

# 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 Meeting

Name of committee, board, etc.:	<b>Planning Board</b>
Date of Meeting:	<b>Wednesday - May 6, 2020</b>
Time:	<b>5:30 PM</b>
Place:	<b>Virtual Meeting</b>

The meeting will be held by remote participation pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. An audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the town's website as soon as possible after the meeting.

**JOINING THE VIRTUAL MEETING:** Members of the public can join the meeting using one of the following methods:

- To attend the meeting online, click <https://us02web.zoom.us/j/83727511237> and follow the prompts or navigate to <https://zoom.us/join> and enter meeting/webinar ID **83727511237** and follow the prompts.
- To attend the meeting by dial-in phone, call +1 301 715 8592 and enter meeting ID **83727511237**. The dial-in number can also be used to access the audio while watching the online meeting (if you don't have speakers and/or a microphone).
- Please plan to join the virtual meeting at least five minutes before the start of the meeting to troubleshoot any issues you may have joining.
- The virtual meeting will also be live streamed and uploaded to the Town of Yarmouth YouTube Channel. This live feed will not be monitored for public comment.

### **APPLICANTS:**

- Applicants will be called upon by the Chair to present their request. Applicants can use the "Raise Hand" button to identify themselves (all participants will be muted, you must be recognized by the Chair to participate).
- Applicants attending by dial-in should press \*9 to notify the Chair of their presence when called upon. The meeting Moderator will un-mute applicants when they are called upon to speak.

**PUBLIC PARTICIPATION:** During the Public Comment period for Public Hearings ONLY, the Chair will invite the audience to comment:

- Online audience members wishing to participate during the public comment section of a hearing can use the "Raise Hand" button to notify the Chair. All participants will be muted, you must be recognized by the Chair to participate.
- Dial-in audience members wishing to participate during the public comment section of a hearing should press \*9 on their phone to notify the Chair. All participants will be muted, you must be recognized by the Chair to participate.
- As an alternative to making comments via the online audio or phone, you may also submit comments to the Moderator via the virtual meeting "chat" function. To do this click on the "chat" icon and type your message. When prompted, the Moderator will read comments and questions into the record.

**MEETING MATERIALS:**

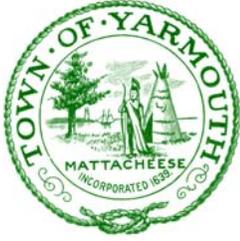
- Meeting materials will be displayed at the online meeting and are attached to this agenda (available at <http://www.yarmouth.ma.us/AgendaCenter>).

**PLANNING BOARD AGENDA (Topics to be discussed):**

1. **Approval Not Required ANR Plan #2816D:** Tanya Daigneault, 8 Old Hyannis Road, Yarmouth Port, MA, Assessor’s Map 104, Parcel 9.3, R40 and Aquifer Protection District (APD) zoning districts. The ANR Plan divides the existing lot into two lots.
2. **South Yarmouth Wise Living Retirement Community Zoning Board of Appeals (ZBA) Relief Discussion:** Applicant: Wise Living Development LLC. Owners: Maclyn LLC, 834 Main Street Realty Trust, and Baker Frank LLC. Location: 822 and 834 Route 28 and 30 Frank Baker Road, South Yarmouth, Assessor Map 33/Parcel 70.1, Assessor Map 41/Parcel 12, and Assessor Map 41/Parcel 11.1. Zoning Districts B2, HMOD1, ROAD and VCOD VC2. The Applicant is proposing to redevelop the Cape Cod Irish Village hotel property (822 Route 28) from 128 hotel rooms to a 120 unit Wise Living Requirement Community for senior housing with leased medical facilities; upgrade the commercial property at 834 Route 28, with 30 Frank Baker Road remaining vacant. The Planning Board will discuss and possibly provide comment on the Applicant’s Zoning Board of Appeals (ZBA) relief request for the above referenced project.
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. May 20, 2020 – Public Hearing
  - b. June 3, 2020
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.

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



# 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: April 30, 2020  
Subject: Planner Report for ANR #2816D – Tanya Daigneault  
8 Old Hyannis Road, Yarmouth Port – Assessor Map 104/9.3

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Please find attached application Form A and ANR Plan #2816D. The ANR Plan creates two lots, Lot 12 and Lot 13 out of the existing 2.82 acre lot at 8 Old Hyannis Road, Yarmouth Port (Assessor Map 104/Parcel 9.3). The lots are located in the APD and the R40 zoning district.

The Planning Board had previously reviewed this project as a Preliminary Subdivision in June 2019. The Preliminary Subdivision was denied as no actual improvements were being proposed and the Board recommended they seek relief from the Zoning Board of Appeals. They were successful in their petition as denoted in the attached ZBA Decision 4828.

This ANR application was received on April 14, 2020, with a 10-day extension resulting in a decision being required by May 14, 2020 to remain within the 21-day statutory requirements plus the 10-day extension. This project has been placed on the Planning Board Meeting Agenda for May 6, 2020.

The submission materials were complete and included the required fee, Form A, ANR plan, and appropriate number of copies. The ANR Plan is entitled, "*Plan of Land in Yarmouth Port, Massachusetts as prepared for Tanya Daigneault*". The Plan was prepared by Robin Wilcox, PLS, of Sweetser Engineering, dated November 8, 2018, and signed/stamped by the PLS on April 13, 2020.

The ANR Plan was reviewed by Staff and the following comments were sent to Robin Wilcox:

1. **Planning Board Number:** Correct the Planning Board number to 2816D (2816C was for the denied Preliminary Subdivision).
2. **Zoning Information:** Include a reference to the property being located in the APD. Please include the correct frontage requirements of 150' and the allowed reduction to 50' subject to the 150'x150' box within 500' of the road. Note that relief was given from the 500' requirement by the Zoning Board of Appeals petition 4828.
3. **Easements:** Due to the intermingled nature of these two lots, multiple easements will be required for access, utilities, water, septic systems, and should be shown on the ANR plan along with a designation as to the use of each.
4. **Supplemental Submission:** Please make the appropriate changes and provide 5 hard copies, mylar, and an electronic copy by close of business on May 4<sup>th</sup> to allow for the revised electronic plan to be sent to the Planning Board members in advance of the May 6<sup>th</sup> meeting.

Planner Suggestion: Subject to the edits noted above being completed and a new ANR Plan submitted, recommend the Planning Board make a motion to endorse ANR Plan 2816D, dated \_\_\_\_\_, and signed and stamped by Robin Wilcox, PLS.

**Attachments:**

- Form A
- ZBA Decision #4828
- 2816D ANR Plan



**PLANNING BOARD  
TOWN OF YARMOUTH,  
MASSACHUSETTS**

**APPLICATION FOR ENDORSEMENT  
OF PLAN  
APPROVAL NOT REQUIRED**

**FORM A**

Date: MARCH 18, 2020

To the Yarmouth Planning Board:

The undersigned, believing the accompanying plan of property in the Town of Yarmouth does not constitute a subdivision within the meaning of the Subdivision Control Law, requests a determination and endorsement by the Planning Board that approval under the Subdivision Control Law is not required.

Deed to the property is recorded in the Barnstable County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_ or registered in the Barnstable Land Court Certificate of Title 190311 as shown on the Town of Yarmouth Assessor's Map number 104, parcel 9.3.

Owner:

Tanya Daigneault

Print name

[Signature]  
Signature

8 Old Hyannis Road

Yarmouth Port, MA 02675

Address

Surveyor:

Robin W. Wilcox

Print name

203 Setucke Road, P.O. Box 713

South Dennis, MA 02660

Address

Applicant:

Tanya Daigneault

Print name:

[Signature]  
Signature

8 Old Hyannis Road

Yarmouth Port, MA 02675

Address

31341

Registration No.

<i>For Office Use Only</i>	
Reference No.	<u>2816 D</u>
Hearing Date:	<u>5/6/20</u>
<input type="checkbox"/>	3 signed copies of Form A
<input type="checkbox"/>	Fee (\$250 <= 3 lots, then \$75 per lot)
<input type="checkbox"/>	Original plan and digital file
<input type="checkbox"/>	10 copies of plan

**RECEIVED**

**APR 14 2020**

**TOWN CLERK  
SOUTH YARMOUTH, MA**

RECEIVED

JAN 13 2020

TOWN CLERK  
SOUTH YARMOUTH, MA



TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

**FILED WITH TOWN CLERK: January 13, 2020**

**PETITION NO. #4828**

**HEARING DATE: December 12, 2019**

**PETITIONER: Tanya Daigneault**

**PROPERTY: 8 Old Hyannis Road, YarmouthPort, MA  
Map & Lot#: 0104.9.3; Zoning District: R-40  
Doc. #:1,130,368; Ctf. #:190311  
Lot #9-Land Court Subdivision Plan 40984-B**

**MEMBERS PRESENT AND VOTING: Sean Igoe, Chairman, Dick Martin, Tom Nickinello, Tom Baron and Tim Kelley.**

It appearing that notice of said hearing has been given by sending notice thereof to the Petitioner and all those owners of property deemed by the Board to be affected thereby, and to the public by posting notice of the hearing and published in The Register, the hearing was opened and held on the date stated above.

