



TOWN OF YARMOUTH

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DEPARTMENT
OF
COMMUNITY
DEVELOPMENT

To: Board of Selectmen

From: Bob Churchill, Chairman 
Drive In Site Utilization Committee

Date: September 24, 2015

Re: Drive-In Site Update

In preparation for the Drive-In Site Utilization Committee's September 29th meeting with the Board of Selectmen, I would like to take this opportunity to update the Selectmen on the Committee's work to date, current focus, and the next steps for the Town to determine the most advantageous uses for the Drive-In Site.

WORK TO DATE

The Committee was established in April 2015 and has met been meeting twice a month. Pursuant to their charge (attached), the Committee has focused their work on the following:

- Identifying the most relevant policy goals to identify which policies are most important to the Town,
- Identifying potential uses which are most desirable and likely to accomplish the policy goals of the Town, and
- Evaluating existing site constraints to better understand how physical/regulatory constraints will impact the likelihood/ease of future development.

Committee Members include:

Bob Churchill, Chairman	Todd Olsen, Vice Chairman	Ken Driscoll
Gerry Manning	Tom Roche	Jim Saben
Peter Slovak		

To formulate a recommendation to the Board of Selectmen regarding which Policy Goals and Possible Uses to pursue, and to supplement their own internal discussions, the Committee conducted a site visit and reviewed a great deal of information on the site (i.e. past reports, zoning bylaw, and memos regarding the former Marina concept). Subsequent to the material review and internal discussions, the Committee conducted a community survey and met with variety of Stakeholders identified by Committee members. Summaries of the Survey and Stakeholder findings are outlined below.

Survey

The Committee developed a survey tool (attached) to gauge which policy goals and potential uses, as identified by the Committee, were considered most desirable by the public. The survey tool was kept intentionally short in order to encourage responses, and offered opportunity for respondents to provide their own comments/feedback. The survey was available online and in hard copy and was advertised through a variety of outlets including the:

- Town’s Website
- Neighborhood/Civic Associations
- Town Committee Members
- Hard Copy at Libraries, Senior Center, Town Hall
- Channel 18
- Chamber of Commerce
- Newspaper Articles
- Staff

With more than 325 responses, the survey can be considered a successful endeavor. The Committee has thoroughly reviewed the responses, and while some results were unexpected, there were clear patterns of support within the responses.

Policy Goals identified in the Survey included the following:

- Direct Tax Benefit – site development will directly impact tax base through development on the site that generates property tax, room tax, or meals tax.
- Indirect Tax Benefit – site development that will encourage investment and property, room or meals tax revenue at other locations in town.
- Open Space/Ecological Restoration – development will provide foot/viewing access for the general public to open space along Parkers River and undeveloped portions of the site to the south and provide opportunity to improve environmental conditions
- Energize Route 28 – site development that provides a reason/destination to visit Yarmouth. Whether or not tax revenue is directly generated on site, indirect tax benefit would be derived from visitors/residents that conduct other business.
- Job Creation – development that will create employment and expand the seasonal economy and/or which supports the year round economy in Yarmouth.
- Public Access to Water – site development that provides public with access to the water, i.e. for beach/boat/kayak launching opportunities.
- Low Impact Development – development that does not strain existing infrastructure nor create unsustainable demands on municipal services.

Summary results are shown below:

POLICY GOALS - SURVEY RESULTS							
	Score				Avg. Score	4+3	1+2
	1	2	3	4			
	Not Important	Moderately Important	Important	Highly Important			
Energize Route 28	7.17%	14.02%	33.02%	45.79%	3.17	78.81%	21.19%
Open Space/Ecological Restoration	10.48%	17.14%	25.40%	46.98%	3.09	72.38%	27.62%
Job Creation	10.69%	21.36%	29.87%	38.05%	2.95	67.92%	32.05%
Low Impact Development	12.93%	23.03%	23.03%	41.01%	2.92	64.04%	35.96%
Public Access to Water	17.03%	17.35%	26.50%	39.12%	2.88	65.62%	34.38%
Indirect Tax Benefit	13.29%	24.03%	33.23%	29.43%	2.79	62.66%	37.32%
Direct Tax Benefit	21.84%	25.32%	28.16%	24.68%	2.56	52.84%	47.16%

