

# Town of Yarmouth

Per M.G.L.: All town and school boards, committees, commissions, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting.

## Notice of Meetings

Name of committee, board, etc:	<b>Planning Board</b>
Date of Meeting:	<b>February 2, 2022</b>
Time:	<b>5:30 p.m.</b>
Place:	<b>Zoom Link:</b> <a href="https://us02web.zoom.us/j/89836415124">https://us02web.zoom.us/j/89836415124</a> <b>Phone: +1 301 715 8592 and enter webinar</b> <b>ID: 898 3641 5124</b>

This is to formally advise that, as required by G.L. Chapter 30A, §§ 18-25, and pursuant to Chapter 20 of the Acts of 2021, *An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency*, signed into law on June 16, 2021, the Yarmouth Planning Board will hold a public meeting at the date and time noted above **via remote participation only**.

### Agenda (Topics to be discussed):

1. **Discussion on Potential Zoning Amendments:**
  - a. Temporary Seasonal Employee Housing
  - b. Short-Term Rentals
  - c. Petitioned Article to rezone 17 Berry Avenue
2. **Local Comprehensive Plan:** Annual Town Meeting funding request
3. Meeting Minutes
4. Board of Appeals Agenda & Decisions
5. Committee Updates from Board Members
6. Board Member Items
7. Correspondence
8. Staff Updates
9. Upcoming Meetings:
  - a. February 8, 2022 – Presentation of Vision Plan to Board of Selectmen
  - b. February 19, 2022
  - c. March 2, 2022
10. Adjournment

Attachments: All exhibits are available for public review in the Planning Department, Yarmouth Town Offices, 1146 Route 28, South Yarmouth, MA, during normal business hours, are attached to this agenda (available at <http://www.yarmouth.ma.us/AgendaCenter>).

Posted By (Name):	Kathleen D. Williams
Signature:	<i>Kathy Williams</i>

# Town of Yarmouth

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Posted By (Name):	Kathleen D. Williams
Signature:	<i>Kathy Williams</i>

YARMOUTH TOWN CLERK

'22 JAN 28 PM 3:03 REC



# TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492  
Telephone (508) 398-2231, Ext. 1276, Fax (508) 398-2365

Planning  
Division

## MEMORANDUM

To: Planning Board  
From: Kathy Williams, Town Planner  
Date: January 28, 2022  
Subject: Temporary Seasonal Employee Housing

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At the January 19, 2022 Planning Board meeting, the Board requested that Staff conduct further investigations into the proposed Temporary Seasonal Employee Housing amendments, which would expand the type of seasonal employees who can stay within the designated 15% of a hotel/motel rooms from just employees of the hotel/motel owner to employees from other Yarmouth businesses. Specifically, the Board requested that staff talk with Town Counsel regarding a sunset clause, outline the process in place to review the annual permit applications and outline what would cause the Building Commissioner to deny an annual permit. The Board wanted the answers for any future questions from the public, and were not suggesting specific amendments at this time.

1. **Sunset Clause:** Per discussions with Town Counsel, a sunset clause can be added to limit the expanded opportunities outlined in the Temporary Seasonal Employee Housing amendments. However, to retain the current opportunities for motel/hotel owners to house their own seasonal employees, the amendment would need to be rewritten so that the sunset clause would apply only to the expanded opportunities for other Yarmouth businesses. Town Counsel did have some other minor suggested amendments as highlighted in gray in the attached Draft #3.

For comparison, the sunset clause in the Short-Term Rental (STR) amendment was included as this is a larger issue which needs to be addressed in a timely fashion to ensure that the Town retains the revenues from the STR excise tax which is being used for our wastewater initiative. A sunset clause may make voters more comfortable voting for this amendment at the 2022 Annual Town Meeting, knowing there is opportunity for further discussion on this issue.

The concept of a fall summit to discuss how the Seasonal Employee and STR amendments are working is an excellent idea. This will provide an opportunity for dialogue between the stakeholders, businesses, the Planning Board, and the various Town Departments that permit and enforce these uses.

2. **Annual Permitting Process and Violations:** Per discussions with the Building Commissioner, in his opinion what constitutes a violation and cause for revocation or denial of an application would be any violations of the laws, rules or regulations of Commonwealth of MA, Town of Yarmouth Zoning bylaws, or the General Code of the Town of Yarmouth.