The property is located in the R-40 Zoning District. The Applicant seeks a Variance from the provisions of By-law §203.2.1 in order to be able to divide her existing residential lot into two residential lots, where one of the lots will not be able to contain the 150 foot frontage square within the required 500 foot radius from the frontage road.

The applicant, Tanya Daigneault, was present and represented by attorney David Reid, and accompanied by Robin Wilcox of Sweetser Engineering. The applicant submitted with her application the proposed Plan to divide the lot, entitled Plan of Land in Yarmouthport, Massachusetts, as prepared for Tanya Daigneault, by Sweetser Engineering, dated November 8, 2018. The applicant also provided the Board with a second version of the Plan, for demonstration purposes, containing all setback measurements for the existing improvements and proposed lot lines.

The applicant represented to the Board that the property is presently improved with a main house and an accessory dwelling. The accessory dwelling was constructed pursuant to Special Permit #4537, as a Family Related Accessory unit, intended for her father to occupy. For reasons beyond her control, after all the construction had been completed, her father has been unable to

occupy the accessory unit. The applicant investigated other alternatives, including conversion to an Affordable Accessory unit, but the economics of that program would not justify the investment and mortgage already incurred. The applicant approached the Planning Board to subdivide the property, but that proposal (presented as a preliminary plan) was not accepted by the Board, who recommended that the applicant instead seek relief from the bylaw from the Board of Appeals.

The applicant explained that the resulting lots will fully conform to zoning, as to frontage, lot area and width, and both are capable of containing the required 150 foot square (required by section 203.2.1), and that the homes on the lot will conform to all setbacks, but that the rear portion of the square on lot 13 would be 536.27 feet from the road, more than the 500 feet allowed. However, the house on Lot 13 would be wholly within the 500 foot radius, the furthest corner being 410.5 feet from the street.

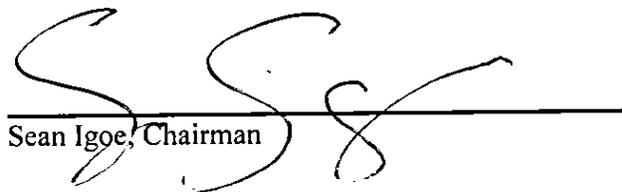
The applicant explained that she seeks the Variance because the alternative of creating the additional frontage needed, as an extension off Old Hyannis Road, in conformance with the standards of the bylaw and Subdivision Control, would be unduly expensive and burdensome because the topography of the site and the extensive presence of boulders in that portion of the property, the fact that the new frontage would be largely within the existing overhead utility easement, and the fact that the existing water, gas and electric underground lines are in the area that would need to be excavated to accommodate the new frontage and driveway. If the Variance is granted, the applicant proposes to keep and utilize the existing driveway, to both homes. No additions or alterations of the homes or site are proposed. The applicant contends that the proposed configuration of the site, with the requested Variance, would still fulfill the intent and purposes of the bylaw; the homes would remain in sufficiently close proximity to the street to avoid any disproportionate burden on municipal services, or cause any safety or security concerns or congestion.

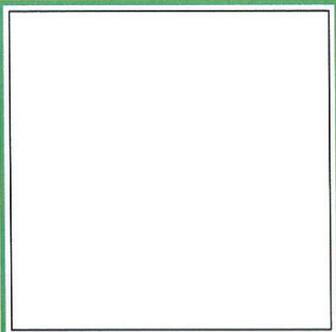
No correspondence was received by the Board from either other town agencies nor from the public. No one else appeared at the hearing to speak to the matter.

The Board finds that there are special circumstances at this property, which relate to the soil and topography of the site, as a result of which full compliance with the bylaw would result in a substantial hardship to the applicant. The excavation and construction of the needed frontage extension would be difficult and unduly expensive, and would not result in any public benefit justifying the cost. The relief is modest in relation to the site and alternatives for the property. The houses already exist and their orientation to the street and neighborhood will remain unchanged, and they are notable well within the 500 foot radius to the street, fulfilling the principal goal of this bylaw. There would be no added burden on public resources, and no impact on the neighborhood, as virtually nothing would physically change if this relief were granted, whereas the alternative to not granting the relief would likely result in a greater impact on the street and neighborhood from the construction of the additional frontage within the lot. Granting the requested relief would therefore not substantially derogate from the intent and purpose of the bylaw, nor would it cause any substantial detriment to the neighborhood or public good. The Board therefore finds that the Variance may be granted.

A Motion was made by Mr. Nickinello, seconded by Mr. Martin, to grant the Variance, as requested, on the condition that the house on lot 13 remain entirely within the 500 foot radius from Old Hyannis Road, including any future additions or alterations of the structure. After discussion, the Board voted 5 to 0 to grant the Variance, as conditioned.

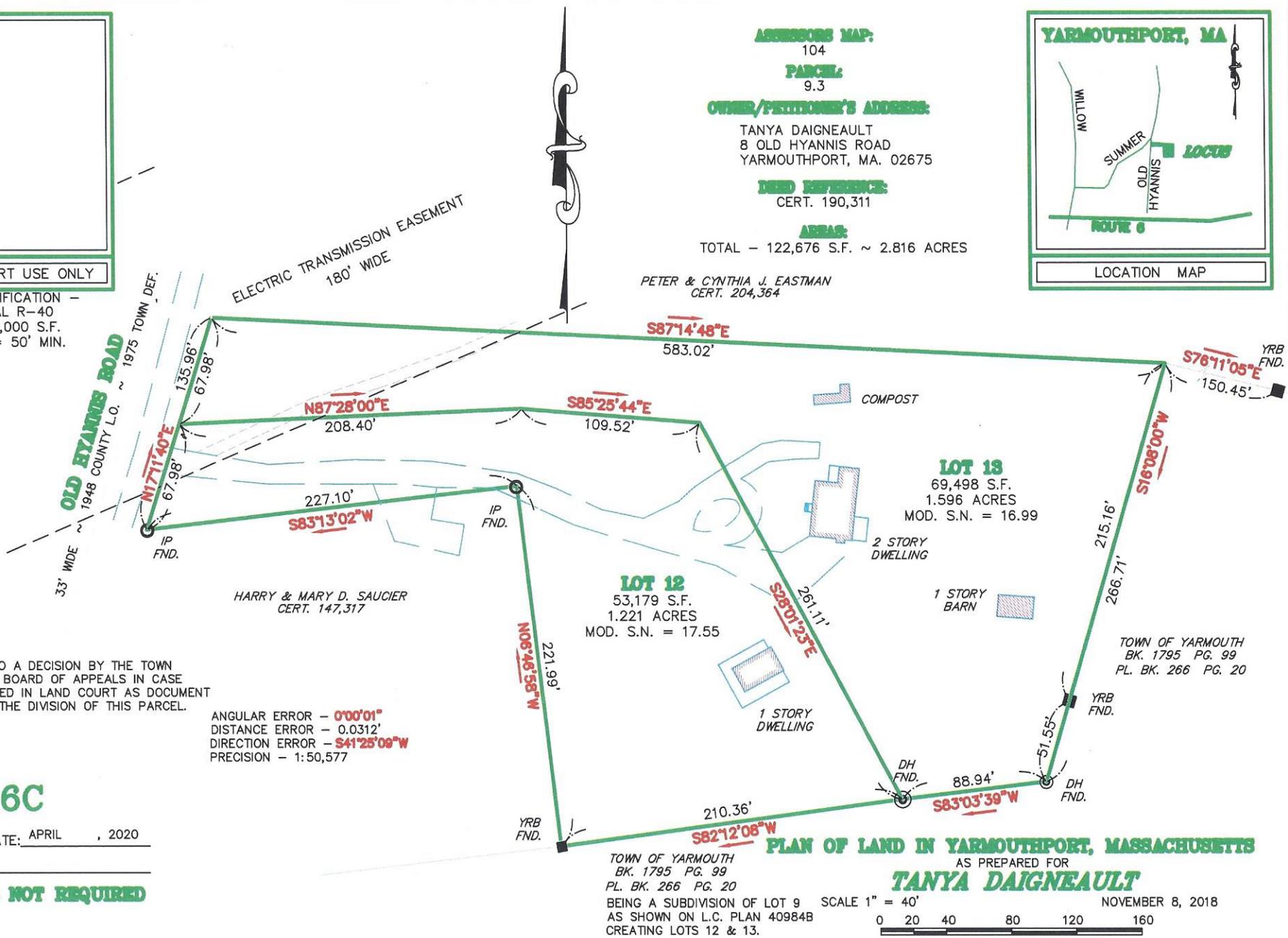
No permit shall issue until 20 days from the filing of this decision with the Town Clerk. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, a Variance shall lapse if the rights authorized herein are not excised within 12 months. (See MGL c40A §10)

  
Sean Igoe, Chairman

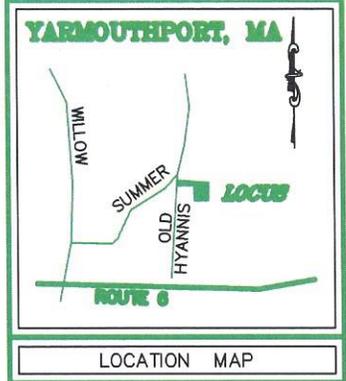


FOR LAND COURT USE ONLY

ZONING CLASSIFICATION - RESIDENTIAL R-40  
AREA = 40,000 S.F.  
FRONTAGE = 50' MIN.



