

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**August 16, 2023**

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **August 16, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Chris Vincent, Susan Brita (left at approximately 7:30), Joanne Crowley, Ken Smith, Peter Slovak, and Jim Saben

**Planning Board Absent:** Will Rubenstein

**Staff Present:** Kathy Williams, Town Planner

**Applicant Representatives:** Attorney Matthew Fitzsimmons; Robert Reedy, J.M. O'Reilly & Associates; Beth Wade, Habitat for Humanity; Attorney Paul Tardif; Hal Choubah of Choubah Engineering Group; and Jay Imad

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

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:31. All Planning Board members were in-person, except for Jim Saben who was remote. All votes were roll call votes.
2. **Approval Not Required ANR Plan #2497G:** John G. Holbrook, Jr., 272 Union Street, Yarmouth Port, MA, Assessor Map 107, Parcel 13.1.3, R40 and APD Zoning Districts. The ANR Plan creates an unbuildable lot for conveyance purposes.

Attorney Matthew Fitzsimmons, representing the property owner John G. Holbrook Jr., noted the ANR Plan divided the property at 272 Union Street to allow for the transfer of the unbuildable Parcel E to the abutting property owner to the north (Forest Keepers, LLC at 280 Union Street). The property at 272 Union Street currently has a Chapter 61A agricultural designation and the new owners will be maintaining that designation on the remaining portion of 272 Union Street (Parcel F). Parcel E will not continue within the Ch 61A designation and Attorney Fitzsimmons will be requesting that the Board of Selectmen waive their right of first refusal, noting the ANR Plan is the first step in that process.

Kathy Williams referenced her August 16<sup>th</sup> email to the Planning Board which indicated all requested modifications to the ANR Plan have been satisfactorily completed.

**VOTE: On a motion by Susan Brita and seconded by Chris Vincent, the Planning Board voted (6-0) to endorse ANR Plan #2497G prepared by Circumspect Land Surveying, and dated August 15, 2023, with Chris Vincent, Susan Brita, Joanne Crowley, Peter Slovak, Ken Smith, and Jim Saben voting in favor.**

The modifications were completed the day of the meeting and a final mylar and four hard copies will be provided to the Town Planner for signature by the Chair.

3. **Approval Not Required ANR Plan #2939:** Applicant: Habitat for Humanity of Cape Cod, Inc. Owners: MRL Realty, LLC and Shoestring Properties, LLC. Property Location: 1121 Route 28, South Yarmouth, Assessor Map 50, Parcels 108 & 108.1, B2 Zoning District. The ANR Plan divides an existing condominium lot into two separate lots.

Robert Reedy, J.M. O'Reilly & Associates and Beth Wade, Habitat for Humanity noted that the two owners of the condominium property at 1121 Route 28 were pursuing the subdivision of the lot to allow for the creation of 2 separate lots. Lot 1 will remain the dental office with Lot 2 going to Habitat for Humanity for the construction of approximately 5 homes. Mr. Reedy also noted the

attached site plan which shows how parking and buffer plantings can be accommodated on Lot 1 with the proposed division.

Kathy Williams briefly referenced her attached August 10<sup>th</sup> Planner Memo and that the property had originally been part of a Village Centers Overlay District (VCOD) project with 9 residential units proposed in three triplexes. Ms. Brita inquired as to whether this project had a veterans preference to which Ms. Wade indicated that it does.

**VOTE: On a motion by Ken Smith and seconded by Chris Vincent, the Planning Board voted (6-0) to endorse ANR Plan #2939 prepared by J.M. O'Reilly & Associates, and dated August 4, 2023, with Chris Vincent, Susan Brita, Joanne Crowley, Peter Slovak, Ken Smith, and Jim Saben voting in favor.**

The signed mylar was given to Mr. Reedy at the meeting.