The violation process typically starts with a complaint from an abutter or notification to or from a Town Department. Police, Fire, Health and the Building Department work very closely together regarding violations of zoning, and various codes and regulations. Zoning complaints are first investigated for validity. If confirmed, a written violation notice is sent to start the process, which includes an opportunity for the permit holder to respond. If the permit holder does not rectify the issue or ignores the violation notice, per Section 101.3 of the Zoning Bylaw, the Building Commissioner can fine them up to \$300 per offense, with each day that a violations continues being a separate offense.

The Building Commissioner can deny or suspend a permit for repeated violations of the zoning bylaw, building code or life safety issues. Permit applications are reviewed annually and would take into consideration past violations, fines and issues at the property. The Applicant has the right to appeal the Building Commissioner's decision to the Zoning Board of Appeals as prescribed by M.G.L. 40A. The MA State Building Code (780 CMR) also has a defined appeal process.

The amendment has many built-in oversight provisions, including an annual permit process, requirement for an on-site proctor, self-policing by hotel/motel owners as they want to keep their paying guests happy, and the motivation for seasonal employees to behave so as not to lose their housing and employment.

To emphasize the type of conduct that would be an issue, and the state & local regulations to be met, the attached Draft #3 includes proposed revisions highlighted in yellow.

## POTENTIAL EDITS RELATED TO SEASONAL EMPLOYEES AT MOTELS/HOTELS

### 404.5 Seasonal Employee Housing at Motels/Hotels

404.5.1 Purpose: The purpose of this bylaw is to provide standards to ensure safe and adequate housing at motels/hotels for temporary seasonal employees of Yarmouth businesses at motels/hotels.

404.5.2 Applicability: The Building Commissioner may approve, through annual application and permit, Seasonal Employee Housing units at currently licensed motels/hotels in accordance with the provisions outlined herein. If an Applicant cannot meet all the provisions outlined herein as determined by the Building Commissioner, a Special Permit from the Zoning Board of Appeals is required.

404.5.3 Operational Standards for Seasonal Employee Housing at Motel/Hotels: Accommodations for Seasonal Employee Housing at Motels/Hotels shall have the following features:

1. A Seasonal employee is considered to be an employee that is employed in Yarmouth for no more than seven (7) months between April 1<sup>st</sup> and October 31<sup>st</sup> annually.

~~1-2.~~ Seasonal employee housing shall be for no more than seven months between April 1st and October 31st annually.

~~2-3.~~ Seasonal employees shall be housed in motel/hotel rooms only. Seasonal employees may not be housed in camp sites, tents, RVs, mobile homes or campers located on the motel/hotel property or timeshare units.

~~3-4.~~ Seasonal employee housing shall meet all local and state regulations, including but not limited to building and fire codes, health codes ~~the Board of Health and State of Massachusetts regulations regarding building and fire codes, health codes~~, water supply and wastewater disposal.

~~4-5.~~ Maximum occupancy rate of each unit to be determined per the Health Codes.

~~5-6.~~ Seasonal Employee housing shall be used solely by employees and shall not include family members of employees, or other non-employees.

~~6-7.~~ The employer, property owner or manager shall designate an on-site proctor for each property utilized as employee housing. The on-site proctor shall ensure that all seasonal employees are apprised of the rules and code of behavior prior to occupancy. No seasonal employees shall adversely affect the surrounding properties and shall not generate excessive noise, vibration, odors or other effects that interfere with any reasonable person's enjoyment of their property.

The name and contact information for the on-site proctor shall be submitted to the Yarmouth Police Department and Building Commissioner.

~~7-8.~~ All employees shall have access to cooking facilities, which shall include at a minimum a microwave, sink, cooktop and refrigerator /freezer.

~~8-9.~~ No more than 15% of any hotel or motel rooms at a single parcel may be used for employee housing (fractions shall be rounded to the nearest whole number). Each room used for employee housing shall be identified on a locus map of the site and submitted to the Building Commissioner, Board of Health and Yarmouth Police Department.

~~9-10.~~ All employees must be able to demonstrate that they maintain a principal place of residence elsewhere.

~~10-11.~~ The property owner or manager shall keep records of all employees utilizing employee housing, including name, permanent address, ~~and~~ length of stay, and place(s) of employment with contact information. All documentation to be provided upon request.

~~11-12.~~ The permit issued by the Building Commissioner shall be valid for one year only.