Top Policy Goals identified were “Energize Route 28” and “Open Space/Ecological Restoration”. Surprisingly, the lowest ratings for Policy Goals went to “Indirect Tax Benefit” and “Direct Tax Benefit”. To complement the individual ratings for each Policy Goal, respondents were also asked to identify their “top three” policy goals. Response to this question mirrored the individual ratings with the top two goals identified being Open Space/Ecological Restoration and Access to Water for Boating/Kayaking.

Respondents were also asked whether there were other policy goals to be considered. Responses included minimizing traffic impact and improving the Town’s image.

Proposed Uses identified in the Survey included the following:

- Boardwalk along River to Seagull Beach
- Access to Water for Boating/Kayaking
- Outdoor Entertainment (i.e. Concerts/Movies/Festivals)
- Marine Educational Facility
- Performing Arts Center
- Marina
- Seasonal Use for Artist Shanties and/or food stands
- Boat Trailer Park
- Conference Space
- Hotel
- Multi-Family Housing (i.e. Condos)

The most highly rated uses included a Boardwalk, Access to Water for Boating/Kayaking and Outdoor Entertainment with Marine Education Center and Performing Arts Center rating highly as well. In each of these cases, more than half of the respondents rated the use Desirable or Highly Desirable. Uses that did not rate highly include Hotel and Multi-Family Housing (more than 80% of respondents rated these uses Not Desirable or only Moderately Desirable). Ratings for a Marina fell somewhere in the middle with approximately 44% of respondents considering the use Highly Desirable or Desirable, and 56% rating the use Not Desirable or only Moderately Desirable. More detailed results are provided below:

POSSIBLE USES - SURVEY RESULTS							
	Score				Avg. Score	4+3	1+2
	1 Not Desirable	2 Moderately Desirable	3 Desirable	4 Highly Desirable			
Boardwalk	10.87%	20.19%	28.26%	40.68%	2.99	68.94%	31.06%
Access To Water for Boating/Kayaking	11.08%	20.89%	29.75%	38.29%	2.95	68.04%	31.97%
Outdoor Entertainment	18.13%	17.81%	30.00%	34.06%	2.8	64.06%	35.94%
Marine Educational Facility	18.85%	22.68%	30.67%	27.80%	2.67	58.47%	41.53%
Performing Arts Center	23.82%	25.71%	27.90%	22.57%	2.49	50.47%	49.53%
Marina	29.65%	26.50%	22.08%	21.77%	2.36	43.85%	56.15%
Seasonal Use - Shanties/Food Stands	30.06%	23.42%	30.70%	15.82%	2.32	46.52%	53.48%
Boat Trailer Parking	39.74%	29.49%	17.95%	12.82%	2.04	30.77%	69.23%
Conference Space	46.20%	26.90%	18.67%	8.23%	1.89	26.90%	73.10%
Hotel	63.49%	19.37%	11.75%	5.40%	1.59	17.15%	82.86%
Multi-family Housing (Condos)	70.66%	11.99%	8.52%	8.83%	1.58	17.35%	82.65%

Respondents were provided with the opportunity to list other uses not identified. Bringing back a Drive-In at the site was repeatedly identified by respondents as a possible use. Other uses identified by

respondents included: open space, activities for children (i.e. splash park), sports complex/youth center, campgrounds, a new library, and a night club.

Relative to proposed uses, it is important to note that the site was originally taken for Recreation and Conservation. Town Meeting action would be required for uses that are inconsistent with the original taking.

It is encouraging and illustrative of the Town's interest in the site that so many community members took the time to take the survey and offer up their opinions regarding the future use of the site and even to offer their own comments regarding Policy Goals, Possible Uses, and the site in general. These comments have been attached for your information.

