

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:	Planning Board
Date of Meeting:	May 4, 2022
Time:	5:30 p.m.
Place:	Town Hall Hearing Room 1146 Route 28, South Yarmouth, MA 02664 OR Zoom Link: https://us02web.zoom.us/j/89836415124 Phone: +1 301 715 8592 and enter webinar ID: 898 3641 5124

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. The public is welcome to attend either in-person or via the alternative public access provided above.

Agenda (Topics to be discussed):

1. **Zoning Amendments:** Discussion on results of Annual Town Meeting.
2. **Planning Board Goals Discussion:**
3. **Committee Assignments:**
4. **Definitive Subdivision No. 2427B – Easy Street, Yarmouth Port (located off Summer Street):**
Request to return security bond for completion of work on the Easy Street Subdivision.
5. Meeting Minutes
6. Board of Appeals Agenda & Decisions
7. Committee Updates from Board Members
8. Board Member Items
9. Correspondence
10. Staff Updates
11. Upcoming Meetings:
 - a. May 18, 2022
 - b. June 2, 2022
12. 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.

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

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YARMOUTH TOWN CLERK

'22APR28PM3:30 REC

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



TOWN OF YARMOUTH

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Planning
Board

MEMORANDUM

To: Board of Selectmen

From: Joanne Crowley, Planning Board Chair

Date: September 16, 2021

Subject: 2021 Annual Report for the Board of Selectmen

On behalf of the Yarmouth Planning Board, I am pleased to submit the 2021 Annual Report to the Board of Selectmen. We welcome this opportunity to review the Planning Board's efforts over the past year and to discuss goals for the upcoming year.

CHARGE: The objectives and functions of the Planning Board are set forth in MGL Ch. 41, Sections 81A-81GG – *Municipal Planning and Subdivision Legislation*, and MGL Ch. 40A – *The Zoning Act*. Chapter 41 charges the Planning Board with regulating new subdivisions and Chapter 40A charges the Planning Board with the responsibility for the adoption and revision of Zoning Bylaws. The Planning Board is also responsible for long-term planning related to the Local Comprehensive Plan.

Other responsibilities of the Planning Board include serving as Special Permit Granting Authority (SPGA) for Single-Family Cluster Subdivisions and Planned Residential Developments, and for Motel Redevelopments (HMOD1 & HMOD2); review of all development plans under the Revitalization Overlay Architectural District (ROAD); Site Plan Review for the Village Centers Overlay District (VCOD); and Street Names, Scenic Roads, and Repetitive Petitions.

MEMBERSHIP: Yarmouth is fortunate to have dedicated Planning Board members, some of whom have served for many years, as well as our newer members who bring fresh perspectives. Planning Board members also serve on other Town Committees as outlined below:

Member	Position	Other Committees
Joanne Crowley	Chair	Community & Economic Development Committee (CEDC)
Liz Hartsgrove	Vice Chair	Community Preservation Committee (CPC)
Tom Baron	Clerk	Land Disposition Committee (LDC) & Water Resources Advisory Committee (WRAC)
Brad Goodwin	Member	Affordable Housing Trust (AHT) & Community Housing Committee (CHC)
Chris Vincent	Member	Design Review Committee (DRC)
Susan Brita	Member	Drive-In Site Utilization Committee (DISUC)
Will Rubenstein	Member	Capital Budget Committee (CBC)

Officer elections and Committee assignments are done annually in mid-September.

PAST YEAR ACCOMPLISHMENTS: The Planning Board was able to adapt well to the challenges presented by the pandemic, having conducted virtual meetings throughout and moving to in-person meetings in July 2021. In addition to regular business items, the Board has completed the following:

- **Community Visioning Project:** A significant amount of the Planning Board's time has gone into the Community Visioning Project, including holding virtual Workshops/business Roundtable, and an initial public survey culminating in 470 responses used to develop a draft Vision of Yarmouth as a great place to Live, Work, Play and Learn. These concepts were vetted through a 2nd Visioning Survey which received 920 responses. The Planning Board is currently digesting this information in preparation for creating a draft Vision Plan for further public review.
- **Growth Incentive Zone (GIZ) Extension:** The Planning Board worked with the BOS and the Cape Cod Commission (CCC) to extend the GIZ through October 2031. This extension retains the redevelopment opportunities for motel properties along the Route 28 corridor while we continue with our on-going efforts to complete the visioning process and update our Local Comprehensive Plan.
- **Development of Regional Impact (DRI) – Blue Sky Tower:** The Planning Board has also been involved in the review and comment on the proposed 120' communication tower proposed for 1044 Route 28, noting concerns with the location, height and aesthetics along our commercial corridor. The applicant is currently preparing supplemental information in preparation for another public hearing this fall.
- **Zoning Amendments:** The Board has prepared seven zoning amendments for consideration at the fall Special Town Meeting. Briefly, the proposed amendments are related to compliance with the National Flood Insurance Program (NFIP); clarifications on Zoning District Boundary; allowing Brewpubs in the B1/B2 business districts; allowing Mobile Food Vendors on town-owned land if approved by the Board of Selectmen; minor Sign changes; rezoning of a parcel; and allowing Body Art Establishments along Route 28. Please refer to the September 16th Memo from the Planning Board for detailed information.