ASSESSORS MAP: 104  
PARCEL: 9.3  
OWNER/PETITIONER'S ADDRESS:  
TANYA DAIGNEAULT  
8 OLD HYANNIS ROAD  
YARMOUTHPORT, MA. 02675  
DEED REFERENCE:  
CERT. 190,311  
AREAS:  
TOTAL - 122,676 S.F. ~ 2.816 ACRES



PETER & CYNTHIA J. EASTMAN  
CERT. 204,364

HARRY & MARY D. SAUCIER  
CERT. 147,317

LOT 12  
53,179 S.F.  
1.221 ACRES  
MOD. S.N. = 17.55

LOT 13  
69,498 S.F.  
1.596 ACRES  
MOD. S.N. = 16.99

TOWN OF YARMOUTH  
BK. 1795 PG. 99  
PL. BK. 266 PG. 20

ANGULAR ERROR - 0'00'01"  
DISTANCE ERROR - 0.0312'  
DIRECTION ERROR - S41'25'09"W  
PRECISION - 1:50,577

REFERENCE IS MADE TO A DECISION BY THE TOWN OF YARMOUTH ZONING BOARD OF APPEALS IN CASE NUMBER 4828 RECORDED IN LAND COURT AS DOCUMENT 1,391,087 PERMITTING THE DIVISION OF THIS PARCEL.

2816C

APPLICATION DATE: APRIL , 2020  
DATE SIGNED: \_\_\_\_\_

APPROVAL NOT REQUIRED

YARMOUTH PLANNING BOARD  
ENDORSEMENT IS NOT A DETERMINATION AS TO COMPLIANCE TO ZONING REGULATIONS.

TOWN OF YARMOUTH  
BK. 1795 PG. 99  
PL. BK. 266 PG. 20  
BEING A SUBDIVISION OF LOT 9  
AS SHOWN ON L.C. PLAN 40984B  
CREATING LOTS 12 & 13.

PLAN OF LAND IN YARMOUTHPORT, MASSACHUSETTS  
AS PREPARED FOR  
TANYA DAIGNEAULT

SCALE 1" = 40' NOVEMBER 8, 2018

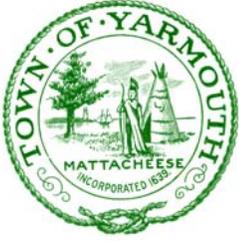


SWEETSER ENGINEERING  
203 SETUCKET ROAD  
P.O. BOX 713  
SOUTH DENNIS, MASS.  
02660  
(508) 385-6900  
FAX (508) 385-6991

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 ON OR BETWEEN JUNE 21, 2015 AND NOVEMBER 8, 2018.

APRIL 13, 2020  
DATE PROFESSIONAL LAND SURVEYOR

1615-00



# 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: May 1, 2020  
Subject: 822 & 834 Route 28 and 30 Frank Baker Road  
Assessor Map/Parcels: 33/70.1, 41/12 & 41/11.1  
Wise Living Retirement Community project - VCOD VC2  
**Zoning Board of Appeals Relief Request**

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The proposed Wise Living Retirement Community project will redevelop the Irish Village property at 822 Route 28 from 128 hotel rooms into a 120 unit senior living facility with leased medical offices; upgrade the existing commercial property at 834 Route 28; and retain 30 Frank Baker Road as vacant land. The three lots will be combined into a 6.09 acre parcel to be developed as part of a VCOD VC2 project.

The project has completed the VCOD SPR review process through the Planning Board with the VCOD 2020-1 decision having been filed with the Town Clerk on April 24, 2020. A Use Special Permit is required from the Planning Board for Assisted Living Retirement Communities and the Public Hearing is scheduled for May 20, 2020. In addition, the applicant is requesting Variance relief from the Zoning Board of Appeals as described in the attached ZBA application and Narrative, and shown on Site Plan Sheet S-2B. Elevations for the two buildings from the VCOD SPR process (A.4 & B.1) are also attached for easy reference.

At the April 15, 2020 Planning Board meeting, the Board briefly reviewed the proposed relief and considered the Applicant's request for Planning Board input. The Board deferred further discussion on this issue until the May 6, 2020 Planning Board meeting. Should the Planning Board wish, they could make a motion in support of one or more of the following items at the May 6<sup>th</sup> meeting or defer until the May 20<sup>th</sup> meeting when the applicant will be before the Board seeking their Use Special Permit:

***On a motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the Planning Board voted (?-?) in SUPPORT of the following relief being requested of the Zoning Board of Appeals for the South Yarmouth Wise Living Retirement Community project at 822 & 834 Route 28 and 30 Frank Baker Road:***

- 1. The proposed building modulation styles (i.e. open gable end porches/patios, and porticos) and frequency of modulations for 822 Route 28 as presented at the April 15, 2020 Planning Board meeting and as conditioned as part of the VCOD SPR decision.***

2. *The proposed building modulation style (i.e. open porches) as presented at the April 15, 2020 Planning Board meeting for 834 Route 28 with the elimination of any building modulation on the east side of the building.*
3. *Allowing the retention of a second, existing freestanding sign for the 834 Route 28 building in addition to keeping a freestanding sign for the redeveloped 822 Route 28 building on a single combined property.*
4. *Providing an 8' permanent easement to the Town for future construction or relocation of the existing sidewalk along Route 28, in lieu of constructing a new sidewalk adjacent to the existing sidewalk.*
5. *Replacing three (3) in-lot trees with three (3) shrubs, and relocating one (1) in-lot island with tree to exceed the spacing requirements in the parking lot of 822 Route 28 due to the proximity to existing subsurface disposal structures that are to remain.*

**Attachments:**

- ZBA Application Narrative
- Site Plan S-B2 – Site Plan, dated February 20, 2020, last revised April 16, 2020
- Arch Plan A.4 & B.1 from VCOD SPR (attached for easy reference)

# Law Office of Singer & Singer, LLC

26 Upper County Road  
P. O. Box 67  
Dennisport, Massachusetts 02639

Andrew L. Singer  
Marian S. Rose

Myer R. Singer  
Of Counsel

Tel: (508) 398-2221  
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www.singer-law.com

## **Yarmouth Board of Appeals Variance Application South Yarmouth Wise Living Retirement Community**

### Narrative

#### Introduction

The Applicant is proposing to re-use and redevelop the existing hotel and commercial properties located at 822 and 834 Route 28 and 30 Frank Baker Road in South Yarmouth [collectively "Property"] for a mixed-use project consisting of: 1. Wise Living Retirement Community for senior housing with 120 units (104 studios and 16 one bedrooms), common resident dining facility, and outdoor swimming pool; 2. leased medical complex, exercise/rehab, and wading pool facilities; and 3. continuation of existing uses in an existing commercial building.

The Property is located in the B2 and VCOD Overlay Zoning Districts, among others. The redevelopment has completed review by the Yarmouth Design Review Committee and Site Plan Review Committee as well as Planning Board VCOD Site Plan Review. The Planning Board will also be reviewing the redevelopment for a required Use Special Permit in the VCOD Overlay Zoning District.

As a redevelopment of an existing developed property and re-use of existing facilities, and not the razing and reconstruction of existing structures, there are certain aspects of the detailed architectural design standards in the VCOD Overlay Zoning District that are impractical and/or not architecturally desirable to make with this Property. Though the Planning Board is the use special permit granting authority for the proposed use, the Board of Appeals is listed as the body with the power to waive and vary these design standards. Each of the variances to be sought herein have been reviewed and discussed with Town Staff, Town Committees, and the Planning Board with the understanding that the Applicant would seek relief for these design items from the Board of Appeals. All dimensional requirements of the Zoning By-Law will be conforming.