Stakeholders

In addition to the survey gauging public opinion, meetings with a wide variety of Stakeholders were held to solicit their feedback regarding the policy goals/potential uses, and also to better understand the role the site currently plays and may play in the local and regional economy. Interviewed stakeholders include:

- Brian Braginton-Smith, Village Center LLC
- Gerry Garnick, Cape Symphony Board of Directors
- Bob Nash, Cultural Center of Cape Cod
- Wendy Northcross, Cape Chamber of Commerce
- DeWitt Davenport, Davenport Companies
- Dick Martin, Local Realtor
- Lou Nickinello, Bass River Sports World
- Tony Raine, Raineman Productions

Stakeholders were consistent in their enthusiasm for the site, its location on the water, and its development potential for something extraordinary. A number of stakeholders advocated for a mixed-use marina village, while others advocated for use of the site as a Performing Arts Center. The Committee was informed of the Cape Chamber's recent findings regarding convention space, concluding that this use was unlikely. The Committee was encouraged to consider multiple uses on the property, interim uses to create buzz about the site and make use of this underutilized property, and to capitalize on the water front location which is highly desirable to visitors as well as residents. Stakeholders also suggested that site would be more desirable with permitting in place.

Site Constraints

Site constraint information was compiled and updated by Town Planner, Kathy Williams, and is attached for your information. Technical in nature, the site constraint information, provides helpful information regarding how various site and regulatory constraints, such as wetlands, riverfront area, FEMA floodplain, soil conditions, wastewater disposal and topography, can impact the potential for different types of development on the site.

CONCLUSIONS/RECOMMENDATIONS

Based on their review of survey results, feedback from stakeholders, and site constraint analysis, the Committee has reached some preliminary recommendations regarding the future utilization of the site.

Policy Goals

The Committee agrees with the survey responses in that the primary policy goal for the site should be to Energize Route 28. With so much focus and interest on the site, residents and businesses understand the need to create SOMETHING that will draw folks to Yarmouth and to make them stop on their way through Town. The Committee also agrees that the high level of support for the Policy Goal of Open

Space/Ecological Restoration and access to the water needs to be recognized and that it illustrates continued support for the original purpose behind the Town's taking of the property, which was for Recreation and Conservation.

The importance of other policy goals, particularly tax revenue generation, is also relevant and the Committee recognizes the possibility that we can, through thoughtful planning for mixed uses on the site, accomplish more than one policy goal. However, the Policy Goals of the Town in the utilization of the Drive-In Site must be clear.

Possible Uses

The Committee recommends that the Town pursue a variety of uses at the site and further recommends that the Town consider a phased approach to development. A phased approach will establish some use(s) in the Short-term, and identify Long-term use(s) for the balance of the site at a later date, perhaps once the Town has developed a wastewater solution for this area.

Consistent with the survey findings which indicated a great deal of support for Access to the water for boating/kayaking and for a Seagull Beach Boardwalk as well as the sentiments expressed by each of the Stakeholders, the Committee recommends that the Town consider pursuing a Riverwalk concept as illustrated in the attached Riverwalk concept sketch. A Riverwalk would create a linear park including kayak launch, artist/food shanties, walking trails, a connecting boardwalk to Seagull Beach (see attached Seagull Beach Boardwalk Rendering), and public restrooms and parking. This park would provide residents and visitors with access to the waterfront and recreational opportunities, and would help to energize Route 28 by making the property a destination location and focal point which could also serve as a Village Center for the community. The park would also serve as a restoration project by adding a vegetated buffer along Parkers River. The Riverwalk concept would utilize only a portion of the site, leaving the potential for a variety of future uses on the balance of the site. The concept envisioned includes a number of revenue streams which could offset maintenance costs of the Park. These revenue streams include paid parking, fees for artist shanty rentals, and concession revenue from kayak rentals and/or food trucks.

