

# 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>August 3, 2022</b>
Time:	<b>5:30 p.m.</b>
Place:	<b>Town Hall Hearing Room 1146 Route 28, South Yarmouth, MA 02664 OR Zoom Link: <a href="https://us02web.zoom.us/j/89836415124">https://us02web.zoom.us/j/89836415124</a> Phone: +1 301 715 8592 and enter webinar ID: 898 3641 5124</b>

This is to formally advise that, as required by M.G.L. Chapter 30A, §§ 18-25, and pursuant to Chapter 22 of the Acts of 2022, and *An Act Relative to Extending Certain State of Emergency Accommodations*, signed into law on July 16, 2022, the Yarmouth Planning Board will hold a public meeting at the date and time noted on the Notice of Meeting. The public is welcome to attend either in-person or via the alternative public access provided on the Notice of Meeting available on the Town of Yarmouth website.

### Agenda (Topics to be discussed):

- PUBLIC HEARING - CONTINUED: [Definitive Subdivision No. 2936A and Special Permit #116:](#)**  
Owner: The Roman Catholic Bishop of Fall River, 450 Highland Ave, Fall River, MA 02720-3701.  
Applicant: The Davenport Companies, 20 Main Street, South Yarmouth, MA 02664. **Property Location: Unnumbered lot on the south side of Route 6A, between Kencomsett Circle and Outward Reach and across the street from Hockanom Road; Assessor's Map 125, Parcel 39; 15.3 acre lot; Zoning District R40 Residential.** The Applicant is seeking approval for a 14-lot single-family cluster Definitive Subdivision Plan entitled "Definitive Subdivision Plan of Land of the proposed Single-Family Cluster Development at Lot 2, Route 6A, Yarmouth Port, MA for The Davenport Companies" with waivers; and a Special Permit for a 14-lot single-family cluster subdivision under the provisions of Yarmouth Zoning Bylaw Section 402.
- Meeting Minutes
- Board of Appeals Agenda & Decisions
- Committee Updates from Board Members
- Board Member Items
- Correspondence
- Staff Updates
- Upcoming Meetings:
  - August 17, 2022
  - September 7, 2022
- 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

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

LAW OFFICES OF  
**PAUL R. TARDIF, ESQ., P.C.**

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REFER TO FILE NO.

July 28, 2022

FIRST CLASS MAIL AND EMAIL - [kwilliams@yarmouth.ma.us](mailto:kwilliams@yarmouth.ma.us)

Kathy Williams, PE  
Yarmouth Town Planner  
1146 Route 28  
South Yarmouth, MA 02664-4492

RE: Route 6A, Yarmouth Port, MA - Definitive Cluster Subdivision #2936A  
Special Permit Petition #116 - Davenport Companies

Dear Ms. Williams:

As you know, this office represents the Davenport Companies regarding the development of a 14 lot Cluster Subdivision in Yarmouth Port on Route 6A. We appeared before the Board on May 18, 2022 for hearing on our request for a Definitive Cluster Subdivision Approval and a Special Permit pursuant to Zoning Bylaw Section 402. Due to Board member questions and suggestions, as well as comments from the public, the hearing was continued to June 15, 2022, and due subsequent requests of my client, to July 6, 2022 and again to August 3, 2022. Despite our efforts to meet this deadline, we continue to explore the relocation of the road and septic systems, which may alleviate the need for at least 2 requested waivers, including the 400 foot intersection spacing requirement of §4.2.1(j).

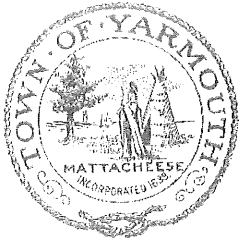
Until this issue is explored more to determine if it is a safe alternative, and can be put on plans, we would like to keep the current applications viable by requesting a continuance to the September 7, 2022 meeting. I will sign the Extension form to that date if provided the form. I thank you for your efforts on this and know that we continue to work diligently to address the questions and concerns of the Board and the neighbors.

Very Truly Yours,



Paul R. Tardif

Cc: Christian Davenport  
DeWitt P. Davenport  
John O'Reilly  
Robert Reedy



# TOWN OF YARMOUTH

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

Planning  
Board

## ***Planning Board*** **AGREEMENT FOR EXTENSION**

**Applicant/Petitioner:** The Davenport Companies

**Owner:** Roman Catholic Bishop of Fall River

**Project Location:** South Side of Route 6A, Yarmouth Port across from Hockanom Road  
Assessor Map 125, Parcel 39

**Project No.:** Definitive Subdivision Plan 2636A & Special Permit #116  
(14-Lot Single-Family Cluster Subdivision)

**Application Filed:** March 24, 2022

**Initial Hearing Date:** May 18, 2022

The Petitioner understands and agrees that the Planning Board will not take “final Action” on Definitive Subdivision Plan No. 2636A within 90 calendar days of submission of the Definitive Subdivision Plan as the Petitioner has requested to continue the Public Hearing to **September 7, 2022** for both the Special Permit and the Definitive Subdivision Applications. The Applicant agrees to provide a thirty (30) calendar day extension.

