

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
June 21, 2023

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **June 21, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Jim Saben, Chris Vincent (left at 7), Susan Brita, Joanne Crowley, Peter Slovak and Ken Smith

Planning Board Absent: Will Rubenstein

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

Guests: Steve Cleary and Brian Braginton-Smith, NSG Mattacheeset Village LLC

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:32 PM. Planning Board members were all in-person. All votes were roll call votes.
2. **Nantucket Sound Group – NSG Mattacheeset Village LLC – 897 Route 28, South Yarmouth:** Discussion and possible comment letter to the Board of Selectmen related to proposed 23-unit Chapter 40B housing project at 897 Route 28 (former laundromat) submitted to MassHousing.

Joanne Crowley explained the Applicant's request for a letter for Site Approval for a Chapter 40B project and MassHousing's solicitation of input from the Town and local boards. Kathy Williams noted that the Applicants has given presentations to the Community Housing Committee (CHC), Affordable Housing Trust (AHT), Site Plan Review Team and Design Review Committee. The Board of Selectmen will be discussing at their June 27th meeting, although the timeline for comments has been extended by MassHousing to July 20th.

Paul Cleary reviewed the site plan noting the original intent to retain the existing building to allow for mixed-use. Potential revisions could include demolishing the existing building to move the residential housing back away from Route 28. MassHousing does allow for a certain percentage of mixed use. Paul Cleary mentioned the commercial being an oyster bar farm to table style. He also noted the clean energy opportunities being proposed.

Comments from Planning Board members included noting funding challenges of mixed use; concerns about adding housing along Route 28; desire to promote economic development with commercial redevelopment along Route 28; inconsistencies within the application; contradictory unit sizes; parking shown on an adjacent parcel; inquiries about the type of construction for the buildings; and the plans needing further development as the project moves along.

Paul Cleary noted that they will continue to work on the plans, want to hear from the boards, and the project will not be done in a hurry as they want the project to be done right.

Kathy Williams briefly reviewed the attached Draft June 16th Planning Board Comment Memo addressed to the Board of Selectmen. She noted that the Memo is not an approval or disapproval but identifies what the Planning Board wants to see as the project is refined. The memo outlined following the VCOD zoning as closely as possible, providing for an aesthetically pleasing and cohesive building design as outlined in the Architectural & Site Design Standards, and including mixed use.

VOTE: On a motion by Jim Saben, and seconded by Chris Vincent, the Planning Board voted (5-1) to accept the June 16th Memo as written and submit to the Board of Selectmen, with Jim Saben, Chris Vincent, Ken Smith, Peter Slovak and Joanne Crowley voting in favor, and Susan Brita voting against.

During discussion prior to the vote, Susan Brita further noted her concerns about residential housing along Route 28 and desire to have more of a tie to economic development.

3. **Riverwalk Park, Boardwalk & Event Space**: Consider support letter to the Cape Cod Commission for a Development of Regional Impact (DRI) Exemption request being made for the Riverwalk Park project.

The Planning Board briefly reviewed the attached Draft June 22, 2023 Memo in support of the DRI Exemption request for the Riverwalk Park and voted as follows:

VOTE: On a motion by Susan Brita, and seconded by Jim Saben, the Planning Board voted (6-0) to submit the June 22, 2023 Memo as written, with Jim Saben, Chris Vincent, Susan Brita, Ken Smith, Peter Slovak and Joanne Crowley voting in favor.

4. **Temporary Seasonal Employee Housing**: Discussions on potential zoning tweaks for the fall Special Town Meeting.

Kathy Williams reviewed the attached June 16th Memo outlining some potential ideas for amendments to Section 404.5 – Seasonal Employee Housing at Motels/Hotels which may be beneficial to the Zoning Board of Appeals (ZBA) in administering this section in the future. Five options included eliminate the Special Permit option in the HMOD2 to exceed 15% of the rooms; consider setting additional Special Permit criteria; increase percentage of hotel rooms allowed by-right; increase required minimum number of hours worked in a Yarmouth business; and allow special permits to be issued for up to 2-years if successfully implemented in the previous year.