#### DEFINITIONS:

SEASONAL EMPLOYEE HOUSING at Motels/Hotels – A currently licensed motel or hotel property ~~owned by an employer, a portion of~~ which is utilized to provide temporary seasonal housing for ~~his or her~~ employees or staff, 18 years or older, who are principally seasonally-employed in Yarmouth (employed within the borders of Yarmouth for more than 24 hours per week). All Seasonal Employee Housing at Motels/Hotels shall be conducted in accordance with the definitions, requirements and provisions of Section 404.5 – Seasonal Employee Housing at Motels/Hotels. ~~or employees or staff of tenants of the property owner. The employer shall designate an on-site proctor for each property so utilized. Seasonal employee housing shall be for no more than seven months between April 1<sup>st</sup> and October 31<sup>st</sup> annually.~~

## Williams, Kathleen

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**From:** Williams, Kathleen  
**Sent:** Wednesday, January 19, 2022 10:39 AM  
**To:** Williams, Kathleen  
**Subject:** Seasonal Employee Housing

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**From:** Dan Fortier [mailto:[dfortier@town.dennis.ma.us](mailto:dfortier@town.dennis.ma.us)]  
**Sent:** Friday, January 14, 2022 3:54 PM  
**To:** Williams, Kathleen <[kwilliams@yarmouth.ma.us](mailto:kwilliams@yarmouth.ma.us)>  
**Subject:** RE: Seasonal Employee Housing

I would hazard a guess that we have permitted about 60 beds in town right now, mostly in the converted motel. But, the Lost Dog will be coming in to ask for six bedrooms in its upstairs area in the next few weeks as a lodging house for its employees.

Dan

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**From:** Williams, Kathleen <[kwilliams@yarmouth.ma.us](mailto:kwilliams@yarmouth.ma.us)>  
**Sent:** Friday, January 14, 2022 3:52 PM  
**To:** Dan Fortier <[dfortier@town.dennis.ma.us](mailto:dfortier@town.dennis.ma.us)>  
**Subject:** RE: Seasonal Employee Housing

Thanks Dan – always appreciate your help and quick responses!  
Kathy

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Kathy Williams, PE  
Yarmouth Town Planner  
1146 Route 28  
South Yarmouth, MA 02664-4492  
(508) 398-2231 Ext 1276  
[kwilliams@yarmouth.ma.us](mailto:kwilliams@yarmouth.ma.us)

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**From:** Dan Fortier [mailto:[dfortier@town.dennis.ma.us](mailto:dfortier@town.dennis.ma.us)]  
**Sent:** Friday, January 14, 2022 3:50 PM  
**To: Subject:** RE: Seasonal Employee Housing

We actually converted an old, closed, motel to a lodging house for seasonal employees. Our lodging house definition is a bit on the vague/generous side and after discussion with the Building Commissioner, we felt that the 27 unit former motel could fit the bill. It can accommodate over 54 people based upon health standards for occupancy. There is an on-site manager. The property is owned and operated by the owners of the Pelham House which has its own hotel and restaurant. They have also invested in two other properties in town, and when they come on line their employees will use the lodging house as well. They are able to contract with other Dennis businesses for beds/rooms. They would have contracts with the employers, not with the resident, thus the employer is held responsible for any issues that might arise.

We have also converted some excess space, in a few commercial buildings, mainly unused second floor areas into employee housing through the lodging house example. This has benefited another restaurant and a landscaping business so far.

Daniel J. Fortier, AICP  
Town Planner  
Dennis Planning Department  
685 Route 134  
South Dennis MA 02660  
Phone 508-760-6119  
[dfortier@town.dennis.ma.us](mailto:dfortier@town.dennis.ma.us)

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**From:** Williams, Kathleen <[kwilliams@yarmouth.ma.us](mailto:kwilliams@yarmouth.ma.us)>  
**Sent:** Friday, January 14, 2022 3:43 PM  
**To:**  
**Subject:** Seasonal Employee Housing

Hi Guys,

I'm looking for some input from different communities on how you handle Seasonal Employee Housing. Yarmouth is looking at making some changes, but the Planning Board was wondering how other Cape Towns address this sticky issue. I know dormitories are having a bit of a comeback, along with the use of lodging houses. If dormitories are allowed, how are you preventing lower end motels from becoming dormitories. How are new build dormitories being funded?

Any other magical ideas? 😊 Any input would be much appreciated.