The results of the survey tool were particularly helpful in gauging public support for a variety of uses and may be an indicator of Town Meeting support and/or opposition for yet-to-be received development proposals that require regulatory action. However, it is important to recognize that, to a large extent, we are dependent on outside market forces for WHAT will ultimately be developed. Possible uses for the balance of the site are limited by a developer's willingness to invest in a proposed development. The Committee recommends that the Town issue a Request for Interest (RFI) that would solicit feedback from the development community regarding their interest in pursuing development at the Drive-In Site. The RFI would call out the Town's preferred uses for the site, but also remain open to any other suggestions. The timing of the RFI will need to be determined as it may be more advantageous to wait until the first phase of site development (i.e. Riverwalk) is underway and/or until the Town has a wastewater solution in hand, both of which would make the property more attractive to a developer.

Please note, while many of the survey respondents wanted a Marina, it may be difficult to permit a Private Marina at this site. The original concept behind the Parkers River Marine Park (a public/private initiative) was for the Town to do all of the permitting and then to seek a private developer to build and operate. It should be noted that the Marine Park project was far from complete in terms of permitting, as outlined in the attached email from Karl vonHone, Director of Natural Resources. Significant other local, state and federal permitting would be required for a Marina, including a Variance from the

Yarmouth Wetland Regulations. Although legislation was obtained to avoid a Variance from the Massachusetts Wetlands Protection Act for a Public Marina, this was just one of many permitting hurdles, and it is also unclear whether this legislation would apply to a Private Marina. Substantial funds would have been required to continue moving the marina project forward and obtaining all the necessary permits was not guaranteed.

To illustrate the concept of a Mixed Use development, Town Staff developed the attached site rendering illustrating a variety of uses including a Riverwalk concept. This Riverwalk concept utilizes only a portion of the site with the balance being left to other development. **FOR ILLUSTRATION ONLY**, the balance of the site is shown as developed under the Village Centers Overlay District bylaw as a mixed use development. Many other development scenarios are possible and would be subject to the site constraints outlined in the Site Constraint memo. However, the concept sketch gives a general idea of how such a development could be laid out on the site, along with an idea of the overall building square footages and associated parking requirements. In any and all scenarios, the Town will be required to determine whether they will retain ownership of a portion of the site (i.e. Riverwalk concept), sell the site, lease it, or some combination thereof.

Finally, utilizing the site on an interim basis remains a possibility. Following his memo (attached) to the Board of Selectmen earlier this year, the Committee met with Tony Raine, a local concert promoter. Mr. Raine has proposed to utilize the site non-exclusively for outdoor concerts and to provide the funding for the site improvements necessary to accommodate his concert model. The site would be available for other users when concerts were not underway. Details of this proposal need to be vetted and any terms for use would need to be agreed to by the Board of Selectmen. Understanding that an agreement would need to be worked out, the Committee is supportive of this proposed interim use concept in that such a use would help to create awareness and “buzz” about the site which may in turn generate additional interest from the development community.

NEXT STEPS

The Committee is looking to the Board of Selectmen to provide feedback on the work to date and input regarding the recommendations made in this memo. These items include the following:

- Board input on recommended Policy Goals
- Board input on recommended Uses
- Board input on interim use concept
- Extend committee appointments

Attachments:

- Charge Copy of the Survey/List of Committee Members/Survey Results
- September 3, 2015 Site Constraint Memo and Mapping
- September 9, 2015 Riverwalk Concept Sketch
- Conceptual Seagull Beach Boardwalk Rendering
- September 18, 2015 Mixed-Use Concept Sketch
- September 17, 2015 e-mail from Karl vonHone, Director of Natural Resources
- March 25, 2015 Memo from Tony Raine to Board of Selectmen

Charge for the Drive-In Site Utilization Committee

Appointed by the Board of Selectmen, the Drive-In Site Utilization Committee is charged with:

- Identifying policy priorities to be achieved with the utilization – i.e. property tax revenue generation, resource protection, direct and indirect economic impacts, public benefits, recreation, etc...;
- Identifying potential uses for the site (and barriers to development);
- Identifying relative benefits of various ownerships – i.e. retaining ownership, leasing, selling;

The Committee will report its findings to the Board of Selectmen who will make the ultimate decision regarding the utilization of the site.

