPG proposes a number of recommendations for Bass Hole, but also suggests that the Board of Selectman appoint a "Bass Hole" study group to develop a comprehensive plan for the area. Bass Hole contains a large salt marsh, a small public beach, picnic area, small boat facility , and a popular boardwalk. Because of the great diversity of interests involved, WPG feels that any future proposals for the area must be thoughtfully and objectively evaluated by area (and other interested) residents-

The WPG recommendations focus on improving inadequate facilities in the area. Boat trailer parking needs to be increased, and the boat launch ramps themselves either improved
or relocated. The current ramp is located beside the public beach, posing serious hazards to children playing along the beach.

Both the restrooms and small boat facility need upgrading. The existing restrooms are . inadequate to meet the demand of this popular beach area, and WPG suggests constructIng new bathroom facilities. Security has been an issue at the floating docks and should be improved to better protect the boats renting the slips. A study group could provide more specific recommendations.

Lastly, WPG recommends upgrading the boardwalks in the area to permit greater beach access. The existing boardwalk could be extended over the creek (where it had stood before a storm washed it out) to allow access to a large sandy beach area along the Cape Cod Bay and Barnstable Harbor entrance. The plan also suggests constructing a boardwalk over Chase Garden Creek to Chapin Beach and another one extending to Wharf Lane.

WATERFRONT REZONING:

The WPG report recommends establishing five new zones (marine commercial, marine recreational, marine residential, marine conservancy, and watersheet zones) to better protect and control the waterfront area activities. The main purposes of these zones, the report states, would be to reserve our waterfront areas for water dependent and water related uses. .to provide greater public access to and use of our waterfront. .to protect and enhance these environmentally critical areas to comply with recent state and federal initiatives and mandates to reduce, whenever possible, conflicting uses of our waterways.

Marine Commercial Zone: Since nearly all of Yarmouth's waterfront is zoned residential, the WPG has proposed establishing a zone to accommodate waterfront commercial endeavors. The schedule of uses is designed to permit only those activities that are compatible with the Town's Comprehensive Plan and to prohibit any commercial marine uses deemed incompatible with the Plan.

Marine Recreational: This district would provide for desirable accessory uses in waterfront recreational areas.

Marine Residential: The primary purpose for establishing this district is to comply with the recent changes in the Federal Flood Insurance program and various Federal, State, County , and Town initiatives. The establishment of a marine residential district would also enable the Town to curtail certain activities that are allowable in residential districts but are unsuitable (for either environmental or safety reasons) in waterfront areas.

Marine Conservancy: The purpose of this district is to delineate all publicly owned wetlands. WPG recommends including all Town, County, and State owned wetlands as well as selected others (perhaps those owned/controlled by Yarmouth Conservation Trust) be placed in a marIne conservancy zone.

Watersheet Zones: WPG recommends establishing "watersheet zones" to help reduce conflicting uses of the surface waters (boat moorings in shellfish beds, for instance). The report acknowledges the difficulty in enforcement of such zoning but suggests various user groups and Town authorities investigate ideas for elimination of conflicting marine activIties.