

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
September 6, 2023

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **September 6, 2023** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Joanne Crowley, Susan Brita, Peter Slovak, Will Rubenstein, Ken Smith, and Jim Saben

Planning Board Absent: Chris Vincent

Staff Present: Kathy Williams, Town Planner; Bill Bonnetti, DNR Director; Anthony Bennett, Recreation Director; and Nate Whetten, DPW Civil Engineer

Other Committee Members Present:

- Recreation Commission: Steve Sozanski and Debbie Clark
- Disability Commission: Gail Charette
- Open Space Committee: Christine Marzigliano

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:31 PM. All Planning Board members were all in-person, and all votes were roll call votes.
2. **DRAFT 2023 Open Space & Recreation Plan (OSRP):** Presentation of the 2023 draft update to the Open Space & Recreation Plan (OSRP) and possible vote on support letter. <https://www.yarmouth.ma.us/686/Open-Space-Plan-2023-Update>
 - a. **Introduction:** Joanne Crowley gave a brief introduction noting that the Draft OSRP was prepared by the OSRP AD-Hoc Committee with assistance from Town Staff and consultant Weston & Sampson. This plan identifies ways to maintain, manage and protect natural resources and open space and for active and passive recreation. She introduced the Ad-Hoc Committee members present from other committees including Recreation, Disability and Open Space, noting Will Rubenstein serves as the Chair of the Ad-Hoc Committee and the Planning Board representative. Ms. Crowley noted that there is also a draft letter of support included in the meeting packet which is a requirement of the state.
 - b. **Presentation:** Kathy Williams gave the attached PowerPoint presentation on the Draft OSRP outlining the planning process, purpose of OSRP, public participation, community setting, environmental inventory & analysis, environmental challenges, inventory of conservation/recreation lands, broad vision statement, analysis of needs, community goals, objectives, 7-year action plan and next steps in the process.
 - c. **Planning Board Members:**
 - **Jim Saben:** Mr. Saben has spent the past 10-weeks traveling the country and staying at state and national parks and has had an opportunity to observe how other places address open space and recreation. He felt Yarmouth would get a "B-", as we are lacking in some areas and doing very well in others. He suggested that the Action Items identify those responsible for the action and when it will be done. Kathy Williams indicated that Table 9-2, the 7-Year Action Plan in the Draft OSRP includes priority, potential funding sources, responsible parties and the estimated timeline for each action item.

Mr. Saben noted that he saw bike paths all over the country and Yarmouth does not have enough multi-use pathways. He also indicated additional signage along the CCRT could

direct people to Route 28 and our businesses via the Forest Road shared-use path. He also expressed support for the Complete Streets concepts.

Mr. Saben indicated he would like to see more moorings. He also promoted more interpretive signage to educate the public on a number of issues, noting he saw a lot of interpretive signage used in other communities.

- Joanne Crowley: Ms. Crowley noted the detail of the OSRP that essentially outlines the story of Yarmouth. Ms. Crowley questioned the acreage for the Bayberry Hills Golf Course provided in Table 5-6. She also noted that the Golf Enterprise Committee has a capital improvement plan which should be referenced in the OSRP as it is a large, active recreation space used by many people. As a boater, she was pleased to see dredging included in the OSRP and that the 10-year permit is progressing. Bill Bonnetti noted that the Yarmouth dredging permit only covers the southern portion of Bass River with Dennis working on the dredging permit for the upper reaches of Bass River. Dennis has had some setbacks but are expecting some movement on the Dennis permit.
- Will Rubenstein: Mr. Rubenstein thanked the Ad-Hoc Committee members from five different committees, the knowledgeable Town Staff, and Weston & Sampson for all their efforts.

d. Public Comments:

- Carolyn Burnett: Ms. Burnett appreciated the informative presentation and time taken to prepare the Draft OSRP. She expressed a concern about the timeline for action items 4a-7, 4a-8 and 4a-11 in Table 9-2 and inquired as to the best way to have this concern addressed. Kathy Williams noted that Ms. Burnett had submitted a comment letter and all comments will be reviewed by the OSRP Ad-Hoc Committee to see if they want to make any amendments. As the Conservation Commission formed the Ad-Hoc Committee and funded the consultant, a presentation will be given to them on September 7th. Formal letters of support are required from at least the Planning Board, Cape Cod Commission and the Board of Selectmen. The date for the next OSRP Ad-Hoc Committee is to be determined but will likely be in November and will be posted on the Town website. Ms. Williams suggested signing up for the e-alerts on the Town Website to be automatically notified of posted agendas for any boards and committees.
- Joe Manning: Mr. Manning noted that he serves on the Community & Economic Development Committee (CEDC), is a new Board member for the Friends of Bass River and does some work for the Cultural Center but is not representing these organizations this evening. He applauded the comprehensive work done on the plan. He noted that the CEDC received requests from different Town Departments for Tourism Revenue Preservation Funds (TRPFs) for various physical improvements, some of which are reflected in the OSRP. His Committee is looking to develop a TRPF master plan to support the work being done. He offered specific comments on the following:
 - Dredging: Mr. Manning noted that the dredging program is important to the economic viability of the Town and the entire Bass River needs to be done. He suggested that Yarmouth help Dennis and potentially take over the permitting for the dredging of the upper Bass River.
 - Pickleball: Mr. Manning is in favor of pickleball as it is a growing sport. The CEDC had discussed attracting a sanctioned pickleball tournament which would require 24 courts in one location. He noted there are no such facilities in New England capable of holding an event of this size which can be done in the shoulder season and attracts a large audience.

- o Beach Maintenance Program: He noted the beaches are a primary tourism driver and a beach maintenance plan with defined goals and timelines would assist the DPW Parks Division.
 - o Signage: Mr. Manning noted the varying types of signage of differing condition and the need for a comprehensive inventory to start addressing signage for wayfinding to benefit locals and visitors.
 - o Water Bottle Filling Stations: With the ban of single use water bottles, more water bottle filling stations are needed soon at parks and beaches.
 - o Public Art: Mr. Manning noted the dearth of public art and the opportunity to incorporate public art on town properties.
 - **Debbie Clark:** Ms. Clark is on the Recreation Commission and wanted to thank everyone for coming and highlighted the excellent work of Anthony Bennett, Recreation Director and Steve Sozanski, Chair of the Recreation Commission.
- e. **Vote:** The Planning Board reviewed the draft letter of support for the OSRP and discussed including the unanimous vote in the final letter.

VOTE: On a motion by Jim Saben, and seconded by Ken Smith, the Planning Board voted unanimously (6-0) to send the letter to Ms. Cryan as amended to include the unanimous vote, with Jim Saben, Susan Brita, Joanne Crowley, Will Rubenstein, Peter Slovak and Ken Smith voting in favor.

3. **Zoning Amendments – Accessory Apartments and Signage:**

Joanne Crowley noted the information in the packet including a summary of the two zoning amendments, drafts of both Articles, redline Draft #17 for the Accessory Apartments and Frequently Asked Questions (FAQs) for the updated Accessory Apartment amendments.

The Board briefly discussed the public hearing presentation noting the need to emphasize the extensive process undertaken for the Accessory Apartments and the various compromises and reasoning for certain provisions.

Kathy Williams presented some new additional information including a minor revised Zoning Article 2 – Signs, Draft 4, dated September 6, 2023, Table of Existing Sign Sizes from the Zoning Bylaw/BOS Policies, and initial Draft of a Naming Rights/Sponsorships/Donations Signs on Town Owned Land Policy. The Board briefly discussed the rough draft of the Policy which noted numerous outstanding questions. Will Rubenstein suggested seeing what Barnstable might be doing with regard to these types of signs. Jim Saben suggested examples of various sign sizes for reference. Joanne Crowley asked the Board members to think about the draft policy in more detail for future discussions.

4. **Committee Assignments:**

The Board discussed Committee Assignments with all members remaining on their existing committees except Ken Smith and Will Rubenstein will be switching assignments with Ken Smith moving to the Capital Budget Committee and Will Rubenstein moving to the Water Resources Advisory Committee.

Based on the consensus of the Board, the following Table outlines the committee assignments for the next year.