Thanks and have a great long weekend!  
Kathy

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Kathy Williams, PE  
Yarmouth Town Planner  
1146 Route 28  
South Yarmouth, MA 02664-4492  
(508) 398-2231 Ext 1276  
[kwilliams@yarmouth.ma.us](mailto:kwilliams@yarmouth.ma.us)



## **SECTION 418 – SHORT-TERM RENTALS**

### **4.18.1 Purpose:**

To provide for the orderly operation of short-term rentals for residential properties that balance private, neighborhood and public interests, and will:

1. Protect and maintain the residential character of existing neighborhoods.
2. Protect public health and safety.
3. Enable residents to better afford to live here, maintain their properties and contribute to the community.
4. Ensure the continued revenues to the Town from the short-term rental excise tax.

### **418.2 Definitions:**

**Applicability:** ~~These provisions apply to Short-Term Rentals (STR)~~ **SHORT-TERM RENTALS** - defined as owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, boarding or lodging house, or guesthouse, inn or bed and breakfast establishment, where at least one room or unit is rented to an occupant or occupants for 1-31 consecutive days at a time; and all accommodations are reserved in advance. All STRs shall be transient in nature and not rented to the same occupant month to month.

**418.3 Ineligible Units:** The following are not eligible to be rented as STRs.

1. Dwellings designated as income restricted or are subject to affordability covenants.
2. Family related or affordable accessory apartments.
3. Dwellings subject to any outstanding building, sanitary, zoning or fire code violations.

### **418.4 Registration & Inspections:**

1. All short-term rentals shall be registered through the Yarmouth Health Department in accordance with General Bylaw Chapter 108 – Occupancy of Buildings, and shall adhere to all their health and safety requirements, including inspections and occupancy limitations.
2. Rental certificates shall be displayed on the property in a prominent location where it can be viewed from the exterior of the home and shall include 24-hour local contact information.
3. The Town reserves the right to post rental locations and contact information on the Town Website per MGL Ch. 645G, Section 14.

#### **418.5 General Provisions:**

1. Trash Removal: All household trash shall be removed from the premises immediately after occupancy is concluded, and at a minimum once per week.
2. Parking: Adequate on-site parking shall be provided, with a minimum of one space/bedroom. There shall be no parking on lawns, no overnight street parking, and no street parking that impedes traffic or traffic safety at any time.
3. Duration: Renting for less than 24 consecutive hours is prohibited.
4. Type of Rentals:
  - a. No events including but not limited to weddings, corporate events, class/family reunions, and photo shoots.
  - b. No events that include tents or amplified music.
  - c. Shall not adversely affect the residential character of the neighborhood and shall not generate excessive noise, vibration, odors or other effects that interfere with any reasonable person's enjoyment of their residence.
5. Pets: Adherence to any and all state and local regulations regarding pets.
- ~~5.6.~~ Short Term Rentals shall meet all local and state regulations, including but not limited to building and fire codes, health codes, water supply and wastewater disposal.

**418.6 Sunset Clause:** ~~Unless otherwise extended or modified and extended,~~ Section ~~??~~418 – Short Term Rentals, shall expire, and its terms shall no longer remain in effect as of ~~11:59 PM~~midnight, November 13, 2024. During this time period, the Town will undertake a more detailed planning process related to Short-Term Rentals.

## PROPOSED EDITS RELATED TO SHORT TERM RENTALS

202.5 Use Regulation Table	Res.	RS-40	B1 <sup>21</sup>	B2 <sup>21</sup>	B3 <sup>21</sup>	RMDOD <sup>44</sup>	MU	APD	AED	MOD	HMOD1	HMOD2	VC1	VC2	VC3	VC4
<b>A. RESIDENTIAL</b>																
<u>A13 Short-Term Rentals<sup>54</sup></u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>no</u>	<u>no</u>	<u>yes</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>

Note:

54. Short-Term Rentals may be allowed by-right if they meet the criteria outlined in Section 418.

**PETITION FOR INSERTION OF THE  
FOLLOWING ARTICLE IN THE WARRANT  
FOR THE TOWN OF YARMOUTH'S  
2022 ANNUAL TOWN MEETING**

DATE and TIME received

4/26/22 10:00 AM

10:00 AM 4/26/22 REC

TOWN:

**We, the undersigned Registered Voters of the Town, hereby petition your honorable board to insert the following Article in the Warrant for the Annual Town Meeting of the Town of Yarmouth:**

**ZONING ARTICLE**

ARTICLE: To see if the Town will vote to amend the Zoning Map for a certain parcel as follows, or take any other action relative thereto:

1. Amend the Zoning Map, by rezoning the following parcel from R25 Residential, to B2 Business, HMOD1 Hotel/Motel Overlay District 1, and ROAD Revitalization Overlay Architectural District:  
Map 30, Parcel 222

SIGNER INFORMATION

**INSTRUCTIONS TO SIGNERS**

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered.

