

**MINUTES OF THE PLANNING BOARD MEETING OF
July 1, 2020**

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The Yarmouth Planning Board held a Business Meeting at **5:30** p.m. on Wednesday **July 1, 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: Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, Joanne Crowley and Tom Baron

Planning Board Absent: Brad Goodwin (Mr. Goodwin continued his recusal for the South Yarmouth Living Retirement Community project due to a conflict and therefore did not attend the meeting)

Staff Present: Kathy Williams, Town Planner

Guests: Attorney Andrew Singer; Kieran Healy, BSC Group; Jack Hynes; and Chris Wise

1. **Meeting Opening:** Chairman Tom Roche opened the virtual meeting at 5:39 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. **Village Center Overlay District (VCOD) Site Plan Review (SPR) #2020-1A and #2020-1B:** 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. Formal Site Plan Review for VCOD projects is done through the Planning Board at a duly posted public meeting.

The Applicant is proposing amendments to a previously reviewed project (VCOD 2020-1) which 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, a leased medical complex, and upgrades to the building façade and parking area. The existing commercial property at 834 Route 28 will also be upgraded with some building modifications and parking lot improvements. 30 Frank Baker Road will remain vacant in its natural state.

The proposed amendments include revisions to the facades for both buildings to add additional building modulation, along with corresponding minor site modifications. Two options are being proposed, one to reduce the amount of zoning relief needed (**Option A - #2020-1A**); and one that proposes to eliminate the need for any further zoning relief (**Option B - #2020-1B**).

- a. **Presentation:** Attorney Andrew Singer provided a quick overview of the reason for the two options noting that the Zoning Board of Appeals (ZBA) was not inclined to give the level of relief they had originally requested. Although Option A still requires ZBA relief it is significantly less than that previously seen by the Planning Board and the ZBA. Attorney Singer reviewed the Option A Benefits for 822 Route 28 including additional sunlight in the apartments, private outdoor sitting areas for the residents, preference of Option A by the Design Review Committee (DRC), lack of visibility from Route 28 of the portions of the building requiring relief, and the expense of enclosing these areas without providing significant improvements to the building aesthetics as noted by the DRC. Option B would

not require ZBA relief.

Kieran Healy of BSC Group gave an overview of the proposed changes for both Option A and B, noting the following:

For 822 Route 28: Both Options A & B include: 1) enclosure of bump outs at entrances on the east and west sides of the front portion of the building where there used to be just overhangs with columns; and 2) addition of a new, enclosed bump out to the dining room along the south side (front) of the building. Option A retains the open air porches and balconies on the east and west sides of the residential portion of the building as previously reviewed by the Planning Board and would require relief from the Board of Appeals. Option B encloses the open air porches and balconies on the east and west sides of the building to conform to design standards.

For 834 Route 28: Both Options A & B enclose the entry way on the west side of the building where it used to be open. Option A includes an enclosed new bump out on the east side of the building for added modulation but would require a Special Permit from the ZBA for encroachment into the side yard setback. Option B includes an indentation in the building with new roof line on the east side of the building to conform to design standards.

Except as shown on the plans and noted herein, the previously-approved aspects of the elevations and building materials for both buildings and the site improvements will remain the same as previously permitted.

- b. Staff Comments: Kathy Williams noted the June 26, 2020 Planner Memo which outlined the comments from the Design Review Committee (who approved both options but had a preference for Option A), and also included suggested motions for the two VCOD applications.

- c. Planning Board Comments/Questions:

The Planning Board members had general questions to clarify the differences between Option A and Option B, specifically as it related to the open air versus enclosed porches/patios for 822 Route 28. The Board understood the difficulties of adhering to the design requirements of the VCOD bylaw for redevelopment projects versus new construction. There was a general consensus of the Planning Board that Option A provided more advantages including additional light into the units and useful outdoor space for the residents.

- d. Planning Board Vote VCOD 2020-1A – Option A: After the discussion noted above, the Planning Board voted on Option A – VCOD SPR #2020-1A as follows:

VOTE: On a motion by Liz Hartsgrove, and seconded by Tom Baron, the Planning Board voted (6-0) that Option A – VCOD SPR #2020-1A for the project at 822 & 834 Route 28 and 30 Frank Baker Road as presented at the Planning Board meeting of July 1, 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 adhere to all conditions from the Planning Board VCOD 2020-1 decision dated April 24, 2020 and the Planning Board Decision 115 dated May 27, 2020.