<i>Committee</i>	<i>Sept 2023-2024 Assignments</i>
Capital Budget Committee (CBC) (full-time)	Ken Smith
Community & Economic Development Committee (CEDC) (full-time)	Peter Slovak
Community Housing Committee (CHC) (full-time)	Jim Saben
Community Preservation Committee (CPC) (full-time)	Joanne Crowley
Design Review Committee (DRC) (full-time)	Chris Vincent
Drive-In Site Utilization Committee (DISUC) (part-time)	Susan Brita
Land Disposition Committee (part-time)	Jim Saben
Water Resources Advisory Committee (WRAC) (full-time)	Will Rubenstein

5. **Officer Elections and Votes:**

a. Chair – Joanne Crowley:

VOTE: On a motion by Jim Saben, and seconded by Will Rubenstein, the Planning Board voted (6-0) to elect Joanne Crowley as Chair of the Planning Board, with Jim Saben, Susan Brita, Joanne Crowley, Will Rubenstein, Peter Slovak and Ken Smith voting in favor.

b. Vice-Chair – Jim Saben:

VOTE: On a motion by Joanne Crowley, and seconded by Will Rubenstein, the Planning Board voted (6-0) to elect Jim Saben as Vice-Chair of the Planning Board, with Jim Saben, Susan Brita, Joanne Crowley, Will Rubenstein, Peter Slovak and Ken Smith voting in favor.

c. Clerk – Will Rubenstein:

VOTE: On a motion by Jim Saben, and seconded by Ken Smith, the Planning Board voted (6-0) to elect Will Rubenstein as Clerk of the Planning Board, with Jim Saben, Susan Brita, Joanne Crowley, Will Rubenstein, Peter Slovak and Ken Smith voting in favor.

d. VOTE to Authorize Signatures:

VOTE: On a motion by Jim Saben, and seconded by Will Rubenstein, the Planning Board voted (6-0) to authorize the Chair, Vice-Chair or Clerk, individually, to endorse on a plan the approval of the Board or make any other certificate under the subdivision control law, with Jim Saben, Susan Brita, Joanne Crowley, Will Rubenstein, Peter Slovak and Ken Smith voting in favor.

6. **Meeting Minutes:**

a. August 16, 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.

b. August 23, 2023: On a motion by Jim Saben, and seconded by Will Rubenstein, the Planning Board voted (4-0-2) to approve the meeting minutes of August 23, 2023, with Jim Saben, Joanne Crowley, Will Rubenstein, and Ken Smith voting in favor, and Peter Slovak and Susan Brita abstaining.

7. **Board of Appeals Agenda & Decisions:** The attached Agenda and ZBA Decisions were sent via email to the Planning Board.
8. **Committee Updates from Board Members:** None.
9. **Board Member Items:** Will Rubenstein noted the clearing being done for the future Shell Station/Seasons convenience store on Station Avenue and the closing of the existing Shell and Sunoco stations. Jim Saben noted the clearing on Willow Street which is for an Eversource emergency staging area.
10. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.
11. **Staff Updates:** Kathy Williams gave a brief update on the modified Request for Proposals (RFP) for the Local Comprehensive Plan (LCP) which should be issued later this month.
12. **Meetings:**
 - a. September 20, 2023 – Zoning Amendment Public Hearing
 - b. October 4, 2023 – Regular Business Meeting
 - c. October 10, 2023 – Zoning Amendment Review with Board of Selectmen
3. **Adjournment: VOTE:** On a motion by Jim Saben, seconded by Will Rubenstein, the Planning Board voted unanimously (6-0) to adjourn at 7:26 PM.

ATTACHMENTS:

- **September 6, 2023 Agenda**
- **Sign-in Sheet and Remote Participants**
- **Draft 2023 Open Space & Recreation Plan:** PowerPoint Presentation and draft letter of support.
- **Zoning Amendments:** Summary of Zoning Amendments, along with the two draft Articles, Draft 17 redlines, and updated FAQs. Additional information presented at the meeting include a revised Zoning Article 2 – Signs, Draft 4, dated September 6, 2023, Table of Existing Sign Sizes from the Zoning Bylaw/BOS Policies, and initial Draft of a Naming Rights/Sponsorships/Donations Signs on Town Owned Land Policy
- **Current Committee Assignment Table:**
- **Draft Minutes:** August 16, 2023 and August 23, 2023.
- **Miscellaneous Correspondence:**
 - Conservation Commission Agenda for 9/7/23
 - ZBA Agenda for 8/24/23
 - ZBA Decisions 5036, 5037, 5041, 5043, 5044 & 5047
 - Dennis Legal Notice for 9/18/23 for multi-family zoning amendments

Approved on September 20, 2023:

On a motion by Will Rubenstein, and seconded by Peter Slovak, the Planning Board voted (7-0) to approve the meeting minutes of September 6, 2023, with Jim Saben, Chris Vincent, Susan Brita, Joanne Crowley, Will Rubenstein, Peter Slovak and Ken Smith voting in favor.