Term

The Drive-In Site Utilization Committee is a single-purpose, ad hoc committee. The Committee is expected to complete their work in 6 months, and to subsequently disband.

Members

- One (1) Member from Planning Board
- One (1) Member from Community and Economic Development Committee
- One (1) Member of Former Parkers River Marine Park Committee
- Two to Four (2-4) Members At-large

Staff Support

Director of Community Development. Other staff as needed – i.e. expect Planning, DNR, Conservation, and Recreation to be involved.

Resource Requirements

Committee Secretary. Professional Assistance in developing any subsequent RFPs may be required.

Yarmouth Drive In Site Survey

The Yarmouth Board of Selectmen has appointed a Drive-In Site Utilization Committee, charging them with identifying and making recommendations to the Board of Selectmen regarding the most relevant policy goals/key objectives for the Town as well as to identify and recommend possible uses for the former site of the Yarmouth Drive-In located at 669 Route 28.

The Drive-In site Utilization Committee is comprised of the following members:

- Bob Churchill (Chairman)
- Todd Olsen (Vice Chairman)
- Ken Driscoll
- Gerry Manning
- Tom Roche
- Jim Saben
- Peter Slovak

In order to better develop their recommendations for the Board of Selectmen, the Committee has drafted the following (short) survey to help inform them of the Public's thoughts regarding this important piece of Town-owned land.

POLICY GOALS

1.) Please rate the importance of each policy goal identified and related description. Keep in mind that any development that occurs on the site may accomplish multiple policy goals.

1 – Not Important

2 – Moderately Important

3 – Important

4 – Highly Important

Direct Tax Benefit - site development will directly impact tax base through development on the site that generates property tax, room tax, or meals tax.

1

2

3

4

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Indirect Tax Benefit – site development that will encourage investment and property, room or meals tax revenue at other locations in town.

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Open Space/Ecological Restoration – development will provide foot/viewing access for the general public to open space along Parkers River and undeveloped portions of the site to the south and provide opportunity to improve environmental conditions.

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Energize Route 28 – site development that provides a reason/destination to visit Yarmouth. Whether or not tax revenue is directly generated on site, indirect tax benefit would be derived from visitors/residents that conduct other business.

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Job Creation – development that that will create employment and expand the seasonal economy and/or which supports the year-round economy in Yarmouth.

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Public Access to Water – site development that provides public with access to the water, i.e. for beach/boat/kayak launching opportunities.

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Low Impact Development – development that does not strain existing infrastructure nor create unsustainable demands on municipal services.

- 1
- 2
- 3
- 4

2.) If there are other Policy Goals that have not been identified here, please note and provide a brief description.

*** 3.) Please identify your top (3) policy goals:**

- Direct Tax Benefit
- Indirect Tax Benefit
- Open Space/Ecological Restoration
- Energize Route 28
- Permanent Job Creation
- Public Access to Water
- Low Impact Development

POTENTIAL USES

1.) Please rate the following Potential Uses in terms of suitability/desirability for the Drive In Site. While each Potential Use is to be rated separately, note that multiple uses at the site are possible.

- 1 – Not Suitable/Desirable**
- 2 – Moderately Suitable/Desirable**
- 3 – Suitable/Desirable**
- 4 – Highly Suitable/Desirable**

Access to Water for Boating/Kayaking

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Boardwalk along River to Seagull Beach

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Boat Trailer Parking

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Conference Space

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Hotel

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Marina

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Marina Educational Center

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Multi-family Housing (i.e. Condos)

1	2	3	4
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1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Outdoor Entertainment (i.e. concerts/movies/festivals)

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Performing Arts Center

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Seasonal Use for Artist Shanties and/or Food Stands

1	2	3	4
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2.) If there are other Uses that have not been identified here, please note and provide a brief description.