- e. Planning Board Vote VCOD 2020-1B – Option B: Subsequent to the Vote taken above, the Planning Board had the following discussion:

Tom Baron made a motion to strike Option B altogether which was seconded by Liz Hartsgrove for discussion purposes. Mr. Baron explained that he has reviewed this project many times and Option A is more than adequate, was the preferred option of the Design Review Committee, and the process has gone on too long. Although Attorney Singer appreciated the sentiments and acknowledged that Option B is less desirable and more costly, VCOD SPR approval for Option B is needed if the ZBA doesn't approve Option A. Option B is the backup to Option A to avoid having to come back again to the Planning Board. Joanne Crowley questioned whether the Planning Board's approval of Option B would make it easier for the ZBA to decline relief for Option A. Attorney Singer noted that timing was of the essence as the project is trying to take advantage of the Opportunity Zone financing which is critical for the project to move forward. After this discussion Tom Baron withdrew his motion and Liz Hartsgrove withdrew her second of the motion. As a point of order, Kathy Williams noted that the Planning Board could not just strike Option B, but would need to deny it with reasons for the denial, approve it, approve it with conditions, or possibly defer to another meeting, but simply not acting on the application was not an option.

Subsequently, the Planning Board voted as follows on Option B – VCOD SPR #2020-1B:

VOTE: On a motion by Liz Hartsgrove, and seconded by Lee Rowley, the Planning Board voted (5-1) that Option B – VCOD SPR #2020-1B for the project at 822 & 834 Route 28 and 30 Frank Baker Road as presented at the Planning Board meeting of July 1, 2020 is in general compliance with the VCOD Design Standards, and subject to the following conditions, with Tom Roche, Chris Vincent, Liz Hartsgrove, Lee Rowley, and Joanne Crowley voting in favor, and Tom Baron voting against:

1. Applicant shall adhere to all conditions from the Planning Board VCOD 2020-1 decision dated April 24, 2020 and Planning Board Decision 115 dated May 27, 2020.
3. **Meeting Minutes:**
- a. June 3, 2020: **On a motion by Liz Hartsgrove, and seconded by Joanne Crowley, the Planning Board voted (5-0-1) to approve the meeting minutes of June 3, 2020 with Tom Roche, Liz Hartsgrove, Lee Rowley, Joanne Crowley and Tom Baron voting in favor, and Chris Vincent abstaining.**
4. **Board of Appeals Agenda & Decisions:** The ZBA meeting for July 9, 2020 has been canceled due to lack of applications and the July 23, 2020 meeting is anticipated to include the Wise Living Retirement Community.
5. **Committee Updates from Board Members:**
- a. Community & Economic Development Committee (CEDC): Joanne Crowley noted that CEDC met on June 11th and discussed budget items including the potential loan of Tourism Revenue Preservation Funds (TRPF) to address potential budget shortfalls due to revenue losses associated with COVID-19. Although no formal request has been made, the CEDC was open to discussing this option. Funds were also allocated to the DPW for Route 28 cleanup and beautification.
6. **Board Member Items:** None.
7. **Correspondence:** Attachment noted below was sent to the Planning Board via e-mail.
8. **Staff Updates:** Kathy Williams noted that the Board of Selectmen approved leasing the former drive-in property to Innovations Arts & Entertainment (iAE) for drive-in style entertainment. Kathy Williams also noted that Lee Rowley would not be seeking reappointment to the Planning

Board when his term expires on July 31, 2020. Lee Rowley expressed his appreciation for his experience on the Planning Board and his wish to continue with the Water Resources Advisory Committee (WRAC). Kathy Williams also noted that Tom Roche would not be seeking reappointment, but would serve as chairman through the September officer elections and committee appointments. Tom Roche has been a long standing Planning Board member and he hopes the Planning Board can move forward with changes to the VCOD bylaw to simplify the process.

9. **Upcoming Meetings:**

- a. July 15, 2020
- b. August 5, 2020

10. **Adjournment: VOTE: On a motion by Chris Vincent, seconded by Tom Baron, the Planning Board voted unanimously (6-0) to adjourn at 6:36 PM.**

ATTACHMENTS:

- **July 1, 2020 Agenda**
- **Script - Explaining Remote Access Planning Board Meeting**
- **VCOD #2020-1A & VCOD #2020-1B:** June 26, 2020 Planner Memo with the following attachments:
 - Option A Benefits prepared by Attorney Singer
 - Design Review Comments dated June 23, 2020
 - VCOD #2020-1A: Option A - Application Materials and Plans
 - VCOD #2020-1B: Option B - Application Materials and Plans
- **Draft Meeting Minutes:** June 3, 2020
- **Miscellaneous Correspondence:**
 - Conservation Commission Agenda for June 18, 2020

Approved on August 5, 2020:

On a motion by Tom Baron, and seconded by Liz Hartsgrove, the Planning Board voted (3-0-3) to approve out of necessity the meeting minutes of July 1, 2020 with Liz Hartsgrove, Joanne Crowley and Tom Baron voting in favor, and Brad Goodwin, Susan Brita and Will Rubenstein abstaining.