#### Design Relief

The Applicant is thus requesting variance relief in accordance with Section 102.2.2 of the Yarmouth Zoning By-Law ["Zoning By-Law"] and M.G.L. Chapter 40A, Section 10, from the provisions

of Section 414.8 – VCOD Design Standards as necessary to approve the submitted design as shown on Site Plan Sheet S-2B and further described in detail as follows:

1. Retain the second, existing freestanding sign for the 834 Route 28 building in addition to maintaining a freestanding sign for the redeveloped 822 Route 28 building (in approximately the same location as existing) on the combined Property (Section 414.8.11);
2. In lieu of constructing a new sidewalk adjacent to the existing sidewalk, provide an eight-foot easement to the Town for future construction or relocation of the existing sidewalk on Route 28 if such relocation is ever desired (Section 414.8.1.4);
3. Not construct three (3) in-lot trees and relocate one (1) in-lot tree to other than where it is required to be placed due to proximity to subsurface septic areas that are being re-used in connection with the redevelopment (Section 414.8.9.4);
4. Not construct additional building modulation bump-outs on the south, east, and west sides of the re-developed 822 Route 28 building beyond those shown on the submitted plans and further to construct those roof bump-outs shown as open-sided and not enclosed (Sections 414.8.3, 414.8.5, and 414.8.6); and
5. Not construct additional building modulations on the east and west sides of the re-used 834 Route 28 building beyond adding dormers, bump-out, and cupola on west-side of the building (Sections 414.8.3, 414.8.5, and 414.8.6).

#### Property/Existing Development

1. 822 Route 28 (4.09 +/- acres) is developed with the Irish Village Hotel complex (136 original rooms, now combined as 128 rooms, plus a public restaurant and interior and exterior swimming pools and related amenities).
2. 834 Route 28 (0.88 +/- acres) is developed with a commercial building containing three rental spaces – hair salon, retail, and office.
3. 30 Frank Baker Road (1.11 +/- acres) is a vacant, undeveloped parcel to the rear of 822 Route 28 and was previously a part of that lot before an ANR Division in 2014 split the land into two pieces.
4. The redevelopment includes merging all three lots into one lot with no change to the retail and commercial uses in the commercial building at 834 Route 28.

#### Proposed Redevelopment

The proposal is to rehabilitate and re-use the existing buildings, parking areas, septic systems, and drainage, with upgrades as shown on the plans, including complete aesthetic upgrades to the buildings. The existing public restaurant in the hotel building will be eliminated.

The hotel building will be upgraded with a new porte cochere at the main entrance; several new, small roofs at entrances; and the entire building facade will be upgraded to be more aesthetically

attractive by changing the predominantly flat roof to a pitched roof with cupolas, gables, parapets, and dormers to break up massing and improve visual interest. Otherwise, the now hotel building will be re-used in the same footprint. Roof-top solar will be provided along the east and west wings of the building away from Route 28 and will not be visible from any street.

The proposal includes 120 residential units, which density is allowed per the size of the Property. As previously determined with the Yarmouth Building Commissioner and Town Counsel, all of the units (those with separate bedrooms and those without) are classified as one-bedroom units as defined in the Zoning By-Law and will be conforming as set forth on the floor plans. Age restrictions for residents will be compliant with State requirements. Eight (8) of the units will be accessible units. There will be no inclusionary units, and none are required. Each Unit will be equipped with a kitchenette consisting of a cook top, microwave, refrigerator, and sink. There will be weekly housekeeping of the Units.

The commercial building will have a revised roof line with dormers and bump outs on the west side to break up the existing massing. The land that is now 30 Frank Baker Road will remain vacant.

The parking on 834 Route 28 will be upgraded and made more formal than the existing conditions. Pedestrian and vehicular interconnections will be provided between 822 and 834 Route 28.

### Zoning

Dimensional Requirements. The existing buildings are conforming with dimensional requirements of the Zoning By-Law (setbacks and height) and will remain conforming. Building coverage and site coverage on the Property are conforming and will remain conforming. 822 Route 28 is pre-existing nonconforming as to parking spaces in front of the building and in-lot trees. 834 Route 28 is pre-existing nonconforming as to parking lot design and in-lot trees. The parking in front of the 822 Route 28 building will be eliminated. The parking behind the commercial building is being upgraded by increasing the pavement sixty feet (60 ft. ) to the rear to the fence line separating the new paved section from the remaining gravel (overflow area if necessary), striping all of the asphalt, and one tree is being added at the back of the new parking.

Septic/Drainage/Stormwater. The redevelopment will result in a reduction in the septic flow to be generated at the Property, and the Applicant has determined that the oversized septic systems existing at the hotel will be sufficient to handle the redevelopment's reduced wastewater flow. The septic system servicing the commercial building will remain to serve the existing uses. The Applicant's engineer has and continues to coordinate with the Yarmouth Health Department and the Massachusetts DEP concerning the redevelopment.

The existing drainage will be retained at the Property. The grade at the front of the hotel will be raised to accommodate handicap accessibility and the new porte cochere entrance, and the drainage in this area will be revised to accommodate this change. No work is proposed in the rear of the Property which is in the buffer zone to off-site wetlands.

The existing septic and stormwater systems are both actively maintained, and written maintenance plans will be provided.

Traffic/Parking. The existing curb cuts from Route 28 onto 822 Route 28 and 834 Route 28 will remain the same, but the vehicular interconnection between the properties to be provided will improve

circulation. The Applicant will work with MA DOT as necessary on the redevelopment. Due to the private nature of Frank Baker Road, no connections are proposed directly onto Frank Baker Road.

The elimination of the public restaurant and transient hotel use will reduce vehicle trips to and from the Property because the replacement use (senior housing and medical office use) is a less intensive use of the Property. A traffic analysis by BSC Group has been submitted.

A turning template plan has been submitted demonstrating safe and adequate fire and truck access to and from the Property. Ambulances and other public safety vehicles will have sufficient access throughout the Property, and the Applicant will continue to work with the Fire Department to ensure the same.

With the re-use of the existing hotel parking, the upgrade of the informal parking at the rear of the commercial building, and various landscape buffer enhancements, the existing parking will be reduced to 173 spaces. The Applicant has worked with the Building Commissioner to determine that this parking is sufficient for the proposed redevelopment as required in the Zoning By-Law. A detailed parking schedule is included on the site plan. The eight (8) parking spaces located in front of the existing hotel will be eliminated. Handicap parking will be provided as required in relation to the applicable building access points.

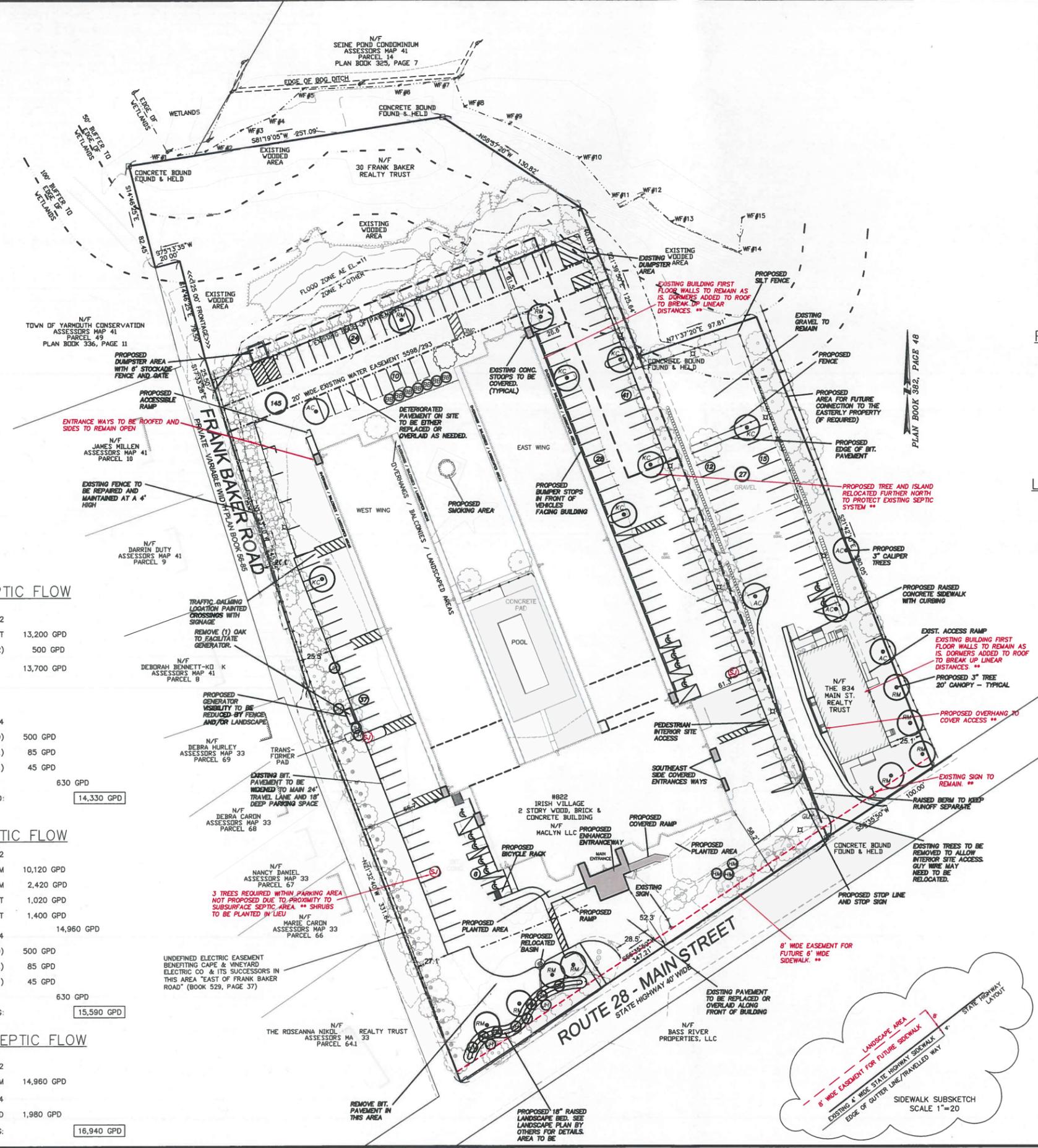
Lighting/Signage. Exterior building lighting will be upgraded with dark-sky compliant, traditional New England period fixtures. New pole lights in the existing parking fields will also be dark-sky compliant, traditional New England period fixtures. There is one light pole on Route 28 in the State Highway Layout that provides light at the front of the Property.