If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence.

**SIGNER'S STATEMENT**

We, the undersigned, are qualified voters of the Town of Yarmouth, an in accordance with the provisions of law request the above article be inserted in the warrant for the Town Meeting of 4-26-2022

CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
1	<i>Tom Michivello</i>	905 Park St Brossair	3
2	<i>Dan Butler</i>	91 Crowell Rd	
3	<i>A.M. Robert Cararra</i>	23 New Hampshire Ave	6
4	<i>A. Hu</i>	19 Circuit Rd EAST	
5	<i>Mary Wilborn, Mary Ullis</i>	4 Swan Lake Rd., W. Yarmouth	
6	<i>Eric Tepansky</i>	10 Knollwood Drive Yarmouth Port	
7	<i>John Hills</i>	33 Sachem Path W Yarmouth	
8	<i>James J. Swann</i>	31 Cottage Dr. W Yarmouth	5
9	<i>Mark J. Swann</i>	3 Cottage Dr. W Yarmouth	5
10	<i>Christie R. Givens</i>	23 New Hampshire MA W Yarmouth	6
11	<i>Robert J. Givens</i>	75 Sisters Circle Yarmouth Port	
12	<i>William Monroe</i>	110 Silverleaf Ln. W. YAR.	
13	<i>Thomas J. Boudreau</i>	16 SANDY LN. W. YAR.	
14	<i>Kenneth Mudie</i>	21 FLINTLOCK WAY, YARMOUTHPORT	1
15	<i>Donna Mudie</i>	21 Flintlock Way, Yarmouth Port	1
16	<i>Aronda Khe</i>	22 SHILLBROOK Rd Yarmouth	4
17	<i>R. H. S. F. P.</i>	22 SHILLBROOK Rd Yarmouth	4

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**January 5, 2022**

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **January 5, 2022** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Brad Goodwin, Chris Vincent, Liz Hartsgrove, Susan Brita, Joanne Crowley, and Will Rubenstein

**Planning Board Absent:** None

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

**Guests:** Jamie Veara, Chair of the Yarmouth Community Partnership; Mary Vilbon, Yarmouth Chamber of Commerce Executive Director; Jack Hynes, Tom Nickinello and Lisa Hales.

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:34 by reading the attached statement. All Planning Board members were in-person, except for Brad Goodwin, Liz Hartsgrove and Will Rubenstein who were remote. All votes were roll call votes.
2. **Discussion on Potential Zoning Amendments:**

- a. **Temporary Seasonal Employee Housing:** Jamie Veara, Mary Vilbon, and Jack Hynes presented the proposal by the Yarmouth Community Partnership to expand opportunities for temporary seasonal employee housing at motels/hotels by amending Zoning Bylaw Section 404.5. The attached amendment would expand those seasonal employees who are able to stay within the designated 15% of a hotel/motel rooms to also include employees and staff from other Yarmouth businesses. The need for seasonal housing, mainly for J1 and H2B workers, was discussed including a survey completed by the Chamber of Commerce. Mr. Veara expanded on the built-in oversight including requiring a permit from the Building Commission, self-policing by hotel/motel owners as they want to keep their paying guests happy, and employees not wanting to lose their housing and employment.

The Planning Board members discussed a variety of topics including issuance of the permit by the Building Commissioner versus the Board of Selectmen or the Health Dept; desire to streamline the process; what are other cape communities doing for temporary seasonal employee housing; would like feedback from Police Chief Frederickson; number of motels on Route 28 (35-40); magnitude of the problem (about 150 beds short for 2022); enforcement of the provisions; what "principally employed" in Yarmouth means; potential for a sunset clause; use of proctor and property manager to manage employees; affordability of the rooms; potential for employers to contract directly with the motel/hotel owner rather than the employees and include in employment package; results of the chambers survey; and need for input from the public.

Public Comment was received from Tom Nickinello who was in favor of the proposal and noted the need for employees to remain open during the critical tourism season. Lisa Hales also indicated her support for the proposal and fears businesses going under for lack of staff.

Town Staff will solicit input from Chief Frederickson, inquire as to what other cape communities are doing, and distribute the Chamber survey to the Planning Board members.

