

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
August 18, 2021

The Yarmouth Planning Board held an in-person Business Meeting at **5:30** p.m. on Wednesday **August 18, 2021** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Brad Goodwin, Susan Brita, Joanne Crowley, Liz Hartsgrove, Tom Baron, and Will Rubenstein

Planning Board Absent: Chris Vincent

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

1. **Potential Zoning Amendments:** Continued discussion on zoning amendments for the fall Special Town Meeting (tentatively set for October 26th), with the Board reviewing the attached draft Articles with brief Explanations, and the latest redline edits as outlined in the attached August 13, 2021 Planner Memo. The Articles have been presented below in the potential order they will appear in the Warrant at the discretion of the Board of Selectmen. The Town Administrator did not have an issue with having seven Articles.

a. **Zoning Article #1 - National Flood Insurance Program (NFIP) Provisions:** The attached Article and redline Draft #2 outlines amendments needed to comply with the NFIP and are based on further discussions with Shannon Hulst, Floodplain Specialists & CRS Coordination with the Cape Cod Cooperative Extension, and Mark Grylls, Building Commissioner. Noted changes including identifying the Conservation Administrator for submission of new technical data, elimination of the permitting checklist and addition of the reference to standard Variance criteria. A new requirement of note is the need to permit fences in the flood zones. Currently the Building Dept. does not require permits for fences below 7'. The Board discussed their concerns about the potential increase in workload for the Building Dept. related to this NFIP requirement and establishing a simplified process.

After review and discussion, the Board agreed to move forward with this Article and Explanation as presented.

b. **Zoning Article #2 - Zoning District Boundaries:** The attached Article and redline Draft #3 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/B2 zoning districts.

After review and a brief discussion, the Board agreed to move forward with this Article and Explanation as presented.

c. **Zoning Article #3 – Micro Brew Pubs & Ale Houses:** The attached Article and redline Draft #2 modifies the E1 manufacturing use through a note to allow for micro brew pubs or ale houses in the B1/B2 districts by-right if the product is manufactured and sold for consumption on-site and not for off-site distribution. Small edits have been included as highlighted in yellow in the redline draft to address on-site sale.

After review and a brief discussion, the Board agreed to move forward with this Article and Explanation as presented.

Zoning Article #4 – Mobile Food Vendors: The attached Article and redline Draft #2 allows for Mobile Food Vendors on town-owned property if approved by the Board of Selectmen through the Use of Town-Owned Property application process. Small edits have been included as highlighted in yellow in the redline draft related to the location outside setbacks and elimination of subjective language.

After review and a brief discussion, the Board agreed to move forward with this Article as presented with a minor simplification to the Explanation.

- d. Zoning Article #5 - Signs: The attached Article and redline Draft #1, clarifies the maximum height for business signs, and clarifies when relief through Special Permit could be provided by eliminating the special permit criteria specifying "that the result will be visually and aesthetically beneficial to the neighborhood". Staff reached out to the ZBA Chair/Vice Chair to confirm they did not have strong issues against this amendment moving forward. How the ZBA interprets these amendments in their deliberations will be up to the sitting board members.

After review and a brief discussion, the Board agreed to move forward with this Article and Explanation as presented.

- e. Zoning Article #6 - Rezoning of Parcels: The attached Draft #1 of the Article and Maps show three parcels for rezoning, two parcels behind 121 & 125 Route 6a, and 17 Berry Avenue. An amended Draft #2 of the Article was presented at the meeting to eliminate the rezoning of a parcel owned by the Cooperative Bank behind 121 Route 6a as they have indicated they are not interested in rezoning their parcel.

After review and a brief discussion, the Board agreed to move forward with Draft #2 of this Article and Explanation as presented.

- f. Zoning Article #7 - Body Art Establishments: The attached Article and Draft #3 allows for body art establishments by-right in the B2, HMOD1 and the four VCOD villages.

After review and a brief discussion, the Board agreed to move forward with this Article as presented with a minor simplification to the Explanation.

2. Community Visioning Presentation: Kathy Williams indicated there were 920 total responses with over 200 pages of results and comments from responders. She will work to condense the information and outline potential edits to the Vision/Goals for consideration by the Board starting on September 1st. Due to the amount of useful comments received, it is likely this discussion will take several meetings.