The existing freestanding sign at the 822 Route 28 property will be retained/replaced as needed in generally the same size and location and be repaneled with the new businesses. The existing freestanding sign at the 834 Route 28 property is proposed to remain in place.

Landscaping. Existing, mature screening along the front, sides, and rear of the Property will be retained where possible, and an extensive new front landscape buffer is being provided in place of the existing parking in this area as shown on the Landscape Plan. The buffer to the residential properties on Frank Baker Road will be improved with a modified, four-foot fence along that property line as required in addition to the existing treescape. The tree canopy requirement throughout the properties is being met.

New trees are being provided as shown on the Site Plan to meet the in-lot tree requirement in the parking areas. Since four (4) of these trees are located within the existing septic system area, the Applicant is requesting relief from the Board of Appeals to not install three (3) of these trees and to relocate one (1) of these trees to a location other than as required by the design standards. Given the perimeter buffer vegetation and fencing and the new expanded landscape area in the front of the property, these parking areas within the septic system area on either side of the building will be appropriately screened. In addition, the proposal otherwise meets the provisions of Section 414.8.9(4) governing landscaping around the perimeters and within parking areas. "The ends of parking aisles in surface lots that are more than fifteen (15) spaces in length shall incorporate landscape islands at either end of the row. Each island shall include at least one tree. Where the length of a parking aisle exceeds twenty-five (25) spaces, additional landscape islands shall be installed at regular intervals. This interval shall not be more than every thirteen (13) spaces." The project engineer has designed the re-used parking lot to meet these standards.

Conclusion. The proposed, mixed-use redevelopment of the Property meets the purposes and intents of the Village Center Overlay District to preserve and revitalize the Town's natural, cultural, and economic resources, while supporting sustainable development that enhances and improves the community's character and sense of place. The redevelopment satisfies and is consistent with the provisions of Section 414 of the Zoning By-Law with the exception of those design provisions referenced herein. The redevelopment is unique in that it is re-using existing buildings and infrastructure to minimize destruction and disruption to the land and neighborhood. Absent the relief being requested, the Applicant will suffer substantial practical and financial hardship. There will be no nuisance, hazard or congestion created by the proposal as designed, in fact the redevelopment will be an improvement over existing conditions, will be more attractive, and there will be no substantial harm to the character of the neighborhood or Town. The proposal will provide needed services and residential opportunities in the Town.



- NOTES:
- 1.) THIS PLAN IS BASED ON SURVEY FIELD WORK PERFORMED BETWEEN 2006 AND 2013 AND FIELD CHECKED IN NOVEMBER OF 2019 THROUGH JANUARY OF 2020.
  - 2.) WETLAND FLAG LOCATIONS ARE BASED ON 2013 LOCATIONS. THE DELINEATION HAS NOT BEEN UPDATED AT THIS TIME AS THEIR IS NO WORK BEING PERFORMED OUTSIDE OF THE EXISTING BUILDING AND PAVEMENT WITHIN 100' OF THE PREVIOUS WETLAND DELINEATION.
  - 3.) A LIMIT FIELD SURVEY WAS PREVIOUSLY PERFORMED AT #30 FRANK BAKER ROAD AS NO CONSTRUCTION IS PROPOSED ON THIS PORTION OF THE LOT AT THIS TIME WITH THE EXCEPTION OF THE REVISED DUMPSTER PAD LOCATION.
  - 4.) #822, #834 AND #30 ARE TO BE COMBINED AND WILL HAVE A TOTAL LAND AREA OF 6.09± ACRES.
  - 5.) MINOR INCREASES TO THE IMPERVIOUS COVERAGE IS PROPOSED AND AS A RESULT NO DRAINAGE MODIFICATIONS ARE PROPOSED.
  - 6.) THE EXISTING PAVEMENT IS TO REMAIN BUT WILL HAVE MINOR CHANGES TO ALLOW FOR INTERIOR SITE ACCESS AND FOR HANDICAPPED ACCESSIBLE ENTRANCEWAYS AND GENERAL REPAIR / SEAL-COATING AS NEEDED.
  - 7.) THE EXISTING BUILDING IS A TWO STORY BUILDING AND ROOF MODIFICATION WILL BE THE ADDITION OF FACADES TO ENHANCE THE BUILDING.
  - 8.) THE PARKING LOT CANOPY IS CALCULATED BASED ON PARKING AREAS ONLY. INSPECTION AND CALCULATIONS WERE PERFORMED IN JANUARY OF 2020 WHERE THE CANOPY WAS BASED ON VISIBLE EVIDENCE OF BRANCHES.
  - 9.) SEE ATTACHED LIGHT DESIGN BY OTHERS FOR LIGHT FIXTURES AND COVERAGE.

**PROPOSED CANOPY CALCULATIONS**

#822	PARKING AREA	26,920± S.F.
#834	PARKING AREA	5,107± S.F.
TOTAL PARKING AREA:		32,027± S.F.
CANOPY REQUIRED:		32,027± S.F. x 30% = 9,608± S.F.
PARKING CANOPY PROVIDED:		12,700± S.F. (39.6%)

**LANDSCAPE OPENSACE CALCULATIONS**

TOTAL PARKING AREA:	32,027± S.F.
OPEN SPACE REQUIRED:	32,027± S.F. x 10% = 3,203± S.F.
OPEN SPACE PROVIDED:	4,400± S.F. (13.7%)

**PROPOSED PARKING**

#822	P5 - INSTITUTIONAL SERVICES	120 SENIOR HOUSING UNITS	120 UNITS / 0.87 (105 SPACES)
		6 OFFICE STAFF (6) SPACES	
		8 KITCHEN STAFF (8) SPACES	
		2 MAINTENANCE STAFF (2) SPACES	
		20 VISITORS / CNA'S (20) SPACES	141 SPACES
	Q1 - DOCTORS OFFICE	4800 S.F. OF SPACE	1 SPACE PER 400 S.F.
			12 SPACES
			153 SPACES
#834	J3 BEAUTY SHOP	HAIRDRESSER (5 CHAIRS)	15 SPACES
		5 STAFF (5) SPACES	
		10 CUSTOMERS (10) SPACES	
		RETAIL (1,700 S.F. @700/S.F.)	3 SPACES
		OFFICE (600 S.F. @1400 S.F.)	2 SPACES
			20 SPACES
	TOTAL REQUIRED:		173 SPACES
	TOTAL PROPOSED:		173 SPACES
	PRIOR PARKING:		204 SPACES

**IN-LOT TREE REQUIREMENTS**

AS DEPICTED 11 ADDITIONAL

**ISSUED FOR PERMITTING  
NOT FOR CONSTRUCTION**

**PROPOSED SEPTIC FLOW**

#822	120 UNITS (110 GPD / UNIT)	13,200 GPD
	2 DOCTORS (250 GPD / DOCTOR)	500 GPD
		13,700 GPD
#834	HAIRDRESSER (5 CHAIRS @100GPD)	500 GPD
	RETAIL (1,700 S.F. @50GPD/1000S.F.)	85 GPD
	OFFICE (600 S.F. @75GPD/1000S.F.)	45 GPD
		630 GPD
	TOTAL PROPOSED:	14,330 GPD

**EXISTING SEPTIC FLOW**

#822	92 MOTEL UNITS (110 GPD / ROOM)	10,120 GPD
	22 ONE BED-SUITES (110 GPD / ROOM)	2,420 GPD
	LOUNGE 51 SEATS (20 GPD / SEAT)	1,020 GPD
	DINING 40 SEATS (35 GPD / SEAT)	1,400 GPD
		14,960 GPD
#834	HAIRDRESSER (5 CHAIRS @100GPD)	500 GPD
	RETAIL (1,700 S.F. @50GPD/1000S.F.)	85 GPD
	OFFICE (600 S.F. @75GPD/1000S.F.)	45 GPD
		630 GPD
	TOTAL EXISTING:	15,590 GPD