- b. **Short-Term Rentals (STR)**: The Planning Board reviewed the attached Draft #2 of the Short Term Rentals which included changes based on input from the 12/29/21 meeting. These included changes to the applicability section to eliminate “sub-occupants”, ensure stay of 1-31 days is not the maximum for the entire calendar year, note transient nature of the use with different users; changes to the general provisions to include pets, eliminate reference to commercial ventures and clarify excessive noise; and added a sunset clause. The Planning Board discussed allowing for flexibility, and suggested amendments to the sunset clause. Staff will work up a more detailed zoning change and include the proposed amendments for the next meeting.
3. **Planning Board 2021 Annual Report**: The Planning Board approved the draft 2021 annual report without modifications.
4. **Cape Cod Commission (CCC) Development of Regional Impact (DRI)**: Discussion and update on status of the DRI application for Blue Sky Towers III, LLC, for a 110’ monopole wireless communication tower and ground equipment to be located at 1044 Route 28, South Yarmouth. Joanne Crowley, Kathy Williams, and Brad Goodwin attended the 1/3/22 hearing where the subcommittee voted to approve the DRI and send it to the full commission for a vote on 1/13/22. Joanne Crowley spoke of her concerns about the language in the draft approval decision regarding aesthetics which she plans to speak to at the 1/13/22 hearing. The vast majority of the Planning Board members were disappointed in the decision having reservations regarding the design of the tower, although Brad Goodwin felt visual impact was subjective. If approved at the 1/13/22 meeting, the project would move to the Zoning Board of Appeals for a Special Permit.
5. **Meeting Minutes**: None
6. **Board of Appeals Agenda & Decisions**: The attached ZBA Agenda was sent to the Planning Board via e-mail.
7. **Committee Updates from Board Members**:
  - a. **Community Preservation Committee (CPC)**: Liz Hartsgrove gave an update on the CPA articles for town meeting including funding to the Trust of 10% plus administrative costs, funding for Bass River restoration, and cemetery stone preservation.
  - b. **Design Review Committee (DRC)**: Kathy Williams noted that there will be some upcoming DRC meetings for three different commercial projects.
  - c. **Drive-In Site Utilization Committee (DISUC)**: The DISUC will be meeting on 1/10/22.
8. **Board Member Items**: Joanne Crowley noted that the Vision Plan has been submitted to the Board of Selectmen and we are awaiting a date for the formal presentation to the Board. Will Rubenstein inquired about the status of the Mattacheese Re-Use Committee as the new school will be opening in January 2023. The Board had a discussion on going fully remote and decided to have the 1/19/22 remote only.
9. **Correspondence**: The attached correspondence was sent to the Planning Board via e-mail.
10. **Staff Updates**: Kathy Williams noted the Housing Summit scheduled for 1/11 at 5 PM at the Senior Center and the MassDOT virtual Public Hearing scheduled for 1/13/22 at 6:30 PM for the Bass River Bridge and four corners improvements projects.
11. **Upcoming Meetings**:
  - a. January 19, 2022
  - b. February 2, 2022

12. **Adjournment: VOTE:** On a motion by Chris Vincent, seconded by Will Rubenstein, the Planning Board voted unanimously (6-0) to adjourn at 7:22 PM.

**ATTACHMENTS:**

- **January 5, 2022 Agenda**
- **Hybrid Meeting Script**
- **Temporary Seasonal Employee Housing:** December 22, 2021 Letter from Jamie Veara, Chair of the Yarmouth Community Partnership; and Section 404.5 edits, Draft #1, dated December 14, 2021
- **Short Term Rentals:** Short-Term Rental Provisions, Draft #2, dated January 5, 2022 (distributed at the meeting)
- **Draft Planning Board 2021 Annual Report Narrative**
- **Miscellaneous Correspondence:**
  - ZBA Agenda for January 13, 2022
  - Conservation Commission Agenda for January 6, 2022
  - 1/1/22 & 1/2/22 e-mail correspondence from Susan Brita and Anne Monaldo regarding neighborhood update on proposed zoning amendments
  - 1/3/22 e-mail from Natasha Cash regarding housing
  - 1/3/22 e-mail from Kathy Williams regarding Blue Sky Tower DRI update, including Draft DRI Decision

**Approved on \_\_\_\_\_:**

**On a motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the Planning Board voted (x-x-x) to approve the meeting minutes of January 5, 2022.**

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**January 19, 2022**

The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **January 19, 2022** via remote access only.