4. **PUBLIC HEARING - ROAD APPLICATION 2023-1:** Owner/Applicant: Ekaterina & Family LLC and Jay Imad, Trustee of the Cedars of Lebanon Trust, 381 Camp Street, West Yarmouth, MA 02673. **Property Location: 1272, 1276 and 1282 Route 28, South Yarmouth, MA; Assessor Map 60, Parcels 130, 131 & 132; Zoning Districts B2, HMOD1, and ROAD.** The Applicant seeks approval for a Revitalization Overlay Architectural District (ROAD) Development Plan using Zoning Bylaw Section 411. This modified project would demolish all existing buildings on three adjoining properties and construct a gasoline filling station with four (4) dispensers and overhead canopy, a 3,890 square foot (sf) convenience store with coffee shop and drive-thru, a separate 3,755 sf two-story building with four (4) residential units, and various site improvements. The lots currently contain five cottages, a convenience store and two gas pumps with canopy. Any required zoning relief for the project would be via submission to the Zoning Board of Appeals.

Peter Slovak noted that he was an abutter to the project and was recusing himself and left the hearing room for the duration of this Agenda item.

Joanne Crowley noted that the Planning Board had reviewed previous versions of this project in June 2022 and in January 2023 with a new project being presented this evening. She indicated the format for the hearing would include a presentation, planner report, written comments, initial comments/questions from the Board, public comments, further Board comments and then deliberations.

- a. **Presentation:** Attorney Paul Tardif gave a presentation on the project described above noting the modifications were intended to address previous comments from abutters, staff, the Design Review Committee, the Planning Board, and the Zoning Board of Appeals. He emphasized the changes which included the separation of the residential units into their own building with parking located behind for residents/visitors and a vegetated island divider; moving the buildings closer to the road and the location of the order board to provide more distance between the order board speaker and residential areas although still less than the required 100'; additional fencing and acoustic fencing; and moved the pick-up window to the west side of the building. Attorney Tardif reviewed the ROAD criteria noting the project doesn't need to meet all criteria to be approved. He highlighted the economic benefits and recommendation of the Community & Economic Development Committee (CEDC); aesthetics of the building in keeping with the guidelines (noting the Design Review Committee (DRC) comments); underlying zoning is for business; retaining needed housing; and redevelopment of existing sites and buildings. He also noted that the Planning Board would only be approving the ROAD District Development Plan and not voting to approve the project, but to allow it to go to the Zoning Board of Appeals (ZBA) for approval. Attorney Tardif went over the eight items of Special Permit relief that would be sought.
- b. **Staff Report:** Kathy Williams briefly reviewed the attached August 11<sup>th</sup> Planner Report noting that Attorney Tardif covered much of what was included in the report related to the process, review criteria, comments from other committees, changes made based on these comments,

and bylaw relief needed. Ms. Williams inquired about the type of acoustic fence being proposed along the northern property line and asked Hal Choubah to go over his letter outlining decibel levels from the order speaker. Hal Choubah reviewed the attached letter noting the speaker decibel levels of 70 at 4' from the speaker with sound diminishing at a rate of 6 decibels every time the distance doubles. This results in a decibel level of 52 decibels at 32' from the speaker. He further noted that the 8' solid fence chosen does not include any insulation but has a sound transmission class (STC) rating of 26. Mr. Choubah indicated the fence, along with the proposed arborvitaes, gives a noise reduction of 8-10 decibels, resulting in decibel levels at the property line of 42-44 decibels.

Kathy Williams inquired about the reduction in the dormer size along the western side of the convenience store per a comment from a DRC member. Hal Choubah made the attached edit to reduce the dormer with the upper level of the convenience store possibly being used for storage/office. The Applicant did not have any preference on the dormer size.