**APPROVED 1995 SEPTIC FLOW**

#822	136 MOTEL UNITS @110 GPD / ROOM	14,960 GPD
#834	99 SEAT BAR/CLUB @ 20GPD	1,980 GPD
	TOTAL EXISTING:	16,940 GPD



BRIAN G. YERGATAN  
PROFESSIONAL ENGINEER

**WISE LIVING  
RETIREMENT  
COMMUNITY**  
822 ROUTE 28  
IN  
SOUTH YARMOUTH  
MASSACHUSETTS  
(BARNSTABLE COUNTY)

**SITE PLAN**

FEBRUARY 20, 2020

REVISIONS:

NO.	DATE	DESC.
1	3/3/2020	REMOVE PARKING IN FRONT DR & SPR COMMENTS
2	3/11/2020	PARKING CALCULATIONS
3	4/6/2020	ZONING RELIEF REQUIRED
4	4/16/2020	PLANNING BOARD REQ'

PREPARED FOR:  
JOHN HYNES  
343 ROUTE 28  
WEST YARMOUTH, MA 02673  
508-737-9644

**BSC GROUP**  
349 Main Street - Route 28  
West Yarmouth, Massachusetts  
02673  
508 778 8919

© 2020 The BSC Group, Inc.  
SCALE: 1" = 40'  
0 20 40 80 feet  
FILE: Projects-YAR\49382.02\Civil\Draw\4938202-A2.dwg  
DWG.: 5923-08  
JOB. NO: 4-9382.03  
**S-2B**

**SOUTH  
YARMOUTH  
WISE  
LIVING  
RETIREMENT  
COMMUNITY**

**822  
MAIN  
STREET  
834  
MAIN  
STREET  
30  
FRANK BAKER  
ROAD  
SOUTH  
YARMOUTH,  
MA**

PROJECT # 200619

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REGISTRATION

**SPR, DRC, PB  
APPROVAL SET  
NOT FOR  
CONSTRUCTION**

REVISIONS

DATE: REVISIONS:

ISSUED FOR:

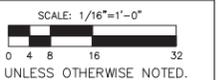
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PROJECT



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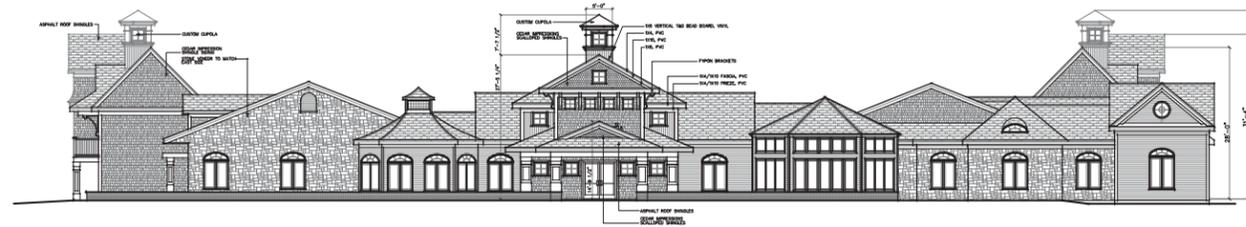


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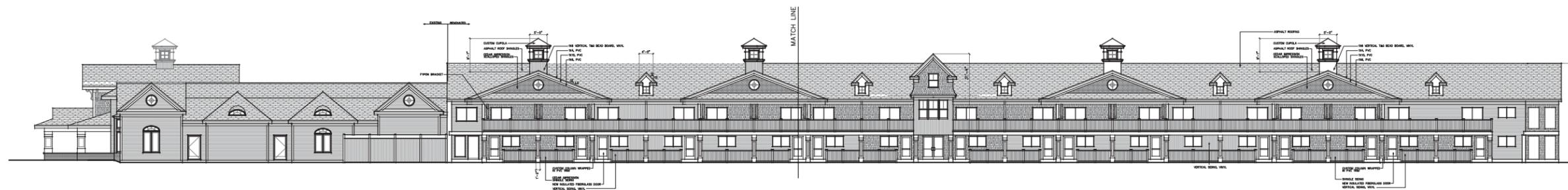
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TOTAL NUMBER OF SHEETS  
IN SET:

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A COMPLETE SET OF  
WORKING DRAWINGS



**SOUTH ELEVATION**  
SCALE: 1/16"=1'-0"



**EAST ELEVATION**  
SCALE: 1/16"=1'-0"



**WEST ELEVATION**  
SCALE: 1/16"=1'-0"

**SOUTH  
YARMOUTH  
WISE  
LIVING  
RETIREMENT  
COMMUNITY**

**822  
MAIN  
STREET  
834  
MAIN  
STREET  
30  
FRANK BAKER  
ROAD  
SOUTH  
YARMOUTH,  
MA**

PROJECT # 060220

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REGISTRATION

**SPR. DRC. PB  
APPROVAL SET  
NOT FOR  
CONSTRUCTION**

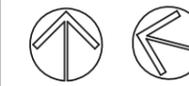
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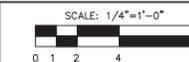
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DATE:



PROJECT TRUE



UNLESS OTHERWISE NOTED.

SHEET NO.

**B.1**

TOTAL NUMBER OF SHEETS  
IN SET:

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UNLESS ACCOMPANIED BY  
A COMPLETE SET OF  
WORKING DRAWINGS



**PROPOSED LEFT/WEST ELEVATION**



**PROPOSED NORTH/REAR ELEVATION**



**PROPOSED FRONT/SOUTH ELEVATION**



**PROPOSED RIGHT/EAST ELEVATION**

EXISTING HANDICAPPED RAMP  
60" FIN WALL BUILT OUT  
30" FIN WALL BUILT OUT

## Town of Yarmouth

### MINUTES OF THE PLANNING BOARD MEETING OF April 15, 2020

The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **April 15, 2020** via a Virtual Meeting pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law in response to the COVID-19 pandemic.

**Planning Board Present:** Brad Goodwin, Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, Joanne Crowley and Tom Baron.

**Planning Board Absent:** None

**Staff Present:** Kathy Williams, Town Planner; Michael White, Yarmouth Tree Warden; and Mark Grylls, Building Commissioner.

1. **Meeting Opening:** Chairman Tom Roche opened the virtual meeting at 5:40 PM and took a roll call to establish quorum with all Planning Board members present. Kathy Williams, Town Planner, served as the Moderator for the virtual meeting and read the attached statement regarding the reason for the virtual meeting and provided an overview on how remote participation works. All votes were taken by roll call and the meeting was livestreamed to the Town of Yarmouth YouTube Channel. The Chair then called for a motion to allow for Planning Board meetings to be held via remote participation.

**VOTE: On a motion by Chris Vincent, and seconded by Lee Rowley, the Planning Board voted (7-0) to allow Planning Board meetings to be conducted by Remote Participation as long as Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law remains in effect with Brad Goodwin, Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.**

2. **CONTINUATION - JOINT PUBLIC HEARING ON SCENIC ROAD APPLICATION & PUBLIC SHADE TREES:** Application submitted by Alice and Tom George, 17 Thacher Shore Road, Yarmouth Port, MA, to remove three (3) multi-stem juvenile black oaks of 12-inches in diameter at breast height located on the north side of the Thacher Shore Road right-of-way, across from 17 Thacher Shore Road. Thacher Shore Road is a Scenic Road.
  - a. **Presentation:** Alice George, Applicant, gave a brief overview of their request to remove the three trees with an emphasis on the removal of the larger center tree. Tom Roche asked for input from Michael White, Tree Warden, who agreed that removal of just one of the three trees would be best. He noted that the largest center tree is most likely to grow toward the utilities and into the road.
  - b. **Written Comments:** Kathy Williams read into the record the attached April 8, 2020 Memo from Kelly Grant, Conservation Administrator, which noted that removal of the trees would require Conservation Commission approval and that although the Commission was not in favor of removal of healthy trees, they generally agreed that they would support the removal of the tallest tree at the center of the vista and recommended limiting future requests.
  - c. **Planning Board Comments:** The Chair then opened the hearing to comments and questions from the Planning Board.
    - **Tom Baron:** Tom Baron inquired as to how common Juvenile Black Oaks were, how susceptible they were to storm damage and whether all three tree could grow into the overhead utilities/roadway. Michael White indicated that they are native and relatively common, that the trees are susceptible to falling over in large storm events, but less so

than pitch pines; and there is the potential the two other trees could encroach into the road over time.