GOALS FOR THE COMING YEAR: In addition to our regular duties, the Planning Board's main emphasis for the upcoming year is anticipated to include the following:

- **Vision Plan:** Completion of the Community Visioning Project and preparation of a Vision Plan for review by the public and Board of Selectmen this fall, with hopes of adopting the plan by the end of 2021.
- **Local Comprehensive Plan (LCP) Update:** With the visioning complete, the Planning Board will be moving onto updating the LCP. This will not be a light endeavor and the Planning Board has found it helpful and expeditious to have assistance from consultants to supplement staff efforts. In order to move forward quickly to reach this long-term goal of the BOS, the Planning Board is requesting the support and advocacy of the Board for a Free Cash Grant for the LCP at the 2022 Annual Town Meeting.
- **Zoning:** The Planning Board will move forward with proposed zoning amendments at the fall Special Town Meeting. With the LCP update, no significant zoning initiatives are anticipated in the near future, however the Board has heard repeated requests to address the issue of workforce and seasonal housing. The Planning Board would appreciate some early direction from the BOS on ways we can work towards addressing this issue without creating unintended or undesirable consequences.

The Planning Board looks forward to discussing their goals at our upcoming meeting with you.

**Yarmouth Planning Board Committee Assignments
Updated 12/29/21**

<i>Committee</i>	<i>Sept 2020-2021 Assignments</i>	<i>Sept 2021-2022 Assignments</i>
Affordable Housing Trust (AHT) (full-time)	Brad Goodwin	Brad Goodwin
Capital Budget Committee (CBC) (full-time)	Will Rubenstein	Will Rubenstein
Community & Economic Development Committee (CEDC) (full-time)	Joanne Crowley	Joanne Crowley
Community Housing Committee (CHC) (full-time)	Brad Goodwin	Brad Goodwin
Community Preservation Committee (CPC) (full-time)	Liz Hartsgrove	Liz Hartsgrove
Design Review Committee (DRC) (full-time)	Chris Vincent	Chris Vincent
Drive-In Site Utilization Committee (DISUC) (part-time)	Susan Brita	Susan Brita
Land Disposition Committee (part-time)	Tom Baron	Susan Brita *
Water Resources Advisory Committee (WRAC) (full-time)	Tom Baron	Joanne Crowley*

Notes:

CEDC = Community & Economic Development Committee

CHC = Community Housing Committee

CPC = Community Preservation Committee

AHT = Affordable Housing Trust

*Temporarily reassigned on 12/29/21 due to the resignation of Tom Baron (all committee assignments typically made annually in September)

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
March 23, 2022

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **March 23, 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, Susan Brita, Joanne Crowley, and Will Rubenstein

Planning Board Absent: Liz Hartsgrove

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

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:32 by reading the attached statement. All Planning Board members were in-person. All votes were roll call votes.
2. **Deliberation on Zoning Articles for 2022 Annual Town Meeting (ATM), Vote on Recommendations, and Review Draft Memo to Board of Selectmen:** Joanne Crowley started the discussions with a brief overview of the 3 zoning articles, the meeting minutes for the 3/16 public hearing, and noted that all Planning Board members present were either in attendance at the public hearing or had certified to reviewing the videotape of the meeting.
 - a. **Article 27 - Short-Term Rentals (STR):** Kathy Williams gave a brief overview of the Article and public hearing comments and noted the attached e-mail from Bob Rubega suggesting changes to the timing for trash removal. After discussion, the Board decided to not make any changes to the Article and voted as follows:

VOTE: On a motion by Joanne Crowley, and seconded by Susan Brita, the Planning Board voted (5-0) to Recommend Article 27 – Short Term Rentals, as presented at the Public Hearing and included in this meeting packet, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.
 - b. **Article 28 - Seasonal Employee Housing at Motels/Hotels:** Kathy Williams gave a brief overview of the public hearing comments and the proposed amendment to the definition in the Article (see attached Draft #5) to address the public hearing comment about allowing for employees who work for a business located within Yarmouth, not just employees who work in Yarmouth. The example given was related to landscaping firms who may be based in Yarmouth, but work in surrounding Towns.

The Board discussed various topics including a sunset clause, discussion on number of available rooms, as well as the expansion of those who could participate. Kathy Williams noted that the sunset clause was added to the STR Article for a very specific reason - to make residents feel more comfortable voting for the expedited zoning amendment at Annual Town Meeting so we don't risk losing a very large revenue stream from the STR tax. Article 28 is a typical zoning amendment that would not have a sunset clause and could be amended at future town meetings.