- c. **Written Comments Received:** Kathy Williams noted one written comment from Audrey Pitts in opposition to the project which was provided to the Planning Board and summarized at the meeting. Her comments were related to the project not meeting the vision for a ROAD project; questioned the actual economic benefits; noted the odors, fumes, and hazardous nature of gas stations contrary to Section 411.3.3, footnote 9; commented on the acoustic fence which originally showed insulation; proximity of trees to the septic system; car-centric nature of the project and traffic impacts; and requested Board disqualify the ROAD application.
- d. **Planning Board Initial Comments:**
- **Ken Smith:** Mr. Smith inquired as to the hours of operation for the drive-thru and whether the 6' fence on the east side was STC rated fencing. Attorney Tardif indicated the drive-thru hours are 6 AM to 8 PM. Hal Choubah indicated the 6' fence on the eastern property line is standard fencing.
  - **Jim Saben:** Mr. Saben inquired about the residential building and the location of the front door. Hal Choubah noted there are egress doors on all four sides of the building including doors facing Route 28 as two means of egress are needed.
  - **Joanne Crowley:** Ms. Crowley inquired about the fencing and landscape buffers on the north side and east side. Hal Choubah noted the fence on the north side is 8' tall with 20' of buffer with large trees and arborvitaes. The existing arborvitaes to the east will be preserved and more trees will be added. Ms. Crowley also asked if there would be different owners for the various elements. Attorney Tardif indicated there would be one owner for the entire property.
  - **Susan Brita:** Ms. Brita inquired as to whether there would be in-ground sprinklers and who would control them. Hal Choubah indicated the sprinklers are programmed for automatic operation and the owner would address maintenance issues.
- e. **Public Comments:**
- **Attorney David Reid (representing Nancy & Scott Reyburn, 28 Bryer Lane):** Attorney Reid noted that Ms. Reyburn's family has owned the property at 28 Bryar Lane since the 1950s, it is where she grew up and hopes to retire. Attorney Reid noted that the ROAD bylaw is a two step process and although the Planning Board is not approving the project, it is a huge step up for the applicant to go to the ZBA for a Special Permit versus Special Permit/Variations. Attorney Reid outlined the following:
    - Questioned how the site and building design meets the objective of the ROAD bylaw to promote historic or old cape cod themes or pedestrian friendly village settings with pedestrian scale amenities.
    - Discussed the history of the ROAD Bylaw and how it was created to encourage development in older village centers and questioned how a self-serve gas station, grab

- and go convenience store, and coffee shop drive-thru encourages creation of a village center, noting the project is for cars and not for pedestrians.
- Noted that the location of the loading and delivery area near Route 28 is not shielded from view.
  - Stated that the drive-thru is not consistent with the underlying zoning as section 301.8 requires all drive-thru components to be 100' from residential properties. What is being proposed is less than half this distance. Decibel levels from the speaker plus noise from cars and the people in them along with fumes from stacked cars impact the residential area due to the proximity less than the 100' required by the bylaw.
  - Property owners next to business districts should expect businesses to comply with the B2 zoning bylaw.
  - There is no net benefit from the project.
  - An 8' fence will not screen a 21' high canopy or 31' tall building, resulting in large impacts to neighboring properties.
  - Questioned how this self-service gas station, drive thru and convenience store promoted the intent of the ROAD bylaw or meets the ROAD objectives for pedestrian, streetscape or village setting.
- Scott Reyburn, 28 Bryar Lane: Mr. Reyburn stated that he agrees with Attorney Reid. He noted all his arguments against the project are the same and that none of the changes made fit the ROAD bylaw.
  - Shelly Morrison, 23 Bryar Lane: Ms. Morrison also agreed with Attorney Reid and commented on the creation of more traffic from the project.
  - Dominic Antonellis, 16 Fairwind Circle: Mr. Antonellis is a longtime resident and spoke in support of the project noting that Mr. Imad is a good businessman and neighbor and the project will improve that area of Route 28.
  - Gene Greene, 31 Cove View Drive: Mr. Greene also noted Mr. Imad's business capabilities and spoke in favor of the project, He noted the improvements to the looks of Route 28 and the economic benefits.
  - Shiela Furrer, 11 Nauhaught Road (remote): Ms. Furrer stated she can see the property from her house and noted the existing noise. She inquired as to who would be inspecting or watching over the project so that all bylaws are continuously being met. Kathy Williams indicated that the Building Department would need to issue a Certificate of Occupancy to ensure the project was constructed in accordance with the permits. If have issues in the future, typically neighbors notify the town and enforcement would be required through the appropriate town department. Ms. Furrer also inquired about whether the existing septic system would be upgraded. A new septic system is proposed. Joanne Crowley noted that the municipal sewer will be traveling down Route 28 for a future sewer hookup.
- f. **Planning Board Comments**: Joanne Crowley asked for Planning Board comments and a sense of the Board members' views on the project.
- Ken Smith: Mr. Smith felt there have been significant design changes to the property and was not clear on what would constitute old cape cod. He still had concerns about the drive-thru and the distance to the abutters and the car queue line.
  - Susan Brita: Ms. Brita felt the proposal misses the mark and does not meet the standards, goals, or intent of the ROAD bylaw. She felt the drive-thru did not promote a cape cod village setting. She felt it would be better for the applicant to go through the ZBA process directly using the underlying zoning.
  - Chris Vincent: Mr. Vincent acknowledged the different points of view, noting that this was about compromise. He felt cape cod architecture was a vague term, and there are