- Lee Rowley: Lee Rowley inquired as to whether there was any value in planting low growing bushes. Michael White did not recommend replanting as the vegetation in the area is already dense.
- Tom Roche: Tom Roche agrees with removal of the larger center tree.
- Liz Hartsgrove: Liz Hartsgrove inquired about whether the Conservation Commission made a formal vote to limit future requests. Kathy Williams noted that she did not believe so, but that it may be difficult to restrict future requests as each request would need to be looked at on their own merits and there may be legitimate reasons in the future to remove additional trees.

d. Public Comments:

- Richard Gegenwarth: Richard Gegenwarth, Old Kings Highway (OKH) Chairman, noted that this topic was discussed at the OKH meeting and there were mixed opinions. Some members would encourage opening up the vista and cutting the trees, but others see these trees providing a scenic road canopy. Mr. Gegenwarth noted that cutting one down and leaving the other two sounded reasonable.

- e. Planning Board Vote: Prior to the vote taken below there was a general discussion on the Motion by the Planning Board members. Tom Baron questioned the longevity of these trees and thought removal of all three may be best in the long run, noting that the Tree Warden had indicated there are an abundance of these types of trees. After the discussion, the Board voted as follows:

**VOTE: On a motion by Joanne Crowley, and seconded by Chris Vincent, the Planning Board voted (6-1) to APPROVE the request to remove the larger center multi-stem juvenile black oak tree of 12-inches in diameter at breast height, located on the north side of the Scenic Thacher Shore Road right-of-way (ROW), across from 17 Thacher Shore Road, Yarmouth Port, as removal of this larger center tree would promote public safety by avoiding anticipated future road and overhead utility encroachment and would not impact streetscape aesthetics due to the number of remaining trees. The request to remove the other two (2) multi-stem juvenile black oak tree of 12-inches in diameter at breast height, located on the north side of the Scenic Thacher Shore Road right-of-way (ROW), across from 17 Thacher Shore Road, Yarmouth Port, is DENIED as removal of these trees for the purpose of restoring vista views does not promote the preservation of natural resources, provide environmental value or promote public safety, with Brad Goodwin, Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, and Joanne Crowley voting in favor, and Tom Baron voting against.**

f. Close Public Hearing:

**VOTE: On a motion by Lee Rowley, and seconded by Joanne Crowley, the Planning Board voted (7-0) to close the Public Hearing at 6:09 PM with Brad Goodwin, Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, Joanne Crowley and Tom Baron voting in favor.**

3. Village Center Overlay District (VCOD) Site Plan Review (SPR): Applicant: Wise Living Development LLC. Owners: Maclyn LLC, 834 Main Street Realty Trust, and Baker Frank LLC. South Yarmouth Wise Living Retirement Community project at 822 and 834 Route 28 and 30 Frank Baker Road, South Yarmouth, Assessor Map 33/Parcel 70.1, Assessor Map 41/Parcel 12, and Assessor Map 41/Parcel 11.1, Zoning Districts B2, HMOD1, ROAD and

VCOD VC2. Applicant is proposing a redevelopment under Section 414 – Village Centers Overlay District (VCOD) on three parcels totaling approximately 6.09 acres. The proposed project includes the redevelopment of the Cape Cod Irish Village hotel property (822 Route 28) from 128 hotel rooms to a 120 unit Wise Living Requirement Community for senior housing with common dining facility and outdoor pool, as well as a leased medical complex, exercise/rehab and wading pool facilities. The project includes upgrades to the building façade and parking areas. The existing commercial property at 834 Route 28 will retain its existing uses and be upgraded with some building modifications and parking lot improvements. Existing septic and drainage systems will be used. 30 Frank Baker Road will remain vacant in its natural state. Formal Site Plan Review for VCOD projects is done through the Planning Board at a duly posted public meeting.

- a. **Recusal:** Prior to the start of this Agenda Item, Planning Board Member Brad Goodwin recused himself due to a conflict.
- b. **Presentation:** Attorney Andrew Singer and Kieran Healy of BSC Group gave the attached PowerPoint presentation providing an overview of the project. Attorney Singer noted that the building as designed does not meet the modulation requirements of the Bylaw and relief will be required from the Zoning Board of Appeals, in addition to a Use Special Permit from the Planning Board.

The presentation emphasized the proposed architectural improvements to the two existing buildings as well as the various site improvements. The project is not a raze and replace, but a reuse of the existing buildings with upgrades. The building at 822 Route 28 will include a new port cochere in the front, upgrades to the residential entrances, modifications to the flat roof through the addition of gable ends with cupolas and intermittent doghouse style dormers on a new partial pitched roof, and inclusion of open sided upper level decks and lower level patios. The remaining flat portion of the roof will have solar panels. The building will also include a reduced sized indoor pool, addition of an exercise room, two elevators as well as the retention of the existing restaurant/bar/kitchen area to serve meals to the residents. The building at 834 Route 28 includes a gable porch over the two western side entrances, cupola and doghouse style dormers, and a cutout in the building at the eastern entrance. The front and rear handicap ramps and porches will remain.

Site improvements at 822 Route 28 including the addition of in-lot trees and landscape enhancements, reduction in overall parking and elimination of parking in the front, expansion of the western parking lot to provide a full 24' aisle with 18' long parking spaces, relocation of the dumpsters within an enclosure, crosswalk and sidewalk to Route 28, and internal vehicular and pedestrian connections between 822 and 834 Route 28. Site improvements at 834 Route 28 include paving a portion of the gravel parking, additional buffer trees, and raised sidewalk to improve pedestrian access from the rear parking lot to entrances. Existing drainage and septic will be utilized for both properties, as will the existing curb cuts. Traffic data provided showed the proposed development resulting in less traffic than the current uses. Exterior lighting is proposed without undue trespass of lighting off property, although a legible photometric plan will need to be provided.

- c. **Staff Comments:** Kathy Williams gave a brief overview of the April 8, 2020 supplemental planner report which commented on the additional materials submitted on April 7<sup>th</sup> and what issues remain to be addressed, including possible conditions for the Board's consideration. Ms. Williams also reviewed comments from the Police regarding security cameras and Route 28 crosswalk safety. The Applicant responded that cameras are being provided inside/outside of 822 Route 28 and significant pedestrian traffic across Route 28 is not anticipated. Ms. Williams noted that future discussions with MassDOT may be required should there be significant pedestrian traffic crossing Route 28 from this project.

d. Planning Board Comments/Questions:

- Chris Vincent: Mr. Vincent had no questions. He did note that he participated in the Design Review Committee (DRC) review of the project and thinks they did a good job accommodating what we are looking for in a VCOD project.
- Liz Hartsgrove: Ms. Hartsgrove inquired about the safety of the location chosen for the interconnection between the two properties with it being so close to Route 28, and whether a stop line/stop sign is proposed. Andrew singer noted that pedestrian traffic between the two properties was located further back from Route 28 and that the vehicular interconnection would allow for easy flow through between the properties for ambulances and drop-off/pick-ups. Kieran Healy noted that a stop sign and stop line could be added. Mr. Singer indicated that there was not a lot of vehicle usage anticipated from the residents (59 and older) as they are less mobile, with most of the traffic coming from employees, the medical office and visiting nurses. Ms. Hartsgrove noted that many people over 59 drive. Otherwise she noted the project looks good.
- Lee Rowley: Mr. Rowley inquired as to whether kitchen facilities will be located within each room, noting that there may be times, such as now, when residents should not congregate together in the dining room. Andrew Singer noted that each unit has a cooktop, microwave, refrigerator and a sink.

Mr. Rowley inquired about access for larger public safety vehicles. Kieran Healy noted that a test had been conducted by the Fire Department with the ladder truck showing access into 822 Route 28. Kathy Williams noted that the concern by the Fire Department was taking the left turn to the eastern side of the building and this may impact some parking spaces. Both the Fire Dept and the Applicant were satisfied with the proposed condition included in the Planner Report to address fire access. Mr. Rowley asked about lack of a second means of egress for the rear parking lot of 834 Route 28 for fire trucks. Kieran Healy noted that with the building being located in the front of the lot, the trucks would likely stay to the west of the building and not go into the rear parking lot.

Mr. Rowley inquired as to hydrant locations near the property. Mr. Healy noted there is a hydrant in the rear of the property and in front of the property along Route 28.

Mr. Rowley inquired about waste disposal and whether an adequate number of dumpsters were being provided. Mr. Healy noted trash will be taken out weekly by employees, not the residents and additional waste pickup can be scheduled if needed.

- Joanne Crowley: Ms. Crowley inquired as to the differences between the various types of units. Mr. Healy noted that the main difference was bedrooms vs studios and handicap accessible bathrooms for some units, but occupancy is limited to two in all units.

Ms. Crowley asked whether meals could be delivered to the units. Andrew Singer indicated they could and that weekly housekeeping is done to address the trash issue.

Ms. Crowley inquired as to the number of employees and whether it is different than the number employed today. Andrew Singer was not aware of the number of existing employees, but proposed employees are outlined in the Parking Table.

