

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF May 6, 2020

The Yarmouth Planning Board held a Business Meeting at 5:30 p.m. on Wednesday May 6, 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, Liz Hartsgrove, Lee Rowley and Tom Baron.

Planning Board Absent: Chris Vincent and Joanne Crowley

YARMOUTH TOWN CLERK

Staff Present: Kathy Williams, Town Planner.

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Guests: Robin Wilcox, Sweetser Engineering; Tanya Daigneault; Attorney Andrew Singer; Kieran Healy, BSC Group; Jack Hynes; and Chris Wise

1. **Meeting Opening:** Chairman Tom Roche opened the virtual meeting at 5:31 PM and took a roll call to establish quorum. 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.
2. **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.

Robin Wilcox of Sweetser Engineering gave an overview of the ANR Plan. The project had previously been before the Planning Board for a Preliminary Subdivision which had been denied, but relief was sought and received from the Zoning Board of Appeals. The relief allowed for 50' of frontage with the 150'x150' box being greater than 500' from Old Hyannis Road. The ZBA had one condition that the house on Lot 13 (including any additions or alternations) remains entirely within the 500' radius from Old Hyannis Road.

Kathy Williams gave a brief overview of the attached Memo and noted that a revised plan had been received which had the correct Planning Board number and modified the note related to frontage. Ms. Williams noted that Ms. Daigneault had indicated she does not plan on selling the lots in the near future, but when sold she would provide the necessary easements. Ms. Daigneault confirmed this at the Planning Board meeting.

Tom Baron noted the corner of the existing driveway located on the adjacent property and suggested this access be redirected. Lee Rowley inquired about soil testing. Ms. Daigneault indicated soil test had been done previously, but would be tested prior to any future sale. Brad Goodwin was pleased the Applicant took the Planning Board's suggestion to go to the ZBA and receive the necessary relief. He noted that at some point the access to lot 13 should be moved off lot 12, or easements provided.

VOTE: On a motion by Tom Baron, and seconded by Liz Hartsgrove, the Planning Board voted (5-0) to endorse ANR Plan 2816D as presented, with Brad Goodwin, Tom Roche, Liz Hartsgrove, Lee Rowley, and Tom Baron voting in favor.

Kathy Williams will coordinate with the Chairman to have the linen signed and will mail to Robin Wilcox.

3. **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.
- a. Recusal: Planning Board Member Brad Goodwin continued his recusal for this project due to a conflict.
 - b. Presentation: Attorney Andrew Singer gave a brief overview of the five areas of relief being requested from the ZBA for the project as outlined in the attached ZBA Narrative and shown on Site Plan S-2B. Briefly these include providing a sidewalk easement rather than constructing a sidewalk, retaining a second free standing sign on a single parcel, replacing 3 in-lot trees with shrubs and relocating one in-lot tree to avoid subsurface disposal structures, and building modulation styles and frequency not meeting the bylaw for 822 Route 28 and 834 Route 28.
 - c. Comments: Kathy Williams gave a brief overview of the attached May 1, 2020 Planner Memo which included a draft motion for consideration by the Planning Board. Having discussed the project and relief requested at the April 15, 2020 meeting, the Planning Board had no further discussions and voted as follows:

VOTE: On a motion by Liz Hartsgrove, and seconded by Tom Baron, the Planning Board voted (4-0) to provide a Letter to the Zoning Board of Appeals 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.**

4. **Meeting Minutes:**
 - a. **April 15, 2020:** On a motion by Liz Hartsgrove, and seconded by Brad Goodwin, the Planning Board voted (5-0) to approve the meeting minutes of April 15, 2020 with Brad Goodwin, Tom Roche, Liz Hartsgrove, Lee Rowley, and Tom Baron voting in favor.
5. **Board of Appeals Agenda & Decisions:** None - ZBA has not been meeting due to lack of applications.
6. **Committee Updates from Board Members:**
 - a. **Affordable Housing Trust (AHT):** Tom Roche noted that the AHT met to address programming for rental assistance for those impacted by COVID 19. The AHT discussed increasing the CPA amount to HECH to \$50k, additional funds for Hands of Hope and increasing Area Median Income limits from 80% to 100%.
7. **Board Member Items:** Tom Baron noted that he received the Community Visioning notice as an insert in his water bill. Kathy Williams mentioned that the visioning process has been delayed due to COVID 19 with in-person Workshops not happening until the fall or later. Brad Goodwin asked about the Annual Town Meeting (ATM) and Election dates. Kathy Williams confirmed that the current date for ATM is June 22, 2020 with the election on June 30th, but these may be pushed out further.
8. **Correspondence:** Attachments noted below were sent to the Planning Board via e-mail.
9. **Staff Updates:** Kathy Williams mentioned that there would be no zoning amendments on the fall town meeting due to the pandemic. She also noted that updated Channel 18 equipment is being installed at Town Hall to allow for both livestreaming of meetings to YouTube and to Channel 18. Kathy Williams mentioned changes to the CDBG program to allow for funding for businesses impacted by the pandemic with more information available on the Town Website.
10. **Upcoming Meetings:**
 - a. May 20, 2020 – Public Hearing
 - b. June 3, 2020
11. **Adjournment: VOTE:** On a motion by Brad Goodwin, seconded by Tom Baron, the Planning Board voted unanimously (5-0) to adjourn at 6:10 PM.

ATTACHMENTS:

- **May 6, 2020 Agenda**
- **Script - Explaining Remote Access Planning Board Meeting**
- **ANR Plan 2816D:** April 30, 2020 Planner Memo with Form A, ZBA Decision #4828, ANR Plan 2816C, and revised ANR Plan 2816D
- **South Yarmouth Wise Living Retirement Community ZBA Relief Discussion:** May 1, 2020 Planner Memo, ZBA Narrative, Site Plan S-2B revised 4/16/20, and Elevation Plans A.4 and B.1.
- **Draft Meeting Minutes:** April 15, 2020
- **Miscellaneous Correspondence:**
 - Cape Cod Commission Press Release on Public Comment on Transportation Planning Docs.
 - Barnstable Planning Board Public Hearing Notice for May 11, 2020

Approved on May 20, 2020:

On a motion by Liz Hartsgrove, and seconded by Lee Rowley, the Planning Board voted (4-0-2) to approve the meeting minutes of May 6, 2020 with Tom Roche, Liz Hartsgrove, Lee Rowley, and Tom Baron voting in favor, and Chris Vincent and Joanne Crowley abstaining.