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

**Planning Board Absent:** Chris Vincent

**Staff Present:** Kathy Williams, Town Planner; and Police Chief Frank Frederickson

**Guests:** Jamie Veara, Chair of the Yarmouth Community Partnership; Mary Vilbon, Yarmouth Chamber of Commerce Executive Director; Jack Hynes; and Tom Nickinello.

1. **Meeting Opening:** At the request of Joanne Crowley, Vice Chair Liz Hartsgrove chaired the remote meeting, which she opened at 5:42 by reading the attached statement. All votes were roll call votes and the meeting was broadcast live on Channel 18.

2. **Discussion on Potential Zoning Amendments:**

- a. **Temporary Seasonal Employee Housing:** Chief Frederickson attended the meeting to discuss his input on the attached Draft #2, dated January 7, 2022. The Chief began by noting his understanding of the need for seasonal employees and that the days of college kids coming down to rent a house for the summer are gone. Although using some limited motel/hotel rooms may make some sense, he did not want to see the problems of the past with out of control situations. The Chief indicated he had met with Jamie Veara and Mary Vilbon to discuss his concerns, and they have made changes in the attached Draft #2 that he can fully support. He wanted to ensure the bylaw was for the intended purpose of temporary seasonal housing and not for year round housing as seen in the past.

Susan Brita inquired about a sunset provision which was not included in the Draft. Kathy Williams indicated that if the Planning Board wanted to move in that direction, the amendment would need to be reworded and reviewed by Town Counsel. Chief Frederickson indicated he was not as concerned with the addition of a sunset clause as it goes before town meeting. If it doesn't work, we can go back to town meeting next year to address. The Chief further stated that the onus is on the motel owner to address any issues at their properties, and noted that some have hired detail officers to help address issues.

Brad Goodwin noted that it is optional for the hotel owner to make business to business agreements and felt this was a good first step.

Will Rubenstein noted that the Building Commissioner still needs to give an annual permit so there is something built into the bylaw even without a sunset clause. He also did not like the idea of going back to town meeting to set policy.

Susan Brita inquired as to why the Short-Term Rental (STR) amendments have a sunset clause, but not the Temporary Seasonal Employee Housing amendment. Kathy Williams indicated the Seasonal Employee housing already has a lot of checks and balances in place including the annual permit through the Building Commissioner, whose decision is appealable to the Zoning Board of Appeals. The STR amendment is more substantial and is moving forward fairly quickly. A sunset clause may make people more comfortable voting for it to retain the income to the Town, but allow time for more discussion and data



gathering. Even with a sunset clause, the Board would still need to go back to town meeting if we want to keep the STR use or make modifications.

Liz Hartsgrove inquired about the timeline for Annual Town Meeting. Kathy Williams noted that she has already submitted as a place holder 2-4 zoning amendments for annual Town meeting and would anticipate a Public Hearing in mid-March, prior to going before the Board of Selectmen and closing of the warrant at the end of March. This leaves the two meetings in February to finalize changes for advertising of the public meeting.

Jamie Veara gave a brief overview of the three changes in Draft #2 based on input from the Chief which included eliminating timeshares, requiring people be 18 or older ,and emphasizing seasonal. He felt we would know quickly whether this is problematic and needs to be fixed and suggested a fall meeting with all the stakeholders to evaluate how things are working. Brad Goodwin concurred that a meeting in the fall meeting is a good idea. He felt the Board should get the amendment before the Board of Selectmen now and review in the fall.

Mary Vilbon indicated the meeting with the Chief was helpful for everyone. She did follow up with other chambers on how they were handling seasonal employee housing noting that Dennis business owners are purchasing older motels as housing for their employees, with Provincetown purchased a building themselves.

Tom Nickinello noted that this amendment is a short term fix and that we need to look at a long term fix.

After discussion, the Board directed Staff to talk with Town Counsel regarding the sunset clause, outline the process in place to review the annual permit applications (i.e. building department process and review with other town departments), and what would cause the Building Commissioner to deny an annual permit, in order to provide an update to the Board at the next meeting. The Board wants to be sure they have the answers to future questions from the public, but were not suggesting amendments at this time.

- b. Short-Term Rentals (STR): Kathy Williams gave a brief overview of the attached Draft #3 which included a new Section 418 with a purpose, definition for STR, visibility of contact information from the exterior of the home, clarification on the sunset clause, and amendments to the Use Table to allow in all zones except for B3, RMDOD, AED and the optional HMOD and VCOD overlay districts. As written, if a property specifically developed using one of the optional overlay districts, STRs would not be an allowed use, although it could be done if developed using the underlying business district.

