

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**July 21, 2021**

The Yarmouth Planning Board held an in-person Business Meeting at **5:30** p.m. on Wednesday **July 21, 2021** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Chris Vincent, Joanne Crowley, Tom Baron, Susan Brita, and Will Rubenstein

**Planning Board Absent:** Brad Goodwin and Liz Hartsgrove

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

**Guests:** Mary Vilbon - Yarmouth Chamber of Commerce

1. **Potential Zoning Amendments:** Continued discussion on potential zoning amendments for the fall Special Town Meeting (date to be determined), with the Board providing input to staff on how to move forward. Formal Planning Board recommendations and votes will be made later prior to submission to the Board of Selectmen. Kathy Williams gave an overview of the potential zoning amendments for discussion as outlined in the attached July 16, 2021 Planner Memo.
  - a. **National Flood Insurance Program (NFIP):** Staff is working on the mandatory edits to the Zoning Bylaw in order to maintain eligibility in the NFIP and coordinating with Shannon Hulst, Floodplain Specialists & CRS Coordination of the Cape Cod Cooperative Extension, to ensure NFIP compliance. A draft will be ready for review at the August 4<sup>th</sup> meeting.
  - b. **Zoning Map and Bylaw Conflict (Draft #1 – Section 201.2 – Classes of Districts):** The attached Draft addresses the conflicts between the language in the existing zoning boundaries shown on the Zoning Map and the written word within the Zoning Bylaw for the rear boundaries of the B1 and B2 zoning districts. The Draft also clarifies how boundary lines will be determined if there is any uncertainty from the Zoning Map itself. Kathy Williams noted that further research of past Articles had been conducted and the boundary along the railroad is actually the southern boundary line of the railroad property (not the centerline).

After a brief discussion, the Board concurred with the language in the Draft along with the edit related to the boundary limits along railroads.
  - c. **Rezoning of Lots:** Three potential parcels were discussed for possible rezoning, 121 & 125 Route 6a, and 17 Berry Avenue. Staff reached out to the property owners to see if they were interested in rezoning their property. The Stacy family of 17 Berry Avenue has expressed interest in the rezoning of their parcel from R25 to B2. Staff is awaiting feedback from the two other property owners along Route 6a.
  - d. **Employee Housing (Draft #1 – Employee Housing):** The current bylaw allows for Employee Housing at Non-Motels in the B2 zoning district with limited density and need for the property to be owned by the employer and utilized for housing for employees or staff. This provision has not been utilized and may be related to the strict employer/employee requirement. The attached Draft redefines Employee Housing to reduce restrictions and outlines some additional parameters for consideration by the Board.

Kathy Williams indicated that she had some subsequent discussions with Mary Waygan, Housing Specialist, regarding various ways and mechanisms to ensure employee housing units created by the amendment remain year round and do not become second homes or short term rentals. Further research and input is needed from Town Counsel to identify the legal mechanisms for ensuring year round residents in the Zoning Bylaw. Staff will reach out to Town Counsel.

The Board also had a general discussion on seasonal employee housing, including dormitories and lodging houses and previous issues at motels. Mary Vilbon noted that some J1/H-2B workers arrive in Yarmouth without anywhere to live, regardless of being sponsored by an employer. Kathy Williams recommended discussing this topic with the Board of Selectmen (BOS) for their input at the Planning Board's update meeting on September 21<sup>st</sup>.

- e. **Food Trucks:** Kathy Williams gave a brief overview of the additional investigations done regarding food trucks in Yarmouth and other communities, including supplemental information received from Mary Vilbon of the Chamber of Commerce. Much of the regulations governing Food Trucks are included in the Board of Health Regulations with some towns having them licensed through the Board of Selectmen.

In general the Planning Board was supportive of food trucks, but may be more of a Board of Health issue than related to zoning. Kathy Williams noted that this may be another topic the Planning Board could discuss with the BOS for their input, with the BOS likely wanting to know how the business community feels about Food Trucks, especially restaurants. Kathy Williams indicated that Mary Vilbon offered to bring up this topic with the Chamber Board of Directors at their meeting at the end of the month and also to distribute a short survey prepared by the Board to restaurants to seek their input.

Mary Vilbon noted that her initial request was related to allowing food trucks at the beaches, as there had been an issue with securing a vendor for the concessions at the beaches. As the beaches are located in residential zones, they are not allowed by zoning as restaurants are not allowed in residential districts. The Board discussed including some standards related to signage, location, hours of operation, etc. Mark Grylls also noted the ability to get a waiver from the Special Permit requirement in the Aquifer Protection District (APD) if approved by the Health Director and the Building Commissioner.

The Planning Board was interested in moving forward with amendments to support Food Trucks on town owned property in residential zoning districts through approval by the BOS through the Use of Town-owned Property process, along with some simple standards. Staff will work up a draft for the next meeting.

- f. **Section 303-Signs (Draft #1 – Signs):** The Building Commissioner spoke with Sean Igoe of the Zoning Board of Appeals to get clarity regarding the issue with providing relief through Special Permit as outlined in Section 303.13. It appears that the issue is related to the special permit criteria specifying “that the result will be visually and aesthetically beneficial to the neighborhood”. The attached Draft 1 modifies Section 303.13 by eliminating this phrase, as well as clarifying the maximum height for business center signs at 12’.

After discussion, the Board was looking to have the Draft sent to the ZBA Chair and Vice Chair for their comments.