pedestrian friendly amenities with landscaped buffers, sidewalks, residential units, and a walkable park down the street. He noted the drive-thru was a sticking point and although the 100' measurement couldn't be met, perhaps a limitation on the decibel levels might be a compromise to mitigate the issue. He also noted that most projects need some type of relief.

- Jim Saben: Mr. Saben indicated the aesthetic changes are significantly better, however, he is concerned about the drive-thru and is glad the applicant moved the speaker. He expressed concerns about cars backing up into Route 28, similar to the Dunkin Donuts in West Yarmouth, gas fumes, diesel fumes and music blaring from cars in the queue line.
  - Joanne Crowley: Ms. Crowley does think the project substantially meets the architectural and site design standards. There are many ROAD bylaw objectives that the project does cover and supports such as improved streetscape, razing and replacing existing buildings, and fewer curb cuts. She felt this is a much more attractive ROAD project that previously proposed.
- g. **VOTE**: With the input from the Board members given, Ms. Crowley asked how the Applicant would like to proceed, whether to continue the Hearing when another Board member could attend or proceed to a vote. The ROAD bylaw requires four votes to approve the application and there is no appeal process. After a brief discussion with his client, Attorney Tardif indicated they would like to proceed to a vote.

Kathy Williams noted that if the Board were to approve the application, they may want to add conditions such as the 8' acoustic fence along the northern property lines shall have an STC rating of at least 26 and the Board may want to consider setting some decibel levels at the property lines. Board members need to be clear on the reasons why they are voting for the project (see findings in Planner Report). If voting against the project, also need to identify the reasons why such as the detriments to the abutting property owners do not outweigh the economic benefits due to noise, fumes from the drive-thru and queuing area; and/or the gas station, convenience store and drive thru does not promote a cape cod village environment and does not meet the intent of the ROAD bylaw.

Jim Saben made a motion which was seconded by Joanne Crowley to approve ROAD Application 2023-1 as presented with the condition that the 8' acoustical fence shall have an STC rating of 26.

During the deliberations on this motion, the Board had a discussion on decibel levels. Kathy Williams noted that the applicant indicated the decibel levels at the property line would be between 42-44, noting that suburban areas at night have a 40 decibel level, a whisper is at 25, and a household refrigerator is at 55. She noted that impacts from increases in decibel levels are not linear and even relatively small increases make a bigger difference. Hal Choubah noted that the decibel levels of the speakers can be adjusted. After a discussion on decibel levels and enforcement, Chris Vincent made a motion, seconded by Joanne Crowley, to amend the original motion to add a second condition that sets a maximum 60 decibel reading 4' from the order speaker. Jim Saben noted that this vote is only one part of process and the ZBA will have an opportunity to discuss issues with the drive thru.