Date: 7-29-22

Signature of Petitioner or Agent for Petitioner

Paul R Tardif

Printed Name of Petitioner or Agent for Petitioner

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**July 6, 2022**

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **July 6, 2022** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

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

**Planning Board Absent:** Jim Saben (Liz Hartsgrove resigned effective 6/30/22)

**Staff Present:** Kathy Williams, Town Planner

**Applicant Representatives:** Attorney Paul Tardif

1. **Meeting Opening:** Chair Joanne Crowley opened the hybrid meeting at 5:31. All Planning Board members were in-person, except Brad Goodwin and Will Rubenstein who were remote and all votes were roll call votes.
2. **PUBLIC HEARING - CONTINUED: Definitive Subdivision No. 2936A and Special Permit #116:** **Owner:** The Roman Catholic Bishop of Fall River, 450 Highland Ave, Fall River, MA 02720-3701. **Applicant:** The Davenport Companies, 20 Main Street, South Yarmouth, MA 02664. **Property Location:** **Unnumbered lot on the south side of Route 6A, between Kencomsett Circle and Outward Reach and across the street from Hockanom Road; Assessor's Map 125, Parcel 39; 15.3 acre lot; Zoning District R40 Residential.** The Applicant is seeking approval for a 14-lot single-family cluster Definitive Subdivision Plan entitled "Definitive Subdivision Plan of Land of the proposed Single-Family Cluster Development at Lot 2, Route 6A, Yarmouth Port, MA for The Davenport Companies" with waivers; and a Special Permit for a 14-lot single-family cluster subdivision under the provisions of Yarmouth Zoning Bylaw Section 402.

Attorney Paul Tardif gave a brief overview of the attached request to continue the Public Hearing from July 6, 2022 to August 3, 2022 to allow more time for their team to continue investigating and vetting another alternative. This alternative would access the subdivision further to the east along Route 6a and would not require a waiver from the requirement for a 400' separation between roads. Should they propose a change to the access and layout for the subdivision, they would need to restart the process with a preliminary subdivision application.

**VOTE: On a motion by Susan Brita, and seconded by Chris Vincent, the Planning Board voted (5-0) to continue the Public Hearing for Definitive Subdivision No. 2936A and Special Permit #116 to the regularly scheduled Planning Board meeting on August 3, 2022 at 5:30 PM, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.**

3. **Committee Assignments:**

- a. **Community Preservation Committee (CPA):** The Board briefly discussed short-term representation on the CPA through the summer as Liz Hartsgrove has resigned and the Planning Board makes their annual committee assignments in September.

**VOTE: On a motion by Brad Goodwin, and seconded by Will Rubenstein, the Planning Board voted (5-0) to nominate Joanne Crowley as the Planning Board representative to the Community Preservation Committee to fill the open seat until otherwise filled,**

with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.

4. **Meeting Minutes:**

- a. **June 1, 2022:** On a motion by Brad Goodwin, and seconded by Will Rubenstein, the Planning Board voted (5-0) to approve the meeting minutes of June 1, 2022, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.
- b. **June 15, 2022:** On a motion by Susan Brita, and seconded by Will Rubenstein, the Planning Board voted (5-0) to approve the meeting minutes of June 15, 2022, with Brad Goodwin, Chris Vincent, Susan Brita, Joanne Crowley, and Will Rubenstein voting in favor.

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

6. **Committee Updates from Board Members:**

- a. **Water Resources Advisory Committee (WRAC):** Joanne Crowley noted the MassDEP presentation to the WRAC at their June 27<sup>th</sup> meeting to discuss proposed changes to Title 5 septic system regulations. Kathy Williams noted the regulations are proposed to be promulgated this fall and would require in the next five (5) years all existing and new septic systems to upgrade to an I/A system, OR for the Town to develop 20-year watershed permits.
- b. **Community and Economic Development Committee (CEDC):** Joanne Crowley indicated that the CEDC funded banners for the Parkers River Bridge and in the Village Center along Route 6a and thanked the Chamber of Commerce for their help. Ms. Crowley also noted the wayfinding signage grant for \$45k that the Town recently received, along with the vote of the CEDC to provide the matching funds of \$45k using the Tourism Revenue Preservation Funds (TRPF).

7. **Board Member Items:** Will Rubenstein asked a procedural question regarding the number of positive votes to approve a Special Permit (5 members) noting that we are currently down one member. Mr. Rubenstein also inquired as to whether the Route 6a meeting held at the Yarmouth Port Fire Station was recorded. Kathy Williams indicated the meeting was not recorded as the meeting had originally been intended as an informal meeting with the village business owners, but ended up being a larger gathering. (Information from this meeting was presented to the Board of Selectmen at their May 24, 2022 meeting.) Joanne Crowley also requested an update on the proposed cell tower at 1044 Route 28. Kathy Williams indicated the applicant had gone through Design Review where they asked for additional information on the site alternatives and a different design of the tower. In a subsequent meeting, the Applicant proposed a clock tower. Kathy Williams indicated that unless the clock tower is detailed/designed appropriately, it may be more of a distraction than a monopole tower which people have become somewhat used to seeing.

8. **Correspondence:** The attached correspondence was sent to the Planning Board via e-mail.

9. **Staff Updates:** None.

10. **Upcoming Meetings:**

- a. July 20, 2022: Board discussed canceling this meeting due to lack of business items
- b. August 3, 2022: Continued Public Hearing for Def Subdivision/Special Permit

11. **Adjournment:** VOTE: On a motion by Susan Brita, seconded by Chris Vincent, the Planning Board voted unanimously (5-0) to adjourn at 5:53 PM.

**ATTACHMENTS:**

- **July 6, 2022 Agenda**
- **Public Hearing Continuation - Def Subdivision No. 2936A and Special Permit #116:**  
June 30, 2022 Letter from Attorney Paul Tardif requesting an extension and executed Agreement for Extension
- **Draft Minutes:** June 1 and June 15, 2000
- **Miscellaneous Correspondence:**
  - Conservation Commission Agenda for 7/7/22
  - June 17, 2022 e-mail to the Town Administrator with list of Planning Board top priorities for the Board of Selectmen.

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

**On a motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the Planning Board voted (x-x-x) to approve the meeting minutes of July 6, 2022.**