The Board discussed the clause requiring visibility of a local contact from the exterior of the home. Kathy Williams noted that the M.G.L. allows for the ability to post contact information on the town website and it is already in the Health Dept requirements. The Board also discussed what other Cape communities are doing related to STR. Kathy Williams noted that not all Cape towns are moving forward with this, some Towns such as Orleans are looking into making changes, Dennis thought it may be a customary accessory use and allowed under their existing bylaw, and she was not sure when Barnstable was planning on revisiting the issue. The Board also discussed the need for additional staffing to accommodate zoning changes and the best way to get this information to the Board of Selectmen. Kathy Williams noted that it could be included in the cover memo to the BOS when the amendments are presented. Liz Hartsgrove noted it could also be brought up again after the fall stakeholder meeting for both topics and when the Town is starting the budgeting process.

Tom Nickinello noted that STRs are vital for our community and the potential use for QR codes for local contact information.

3. **Meeting Minutes:**
  - a. **December 29, 2021:** On a motion by Brad Goodwin, and seconded by Will Rubenstein, the Planning Board voted (5-0) to approve the meeting minutes of December 29, 2021, with Brad Goodwin, Susan Brita, Joanne Crowley, Liz Hartsgrove and Will Rubenstein voting in favor.
4. **Board of Appeals Agenda & Decisions:** The attached ZBA Decisions were sent to the Planning Board via e-mail. One was for the Urologist Offices along Route 6a for which the rear property was rezoned to B1 business at the 2021 fall town meeting. The ZBA included some conditions to better protect the residential abutters. Also noted was the ZBA Decision allowing for the expansion of Ryan Family Amusement along with the inclusion of some additional in-lot and buffer trees.
5. **Committee Updates from Board Members:**
  - a. **Capital Budget Committee (CBC):** Will Rubenstein noted that the CBC has not met with the schools.
  - b. **Drive-In Site Utilization Committee (DISUC):** Susan Brita indicated the Riverwalk Park and Boardwalk design is progressing and the project is being designed to take into consideration life cycle costs and future maintenance.
  - c. **Land Disposition Committee (LDC):** Susan Brita noted the recent LDC meeting, where the Committee voted to retain two parcels.
  - d. **Affordable Housing Trust (AHT):** Brad Goodwin indicated the AHT met on January 18<sup>th</sup> and are looking for available land for an RFP for affordable housing. With current costs at \$150-200k per affordable unit, the Trust is looking at ways to best use the limited funds they have.
6. **Board Member Items:** Susan Brita mentioned the successful Housing Summit held on January 11<sup>th</sup> and noted an upcoming virtual summit (February 3<sup>rd</sup> at 2 PM). Board members also discussed the approval by the Cape Cod Commission of the Blue Sky Tower Development of Regional Impact (DRI) at 1044 Route 28.
7. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.
8. **Staff Updates:** Kathy Williams noted the Water Resources Advisory Committee will be meeting on 1/24/22 to discuss the Notice of Project Change for the Comprehensive Wastewater Management Plan. Staff is also working on compiling the necessary documents to apply for the State Revolving Fund loan.
9. **Upcoming Meetings:**
  - a. February 2, 2022
  - b. February 16, 2022
10. **Adjournment: VOTE:** On a motion by Brad Goodwin, seconded by Will Rubenstein, the Planning Board voted unanimously (5-0) to adjourn at 6:48 PM.

#### **ATTACHMENTS:**

- **January 19, 2022 Agenda**
- **Remote Meeting Script**
- **Temporary Seasonal Employee Housing:** Miscellaneous e-mails between Police Chief Frederickson and the Town Planner; and Section 404.5 edits, Draft #2, dated January 7, 2022

- **Short Term Rentals:** Short-Term Rental Provisions, Draft #3, dated January 14, 2022 including modifications to Section 202.5 – Use Table.
- **Meeting Minutes:** December 29, 2021
- **Miscellaneous Correspondence:**
  - ZBA Decisions 4917 and 4928
  - Conservation Commission Agenda for January 20, 2022
  - Miscellaneous e-mails from Jan Hively, Joanne Crowley and Kathy Williams regarding the Vision Plan
  - Blue Sky DRI Tower: January 3, 2022 comment letter from Town Administrator, CCC Agenda for 1/13/22, and Draft CCCC DRI Approval Decision (includes amendments)

**Approved on \_\_\_\_\_:**

**On a motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the Planning Board voted (x-x-x) to approve the meeting minutes of January 19, 2022.**

DRAFT