**VOTE: On a motion by Jim Saben and seconded by Joanne Crowley, and amended by Chris Vincent and seconded by Joanne Crowley, the Planning Board voted (4-1) to approve ROAD Application 2023-1 as presented with the following conditions, with Chris Vincent, Joanne Crowley, Ken Smith, and Jim Saben voting in favor, and Susan Brita voting against:**

1. The 8' acoustical fence shall have an STC (sound transmission class) rating of 26.
2. Maximum 60 decibel reading 4' from the order speaker.



h. **Close the Public Hearing:**

**VOTE: On a motion by Chris Vincent and seconded by Ken Smith, the Planning Board voted (5-0) to close the Public Hearing for ROAD Application 2023-1, with Chris Vincent, Susan Brita, Joanne Crowley, Ken Smith, and Jim Saben voting in favor.**

(Susan Brita left the meeting at the conclusion of this agenda item.)

5. **Zoning Amendments:** (Peter Slovak returned to the Hearing Room for this agenda item and for the remainder of the meeting.)

a. **Accessory Apartment Bylaw Amendments:** Discussion on potential modifications to the zoning amendments based on public input received to date.

- **Draft #14 dated August 11<sup>th</sup>:** Kathy Williams reviewed Draft #14 which included edits from the last meeting and allows for 2<sup>nd</sup> homeowners to be eligible for an Accessory Apartment. Further input from Town Counsel confirmed the need to include all types of property ownership including Corporations and LLCs. Joanne Crowley noted that she reviewed other Towns and only Harwich had a definition for Owner which indicated the owner was whoever was listed on the deed.

Joanne Crowley indicated that the Listening Sessions did not include 2<sup>nd</sup> homeowners and the Board may want to step back from this change and inquired about the views of the Board members, noting two members were not present.

Ken Smith indicated he had some problems with allowing 2<sup>nd</sup> homeowners as you lose some degree of oversight and there is more control with primary residents. Peter Slovak agreed with Mr. Smith and wants primary residency which would allow for easier enforcement. He further noted that the public liked the primary residency requirement during the Listening Sessions. Jim Saben agreed and felt primary residency promotes good neighbors. Chris Vincent disagreed as the intent of the amendments is to create more housing but understood that primary residency may be needed to get the amendments passed at Town Meeting. After this discussion, the consensus of the Board was to not include 2<sup>nd</sup> homeowners.

- **Draft #15 dated August 10<sup>th</sup>:** Kathy Williams then reviewed Draft #15 which included edits from the last meeting but went back to the primary residency requirement.

Jim Saben noted that he was not present when the other Planning Board members opted to eliminate the by-right carve-outs and require all Accessory Apartments to be via Special Permit. Mr. Saben suggested that if the ZBA will be reviewing every Accessory Apartment the minimum lot size of 15,000 square feet (sf) for 2-bedroom units could be eliminated, leaving the 10,000 sf lot size minimum for all Accessory Apartments regardless of number of bedrooms.

Chris Vincent indicated that he preferred the by-right carve outs and that many properties need to go to the ZBA for other reasons such as non-conformities. Joanne Crowley noted that at previous Planning Board meetings, the Board agreed to Special Permit.

Kathy Williams noted that the amendments provide two large changes by not limiting accessory apartments to family-related or Affordable, and allowing owners to rent to whomever they choose at market rates. She also noted that the limitation of the 50% habitable floor area of primary residence for homes on smaller lots may be a limiting factor on having the space for 2-bedroom units.

Joanne Crowley noted that the existing bylaw includes the 10,000 sf minimum and asked the Board members their thoughts on eliminating the 15,000 sf requirement.

Peter Slovak was not in favor of the change and indicated that the public appeared to like the inclusion of the 15,000 sf and it seems fair to include it.

Ken Smith indicated he would not have an issue with a minimum 10,000 sf lot size and felt there were enough other controls such as septic limitations.

Chris Vincent noted that he sees both sides but has no serious issues with eliminating the 15,000 sf requirement due to other restrictions.

Joanne Crowley was okay with the 10,000 sf minimum lot size for all Accessory Apartments and felt there were enough protections in addition to going to the ZBA.