Ms. Crowley asked if any thought had been given to public transportation and a possible covered bus stop for employees and residents. Mr. Singer noted the ability for flow through traffic which could have the potential for pick-ups.

Ms. Crowley asked when and how the three parcels would be combined. Mr. Singer noted it was a simple 81X plan.

- Tom Baron: Mr. Baron noted he had similar comments regarding fire truck access to the east side of the building and it should be looked at more closely. He agreed with the addition of the sidewalk along the west side of 834 Route 28 for pedestrian safety. He inquired about the reasoning for requiring the sidewalk along the Route 28 frontage, whether there was designated parking for employees and visiting nurses or was it random, and would the pitched roofs cause a shadow effect over the proposed solar panels.

Mr. Healy noted that there will be some shadows on the solar but would be open during the primary solar period during the middle of the day, and only residential parking spaces will be designated. Kathy Williams noted that the sidewalk along Route 28 required by the VCOD bylaw was to accommodate future expansion of Route 28 which only has a 40' right-of-way in this area.

- Tom Roche: As the residents are 59 and over, Tom Roche inquired about any provisions for their finances. Mr. Singer noted that although there is no Affordable Housing required or being explicitly provided, the developer's price point is designed to be more affordable. Mr. Roche felt the architectural features proposed did a good job addressing the building mass understanding the difficulty and cost to do the modulations per the regulations for an existing building, versus new construction such as Yarmouth Commons and Maplewood. Mr. Roche inquired as to the width of the parking spaces being provided. Mr. Healy noted they were 18' long by 10' wide.

Mr. Roche noted the provisions for a bus shelter for the Yarmouth Gardens housing project. Mr. Singer indicated the Applicant's interest in public transportation but requested that a bus stop not be required. The Board had a general discussion on public transportation to the property with Chris Vincent noting that the regional bus goes into the Stop & Shop Plaza on Long Pond and doesn't stop at the street which may be possible for this site. Liz Hartsgrove noted that flexibility is important and there are different programs for providing transportation (uber/lift). Joanne Crowley encouraged the Applicant to coordinate with the regional transportation agencies and Tom Roche and Tom Baron agreed. Ultimately the Board decided to add into the conditions an item related to the Applicant coordinating with the regional transportation authorities to accommodate public transportation access to the property.

- e. Planning Board Vote: After the discussion noted above the Planning Board voted on the project as follows:

**VOTE: On a motion by Joanne Crowley, and seconded by Tom Baron, the Planning Board voted (6-0) that the project at 822 & 834 Route 28 and 30 Frank Baker Road as presented at the Planning Board meeting of April 15, 2020 is in general compliance with the VCOD Design Standards, with the exception of the building modulation requirements outlined in Section 414.8 and the Architectural & Site Design Standards for which relief is being sought through the Zoning Board of Appeals, and subject to the following conditions, with Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, Joanne Crowley, and Tom Baron voting in favor:**

1. Applicant shall revise the Route 28 landscaped buffer west of the entrance of 822 Route 28 to include a more natural shaped 18" mounding with dispersed plantings rather than the linear berm shown; a Landscape Architect shall develop plans for planting beds around the building at 822 Route 28, especially along the Route 28 façade, to replace existing overgrown or limited plantings; and landscaped areas shall be irrigated.
2. Incorporate the Design Review Committee comments as follows:

- a. Add some type of porticos over the two entrances on the south end of the east side of the building at 822 Route 28 to add some modulation.
    - b. Prior to submitting a building permit, submit color schemes for 822 Route 28 to the Town Planner for review to ensure all building and roof colors are complimentary to the existing neutral color scheme. Provide different shades to enhance the variations in building massing. Refinish the brick along the Medical Office façade to better match the entire building color scheme.
  3. All pavement around the front portion of the building at 822 Route 28 shall be replaced or overlaid. Deteriorated pavement in other locations to be replaced or overlaid.
  4. All proposed sidewalks to be concrete. The proposed sidewalk adjacent to the west side of 834 Route 28 to be raised concrete with curbing.
  5. The porte cochere height and site design shall ensure turning movements around both sides of the building at 822 Route 28 for fire and emergency vehicles as approved by the Fire Department.
  6. Lighting and photometric plan shall be submitted to the Building Department as part of the Building Permit application to adhere to Section 414.8.10.
  7. If additional modifications are subsequently made to the buildings, the applicant shall come back before the Design Review Committee for review and the Planning Board for an amendment to the VCOD SPR, as determined by the Building Commissioner.
  8. Provide a stop line and stop sign delineation along the vehicle connection between 822 & 834 Route 28.
  9. Applicant shall coordinate with regional transportation authorities to accommodate public transportation access to the property.
4. **VCOD 2020-1 Zoning Board of Appeal Variances:** Andrew Singer reviewed the five (5) items the Applicant will be seeking relief for from the Zoning Board of Appeals and was hoping to receive the support of the Planning Board. The relief involves the modulations to both the buildings at 822 Route 28 and 834 Route 28; elimination of four in-lot trees in the parking area of 822 Route 28 to avoid impacts with the septic system; allowing the retention of a second free-standing sign for the commercial building at 834 Route 28; and providing an 8' easement rather than constructing the 6' sidewalk along Route 28. Kathy Williams commented on the potential to relocate one of the tree islands and ask for relief from the spacing requirements, rather than eliminating altogether. Ms. Williams also discussed whether the Board was interested in other plantings in the islands to replace the trees. After limited discussion, the Board decided to review this request further at their May 6, 2020 meeting. Prior to the conclusion of this item, Joanne Crowley inquired as to whether this was an Opportunity Zone project and Andrew Singer noted that it was.
5. **Meeting Minutes:**
- a. **March 4, 2020:** On a motion by Tom Baron, and seconded by Brad Goodwin, the Planning Board voted (5-0-2) to approve the meeting minutes of March 4, 2020 with Brad Goodwin, Tom Roche, Lee Rowley, Joanne Crowley and Tom Baron voting in favor, and Liz Hartsgrove and Chris Vincent abstaining.
6. **Board of Appeals Agenda & Decisions:** Attached ZBA Agenda was sent to Planning Board members via e-mail.
7. **Committee Updates from Board Members:**
- a. **Community & Economic Development Committee (CEDC):** Joanne Crowley noted that CEDC met on April 9<sup>th</sup> and discussed resources and plans to help hotels and restaurants reopen post COVID 19.

8. **Board Member Items:** Brad Goodwin inquired as to the date for Annual Town Meeting. Kathy Williams noted that the ATM was extended to May 19<sup>th</sup>, but that the Board of Selectmen may have moved that to the end of June at their April 14<sup>th</sup> meeting. The recent legislation provides a methodology for funding municipal government should a new budget not be approved prior to July 1<sup>st</sup>.
9. **Correspondence:** Attachments noted below were sent to the Planning Board via e-mail.
10. **Staff Updates:** Kathy Williams noted that the Visioning process will need to be delayed, likely until September or October, to ensure it is safe for people to convene for the Workshops.
11. **Upcoming Meetings:**
  - a. May 6, 2020
  - b. May 20, 2020
12. **Adjournment: VOTE:** On a motion by Tom Baron, seconded by Lee Rowley, the Planning Board voted unanimously (7-0) to adjourn at 7:45 PM.

**ATTACHMENTS:**

- **April 15, 2020 Agenda**
- **Script - Explaining Remote Access Planning Board Meeting**
- **Scenic Road Permit Application:**
  - February 28, 2020 Memo from Kathy Williams, Town Planner
  - April 8, 2020 Memo from Kelly Grant, Conservation Administrator
  - April 15, 2020 e-mail from Michael White, Tree Warden
  - April 15, 2020 e-mail from Kathy Williams, Town Planner
  - Public Hearing Notice
  - February 25, 2020 Letter from Alice & Tom George requesting the Public Hearing be continued to April 15, 2020.
  - Scenic Roadway Permit Application with attachments
- **VCOD 2020-1 SPR:**
  - Presentation given by March 13, 2020 Planner Memo with application materials
  - April 8, 2020 Planner Memo with supplemental materials
  - PowerPoint Applicant
- **Draft Meeting Minutes:** March 4, 2020
- **Miscellaneous Correspondence:**
  - March 11, 2020 Planner Memo to Board of Selectmen on the CCRT to Drive-In Parcel Bicycle Feasibility Study completed by the Cape Cod Commission
  - March 16, 2020 Letter from Tom Baron regarding the March 11, 2020 Planner Memo and Feasibility Study
  - March 11, 2020 Planner Memo to Board of Selectmen regarding the Revised Fundraising/Special Event Sign Policy
  - ZBA Agenda for March 12, 2020
  - Conservation Commission Agendas for March 19, 2020, April 2, 2020 and April 16, 2020
  - Dennis Public Hearing Notice for Zoning Amendments March 16, 2020
  - Barnstable Planning Board Hearing Notice March 23, 2020

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

**On a motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the Planning Board voted (?-?) to approve the meeting minutes of April 15, 2020.**