After a general discussion, the Planning Board members were not sure any amendments were needed and wanted to hear from the ZBA, the public and Chamber of Commerce on how things are working.

Public Comments: Ellen Pace, Donna Zalauskas and Gail LiDonni provided public comments on their concerns that the Village Green is being used for 100% seasonal employee housing in violation of Section 404.5 of the bylaw. They also noted that the current definition of Transient at Motels and Hotels creates a loophole in the bylaw that allows motels to be used for seasonal employee housing without going through Section 404.5. Dick Martin also spoke about this issue and need to improve the language in the bylaw. Mark Grylls clarified that seasonal employees can stay at motels if they are meeting the definition of Transient and can't exclude a group of people from being able to rent a motel room.

3. **Accessory Apartment Bylaw Amendments**: No discussion.
4. **Meeting Minutes**: (Chris Vincent left the meeting prior to voting on the minutes)
 - a. **May 17, 2023**: On a motion by Jim Saben, and seconded by Susan Brita, the Planning Board voted (5-0) to approve the meeting minutes of May 17, 2023, with Jim Saben, Susan Brita, Ken Smith, Peter Slovak and Joanne Crowley voting in favor.
 - b. **June 6, 2023 – Notes with Board of Selectmen**: On a motion by Jim Saben, and seconded by Ken Smith, the Planning Board voted (5-0) to approve the meeting notes of June 6, 2023, with Jim Saben, Susan Brita, Ken Smith, Peter Slovak and Joanne Crowley voting in favor.
 - c. **June 7, 2023 – Listening Session #1**: On a motion by Ken Smith, and seconded by Jim Saben, the Planning Board voted (5-0) to approve the meeting minutes of June 7, 2023,

with Jim Saben, Susan Brita, Ken Smith, Peter Slovak and Joanne Crowley voting in favor.

5. **Upcoming Meetings:**

- a. June 26, 2023: Third Listening Session-In Person Meeting at Fire Station #2, Yarmouth Port
- b. July 5, 2023: Regular Business Meeting
- c. July 12, 2023: Tentative Joint Meeting with the Zoning Board of Appeals

6. **Adjournment: VOTE:** On a motion by Susan Brita, seconded by Jim Saben, the Planning Board voted unanimously (5-0) to adjourn at 7:15 PM.

ATTACHMENTS:

- **June 21, 2023 Agenda**
- **Nantucket Sound Mattacheeset Village Chapter 40B – 897 Route 28:** Draft June 16th Planning Board Comment Memo to the BOS; June 7, 2023 email from David Bernstein; excerpts from the MassHousing Application and one additional elevation submitted to the CHC/AHT. Full application available under the address on Laserfiche at: <https://yarmouth.ma.us/LF>
- **Seasonal Employee Housing:** June 16, 2023 Planner Memo and Zoning bylaw Section 404.5
- **Riverwalk Park DRI Exemption:** Draft June 22nd DRI Exemption Support letter for the Riverwalk Park
- **Draft Minutes:** May 17th, June 6th notes with BOS, and June 7th Listening Session.
- **Miscellaneous Correspondence:**
 - Conservation Commission Agenda for 6/1/23 & 6/15/23
 - ZBA Agenda for 6/8/23 & 6/22/23
 - ZBA Decisions 5012, 5016, 5017, 5018, 5020, 5021, 5022, 5023, 5024 & 5025

Approved on August 16, 2023:

On a motion by Chris Vincent, and seconded by Peter Slovak, the Planning Board voted (5-0) to approve the meeting minutes of June 21, 2023, with Chris Vincent, Joanne Crowley, Peter Slovak, Ken Smith and Jim Saben voting in favor.