- **Next Steps:** Joanne Crowley indicated that the Board needed to confirm the amendments that would be presented at the September 20<sup>th</sup> Public Hearing. As two members were not present, the Planning Board will have a supplemental meeting on August 23<sup>rd</sup> to finalize the amendments. Kathy Williams will coordinate the use of the Hearing Room, videotaping and notifying the other Board members not present. Peter Slovak indicated he would not be able to make the August 23<sup>rd</sup> meeting.

- b. **Sign Amendments:** Discussion on Naming rights/donations/sponsorship signs on town owned land.

Kathy Williams reviewed the attached Zoning Article 1 – Signs, Draft 1 dated August 7, 2023, based on the input from the last Planning Board meeting, along with an explanation. Town Counsel commented about excluding fees as it is typically done outside the zoning bylaw and eliminate the section highlighted in yellow indicating “unless otherwise defined in the Selectmen’s Policy”. Ms. Williams indicated that the bylaw already references several signs not requiring fees and should include it for consistency. Also attached are redline edits of Section 303 to show how the changes fits into this section of the bylaw.

Chris Vincent inquired about whether this is for temporary or permanent signs. Ms. Williams indicated these would be for permanent signs and a draft BOS policy would need to be drafted and reviewed by other Town Staff as it applies to all Town property. Mr. Vincent felt these signs should be smaller than the signs allowed in the zoning bylaw.

**VOTE: On a motion by Ken Smith and seconded by Chris Vincent, the Planning Board voted (5-0) to approve Zoning Article 2 – Signs, Draft #1 dated August 7, 2023 as written except for eliminating the highlighted text “unless otherwise defined in the Selectmen’s Policy”, with Chris Vincent, Joanne Crowley, Peter Slovak, Ken Smith, and Jim Saben voting in favor.**

6. **Meeting Minutes:**

- a. **June 21, 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.
- b. **August 2, 2023:** On a motion by Ken Smith, and seconded by Peter Slovak, the Planning Board voted (5-0) to approve the meeting minutes of August 2, 2023, with Chris Vincent, Joanne Crowley, Peter Slovak, Ken Smith, and Jim Saben voting in favor.

7. **Board of Appeals Agenda & Decisions:** The attached Agenda and ZBA Decisions were sent via email to the Planning Board members.

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

- a. **Water Resources Advisory Committee (WRAC):** Ken Smith noted that the WRAC met recently with MassDEP to look at the treatment facility site and tour the town/pump station locations. He indicated this is a positive step forward and hopes to have the groundwater discharge permit soon. Contracts 1 & 2 are on schedule to start late Sept/early Oct and are

coordinating with schools, fire, police, and other towns on road detours/closures and impacts to access to Cape Cod Hospital. Mr. Smith also stated that the bids came in with a savings of \$9 million from the estimate.

9. **Board Member Items:** None.

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

11. **Staff Updates:**

- a. **Local Comprehensive Plan (LCP):** Kathy Williams reviewed the attached August 14, 2023 Planner Memo to the Board of Selectmen (BOS) outlining progress on the BOS 2022 Priority Goals related to the LCP and the Riverwalk Park. She highlighted the items accomplished in the past year that help with the preparation of the LCP and outlined a proposed plan to go out for another round of Requests for Proposals (RFP) as no firms responded to the May 2023 solicitation.
- b. **Zoning Amendments with Board of Selectmen:** Kathy Williams indicated the Board has been asked if they would like to present the zoning amendments at the October 10<sup>th</sup> rather than the October 17<sup>th</sup> BOS meeting. She noted that the Oct 17<sup>th</sup> meeting is the BOS's last meeting to discuss and approve the warrant. As the Public Hearing is scheduled for September 20<sup>th</sup>, the Planning Board opted for the October 10<sup>th</sup> meeting date.
- c. **Officer Elections & Committee Assignments:** Kathy Williams indicated this will be on the 9/6/23 agenda and for members to think about their committee assignments. She did note that Will Rubenstein had previously indicated he would like to get off the Capital Budget Committee and Ken Smith said he would be interested.
- d. **MassDOT Route 28 Corridor Improvement Project:** Ms. Williams noted that MassDOT presented the corridor improvement project at the August 15<sup>th</sup> BOS meeting which covers Route 28 improvements from the Barnstable Town Line to the Parkers River. Ken Smith indicated MassDOT was trying to work with the Town regarding installation of the sewer mains and may allow for temporary trench patch rather than full repaving which is typically required.