3. Meeting Minutes:

- a. August 4, 2021: **On a motion by Liz Hartsgrove, and seconded by Will Rubenstein, the Planning Board voted (5-0-1) to approve the meeting minutes of August 4, 2021, with Joanne Crowley, Brad Goodwin, Susan Brita, Liz Hartsgrove, and Tom Baron voting in favor, and Will Rubenstein abstaining.**

4. Board of Appeals Agenda & Decisions: The attached ZBA Decisions were sent to the Planning Board via e-mail.

5. Committee Updates from Board Members:

- a. Drive-In Site Utilization Committee (DISUC): Susan Brita noted the two recent DISUC meetings, one for review of the sound study completed for the property and the other a kick-off meeting with the consultant BETA. She noted the significant amount of work to be completed for the project but that it was a good start.

- b. **Water Resources Advisory Committee (WRAC)**: Tom Baron noted that WRAC committee members spoke at the August 17th presentation before the Board of Selectmen regarding the option for a treatment facility in Yarmouth, emphasizing the need to move forward this quickly. Also, two articles were discussed for the fall town meeting related to funding for the design work and creation of an enterprise fund.
 - c. **Capital Budget Committee (CBC)**: Will Rubenstein noted the importance of the new HVAC system for the police station.
 - d. **School Building Committee**: Will Rubenstein noted that the school construction is moving quickly with paving happening soon. He also noted the upcoming BOS public hearing on a traffic signal on Station Avenue.
6. **Board Member Items**: Tom Baron noted that Jack McCormack has resigned from his many volunteer positions with the Town as well as the Town's representative to the Cape Cod Commission. His decades of volunteer service has greatly benefited the Town. Brad Goodwin noted he would not be able to attend the September 1st Planning Board meeting and Will Rubenstein noted he would not be able to attend the September 21st meeting with the Board of Selectmen.
 7. **Correspondence**: Attachments noted below were sent to the Planning Board via e-mail.
 8. **Staff Updates**: Kathy Williams noted the receipt of notification from the Cape Cod Commission that the resubmittal of the mandatory referral for the Blue Sky Towers DRI for a 120' monopole wireless communication tower has been received from the Town and they need to open the public hearing by October 15th. The Town has not received any application materials for the new submittal at this time. There was a staff level meeting held with the commission and the applicant where the necessity of the location and the aesthetics and height of the monopole were discussed in preparation for the resubmittal of the application materials.
 9. **Upcoming Meetings**:
 - a. September 1, 2021: ANR, Officers/Committee Assignments, Planning Board annual update to Board of Selectmen discussion, and visioning
 - b. September 15, 2021: Zoning Amendment Public Hearing and Recommendations
 - c. September 21, 2021: Board of Selectmen (BOS) – Zoning Amendments and Planning Board Annual Update
 - d. September 22, 2021: Tentative if needed, dependent upon results of the BOS meeting
 10. **Adjournment: VOTE**: On a motion by Liz Hartsgrove, seconded by Will Rubenstein, the Planning Board voted unanimously (6-0) to adjourn at 6:30 PM.

ATTACHMENTS:

- **August 18, 2021 Agenda**
- **Potential Zoning Amendments**: August 13, 2021 Memo from Planner with
 - Zoning Article #1 - National Flood Insurance Program (NFIP) Provisions: Article Draft #1, and Redline Draft #2, both dated August 13, 2021
 - Zoning Article #2 - Zoning District Boundaries: Article Draft #1, and Redline Draft #3, both dated August 9, 2021
 - Zoning Article #3 – Micro Brew Pubs & Ale Houses: Article Draft #1, and Redline Draft #2, both dated August 6, 2021
 - Zoning Article #4 – Mobile Food Vendors: Article Draft #1, and Redline Draft #2, dated August 13, 2021

- Zoning Article #5 - Signs: Article Draft #1, dated August 9, 2021, and Redline Draft #1, dated July 16, 2021
- Zoning Article #6 - Rezoning of Parcels: Article Draft #1, dated August 9, 2021, and Map of Parcel for Rezoning. Amended Draft #2, dated August 17, 2021 was presented at the meeting.
- Zoning Article #7 - Body Art Establishments: Article Draft #1, and Redline Draft #3, both dated August 6, 2021
- **Draft Meeting Minutes**: August 4, 2021
- **Miscellaneous Correspondence**:
 - Conservation Commission Agenda August 19, 2021
 - ZBA Decision 4900 and 4903
 - Barnstable Planning Board Hearing Notice for August 23, 2021 – Modification of Regulatory Agreement
 - Barnstable Planning Board Decision – Special Permit
 - Bridgewater State University Senior College Virtual Information Session

Approved on September 1, 2021:

On a motion by Liz Hartsgrove, and seconded by Will Rubenstein, the Planning Board voted (5-0-1) to approve the meeting minutes of August 18, 2021, with Joanne Crowley, Will Rubenstein, Susan Brita, Liz Hartsgrove, and Tom Baron voting in favor, and Chris Vincent abstaining.