- g. **Body Art Establishments (Draft #1 – Body Art):** At the end of the last meeting, the Board had a request from Tom Nickinello along with a brief discussion on allowing body

art/tattoo shops along Route 28 to provide more business opportunities for something that has become more mainstream in recent years. The Board discussed the attached Draft amendments, including whether body shops match the vision for Route 28, why the need for high visibility along the commercial corridor, benefits of providing additional business opportunities and filling existing vacancies, and recognizing changing opinions on body art and body art establishments.

The majority of the Board asked to move forward with Body Art amendments by correcting the use to the J3 use, and making it by-right in the B2, HMOD1 and the four VCOD villages (but not allow in the B1 and AED). Prior to finalizing the definitions, the Board wanted staff to ask the Health Department whether body piercing is allowed in the Town of Yarmouth.

- h. **Micro-Brews:** Kathy Williams noted further discussions with Mark Grylls, Building Commissioner regarding simple modifications to allow micro-breweries in the B1/B2 zoning district. This could be accomplished by adding a note to the Use Table under the B1/B2 districts for Use Manufacturing E1 – Food & kindred products as follows:

*52. Except "yes" for Micro Brew Pubs or Ale Houses where the product is manufactured and sold for consumption on-site and not for off-site distribution.*

After a brief discussion, the Board wanted to move forward with this amendment.

2. **Cape Cod Commission (CCC) Development of Regional Impact (DRI) Review:** Continued discussion on possible comment letter to the CCC on supplemental information provided on the DRI Application by Blue Sky Towers III, LLC, for a 120' monopole wireless communication tower and ground equipment to be located at 1044 Route 28, South Yarmouth, Assessor Map 50, Parcel 189.1.

Kathy Williams indicated that the DRI hearing was continued to August 11<sup>th</sup> due to the late submittal of the attached supplemental information. Kathy Williams gave an overview of the information noting the additional photo simulations (one from Forest Road and one in the parking lot behind McDonalds); two cell tower camouflage options ("Mono Pine" and "Bell Tower"); the applicants analysis of different tower locations, heights, and issues with concealed monopoles; alternatives review; and revised plans. Kathy Williams indicated that the review of the technical data by the peer reviewer, Isotrope Wireless, will be needed in order to evaluate the information from the applicant regarding location, height and monopoles.

The Planning Board had a general discussion feeling that the height of the tower needs to be lowered, need to improve the camouflage aesthetics which were lacking in the alternatives provided, and retain vegetation which appears to be impacted more by the revised alternatives. Staff will prepare some draft remarks for the Planning Board and hopefully have information from Isotrope Wireless for the meeting on August 4<sup>th</sup>, prior to the Hearing on August 11<sup>th</sup>.

3. **Community Visioning Presentation:** Kathy Williams noted the recent feature article in the Register, an upcoming code red message as well as additional outreach through social media, town website, constant contact, boards/committees and various civic and town organizations.
4. **Meeting Minutes:** July 7<sup>th</sup> minutes deferred to next meeting.
5. **Board of Appeals Agenda & Decisions:** The attached ZBA Agenda was sent to the Planning Board via e-mail.

6. **Committee Updates from Board Members:**
  - a. **Library Planning Committee (LPC):** Will Rubenstein noted that the LPC made a recent presentation to the Board of Selectmen.
  - b. **Middle School Building Committee:** Will Rubenstein noted the progress being made for the construction of the new middle school and that further discussions are being held on field allocations now that this would be a shared campus.
  - c. **Community & Economic Development Committee (CEDC):** Joanne Crowley noted that the CEDC met on 7/20 for further discussions on Open Cape fiber and improving broadband in town.
7. **Board Member Items:** Susan Brita inquired about the status of the Great Island Plaza project. Mark Grylls noted he had recently heard they are looking at restarting the project with the application for grant funding.
8. **Correspondence:** Attachments noted below were sent to the Planning Board via e-mail.
9. **Staff Updates:** None.
10. **Upcoming Meetings:**
  - a. August 4, 2021
  - b. August 18, 2021
11. **Adjournment: VOTE:** On a motion by Tom Baron, seconded by Will Rubenstein, the Planning Board voted unanimously (5-0) to adjourn at 7:40 PM.

**ATTACHMENTS:**

- **July 21, 2021 Agenda**
- **Potential Zoning Amendments:** July 16, 2021 Memo from Planner with Draft #1 Classes of Districts, dated July 14, 2021; Draft #1 Employee Housing, dated July 16, 2021; Draft #1 Signs, dated July 16, 2021; and Draft #1 Body Art Establishments, dated July 16, 2021; Town of Wellfleet Rules & Regulations Regarding the Operation of Food Trucks, and July 21, 2021 e-mail from Kathy Williams regarding micro-brews..
- **Blue Sky Tower DRI:** Planner Examples of camouflaged cell towers. Supplemental Photo Representations from the Applicant and link to full supplemental information on the Town Website: <https://www.yarmouth.ma.us/AgendaCenter/ViewFile/Agenda/07212021-2183>
- **Draft Meeting Minutes:** July 7, 2021
- **Miscellaneous Correspondence:**
  - ZBA Agenda for July 22, 2021
  - Conservation Commission Agenda for July 15, 2021
  - Barnstable Hearing Notices for July 26, 2021
  - July 19, 2021 e-mail from Brian McGowan regarding boat storage

**Approved on August 4, 2021:**

**On a motion by Chris Vincent, and seconded by Liz Hartsgrove, the Planning Board voted (4-0-2) to approve the meeting minutes of July 21, 2021, with Joanne Crowley, Chris Vincent, Susan Brita, and Tom Baron voting in favor, and Liz Hartsgrove and Brad Goodwin abstaining.**