Susan Brita disclosed that she was a member of the Yarmouth Community Partnership and would be abstaining from the vote. After discussion, the Board decided to amend the Article definition as attached and voted as follows:

VOTE: On a motion by Joanne Crowley, and seconded by Will Rubenstein, the Planning Board voted (4-0-1) to Recommend Article 28 – Seasonal Employee Housing at Motels/Hotels, as presented at the Public Hearing, now amended to strike the words “employed in Yarmouth” and insert in its place the words “employed by a business located within the borders of Yarmouth”, with Brad Goodwin, Chris Vincent, Joanne Crowley, and Will Rubenstein voting in favor, and Susan Brita abstaining.

The Board members also noted the summit proposed for the fall to review additional data acquired over the summer.

- c. Article 30 - CITIZEN PETITIONED Zoning Article: Rezoning of 17 Berry Avenue, West Yarmouth. Joanne Crowley noted the attached information summarizing the Article and the Public Hearing comments. As a petitioned Article, she noted the Article would be on the Warrant. The Planning Board will only be voting to recommend or not recommend. Ms. Crowley noted that the CEDC motion to recommend this article did not pass. She also noted correspondence from Robert Ciavarra received after the close of the Public Hearing was not forwarded to the Planning Board members.

The Board briefly discussed the Article and the issue of spot zoning brought up at the Hearing. Kathy Williams noted that Town Counsel was consulted and he felt this was not a case of spot zoning as the parcel currently abuts a business district.

VOTE: On a motion by Susan Brita, and seconded by Chris Vincent, the Planning Board voted (4-1) to Not Recommend Article 30 – Citizen Petition to Rezone 17 Berry Avenue, with Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor, and Brad Goodwin voting against.

- d. Draft Memo to BOS and Recommendations: Joanne Crowley volunteered to present and explain at ATM Article 27 – Short Term Rentals and Brad Goodwin volunteered to present and explain Article 28 – Seasonal employee Housing at Motels/Hotels. There were no comments or amendments to the memo.

3. **Meeting Minutes:**

- a. March 16, 2022: **On a motion by Brad Goodwin, and seconded by Chris Vincent, the Planning Board voted (4-0-1) to approve the meeting minutes of March 16, 2022, with Brad Goodwin, Susan Brita, Joanne Crowley, and Chris Vincent voting in favor, and Will Rubenstein abstaining.**

4. **Board of Appeals Agenda & Decisions:** None.

5. **Committee Updates from Board Members:** None.

6. **Board Member Items:** Brad Goodwin noted that Chief Frederickson is retiring in October and we should have our summit prior to his departure.

7. **Correspondence:** None.

8. **Staff Updates:** Kathy Williams updated the Board on the following:

- a. The Attorney General approved the Zoning Amendments from Fall Town Meeting.
- b. Kelly Grant, Conservation Administrator has resigned and her last day in April 14th; and Karl von Hone, Director of Natural Resources, will be retiring on May 27th.
- c. The Board of Selectmen will be voting on 3/29/22 to appoint Jim Saben to the Planning Board.
- d. The Route 6a 14-lot Definitive Cluster Subdivision (across from Hockanom Road) should be submitted on 3/24 and will be coming before the Board.

e. The Open Space & Recreation Plan and the Hazard Mitigation Plan need to be updated this year, in addition to working on the Local Comprehensive Plan.

9. **Upcoming Meetings:**

- a. March 29, 2022 – Board of Selectmen – Zoning
- b. April 6, 2022
- c. April 20, 2022

10. **Adjournment: VOTE: On a motion by Chris Vincent, seconded by Will Rubenstein, the Planning Board voted unanimously (5-0) to adjourn at 6:05 PM.**

ATTACHMENTS:

- **March 23, 2022 Agenda**
- **Hybrid Meeting Script**
- **Zoning Articles:** Draft Memo from Joanne Crowley to the Board of Selectmen (BOS) with Zoning Articles; and Draft Planning Board Recommendation Letter; Article 27 – Short Term Rentals, Draft #3 dated 2/17/22; Article 28 – Seasonal Employee Housing at Motels/Hotels, Draft #3 dated 3/21/22; Redline edits of Section 404.5, Draft #5 dated 3/18/22; Article 30 – Petitioned Article to rezone 17 Berry Avenue with Map; March 16, 2022 comment e-mail from Bob Rubega; and Certification from Will Rubenstein
- **Draft Minutes:** March 16, 2022
- **Miscellaneous Correspondence:** None

Approved on _____:

On a motion by _____, and seconded by _____, the Planning Board voted (x-x-x) to approve the meeting minutes of March 23, 2022.