12. **Upcoming Meetings:** The Planning Board reviewed upcoming meetings.

- a. **September 6, 2023:** Draft Open Space & Recreation Plan Presentation and Officer/Committee assignments.
- b. **September 20, 2023:** Zoning Amendments Public Hearing.
- c. **October 4, 2023:** Regular Planning Board Meeting
- d. **October 10, 2023:** Planning Board to present Zoning Amendments to the BOS in preparation for November 7<sup>th</sup> Fall Special Town Meeting

13. **Adjournment:** **VOTE: On a motion by Chris Vincent, seconded by Peter Slovak, the Planning Board voted unanimously (5-0) to adjourn at 8:25 PM with Chris Vincent, Joanne Crowley, Peter Slovak, Ken Smith, and Jim Saben voting in favor.**

**ATTACHMENTS:**

- **August 16, 2023 Agenda**
- **Sign In-Sheet and List of Remote Participants**
- **Approval Not Required ANR Plan 2497G:** August 16, 2023 Town Planner email; Revised ANR Plan dated August 15, 2023; August 11, 2023 Planner Memo with Form A and Draft ANR Plan dated August 5, 2023; and August 9 Town Planner email with June 1, 2021 recorded parcel plan and planner redline edits to draft ANR Plan dated August 5, 2023
- **Approval Not Required ANR Plan 2939:** August 10, 2023 Planner Memo; August 9, 2023 Letter from Robert Reedy; Form A; ANR Plan 2939 dated August 4, 2023; and Site Plan – Lot 1 Improvements, dated August 4, 2023



- **Public Hearing – ROAD Application 2023-1:** August 11, 2023 Town Planner Memo; August 15, 2023 written comment from Audrey Pitts; Public Hearing Notice; August 2, 2023 CEDC Memo; July 18, 2023 DRC Comment Sheet; ROAD Application Form with Narrative; June 6, 2023 SPR Comment Sheet; August 1, 2023 Letter from Hal Choubah on speaker sound levels; colored rendering of Residential and Commercial buildings; Site Plans dated June 20, 2023, updated Grading & Drainage Plan 8/11/23; Architectural Plans dated June 20, 2023 with revised Convenience Store Left Side Elevation 8/16/23; existing conditions plan dated December 7, 2021; and Decibel Level Comparison Chart
- **Zoning Amendments – Accessory Apartments:** Draft 14 dated August 11, 2023 includes 2<sup>nd</sup> homeowner eligibility and Draft 15 dated August 10, 2023 with primary residency requirement
- **Zoning Amendments – Signs:** Zoning Article 1 – Signs, Draft 1 dated August 7, 2023, and Draft 2 dated August 7, 2023 of redline edits to Section 303
- **Draft Meeting Minutes:** June 21, 2023 and August 2, 2023
- **Miscellaneous Correspondence:**
  - Conservation Commission Agenda for August 17, 2023
  - Zoning Board of Appeals (ZBA) Agenda for August 10, 2023
  - ZBA Decisions 5032, 5038 & 5039
  - Dennis Planning Board legal notice on multi-family zoning amendments 082823
  - August 14, 2023 Planner Memo to Board of Selectmen (BOS) progress update on BOS 2022 Priority Goals

***Approved on September 6, 2023:***

**On a motion by Susan Brita, and seconded by Jim Saben, the Planning Board voted (5-0-1) to approve the meeting minutes of August 16, 2023, with Jim Saben, Susan Brita, Joanne Crowley, Peter Slovak and Ken Smith voting in favor, and Will Rubenstein abstaining.**