*** 3.) Please identify what you think are the (3) most suitable/desirable Potential Uses.**

- Access to Water for Boating/Kayaking
- Boardwalk along River to Seagull Beach
- Boat Trailer Parking
- Conference Space
- Hotel
- Marina
-

- Marine Educational Center
- Multi-family Housing (i.e. Condos)
- Outdoor Entertainment (i.e. concerts/movies/festivals)
- Performing Arts Center
- Seasonal Use for Artist Shanties and/or Food Stands

Which category best describes you?

- Yarmouth Business Owner
- General Public (Resident)
- General Public (Non-resident)

Please provide your contact information so that you may receive updates regarding the Drive-In Site Utilization Committee's outreach efforts. This information will not be shared.

Name

Email Address

Phone Number

Please use the space below for any comments you may have:

For inquiries, please email Karen Greene, Director of Community Development at kgreene@yarmouth.ma.us.

Done

Yarmouth Drive In Site Survey Summary – 324 responses.
 Survey available from July 7th to September 3rd.

POLICY GOALS

1. Please rate the importance of each policy goal identified and related description. Keep in mind that any development that occurs on the site may accomplish multiple policy goals.

Answer Choices	1 Not Important	2 Moderately Important	3 Important	4 Highly Important	Rating Average	Response Count
Energize Route 28	7.17% 23	14.02% 45	33.02% 106	45.79% 147	<u>3.17</u>	321
Open Space/Ecological Restoration	10.48% 33	17.14% 54	25.40% 80	46.98% 148	<u>3.09</u>	315
Job Creation	10.69% 34	21.36% 68	29.87% 95	38.05% 121	<u>2.95</u>	318
Low Impact Development	12.93% 41	23.03% 73	23.03% 73	41.01% 130-	<u>2.92</u>	317
Public Access to Water	17.03% 54	17.35% 55	26.50% 84	39.12% 124	<u>2.88</u>	317
Indirect Tax Benefit	13.29% 42	24.03% 76	33.23% 105	29.43% 93	<u>2.79</u>	316
Direct Tax Benefit	21.84% 69	25.32% 80	28.16% 89	24.68% 78	<u>2.56</u>	316

2. If there are other Policy Goals that have not been identified here, please note and provide a brief description (33 written answers, ordered by most recent response to earliest response).

1. You need at least a 30ft boat marina for owners of sport fishing boats that will spend money. You will also need well planned and free boat ramp access. I have some great ideas and would love to be involved. Please call me.
2. Not that I am aware of, however, I suppose traffic and noise level should be considered in all cases.
3. Affordable Housing for year round residents!
4. Development that will improve the image of Yarmouth as a family-friendly destination and will deter drug trafficking.
5. Remain undeveloped. Intense use of the site will put more stress on current infrastructure including specifically the traffic congestion that is already intense.
6. Will contribute to already unbearable traffic problems.
7. Marina.
8. A joint research and educational facility between Woods Hole Oceanographic Institute and Bridgewater State University
9. Preserving Water shed area: Parkers River water shed / wetlands area is a dynamic and fragile ecology, any development should focus on preservation and restoration which in turn draws visitors to the natural beauty of the cape and not the bottom dollar. Yarmouth has few 'preservation sites' of this scope.

10. A center to encourage ecological, historic, and civic education.
11. Use it, sell it, or lease it.
12. I thought it was well under way and overdue that the property would be turned into a marina.
13. I would like to see an educational / environmental collaboration that would attract informed visitors, not volume visitors.
14. Create a focal point on 28 that would encourage a feeling of a "Main Street."
15. The water quality of Lewis Bay needs an advocate like this! No more cheap skate tourist facilities - develop something with a purpose rather than to produce revenue.
16. Create a use that will become centerpiece/new identify for Yarmouth and gives the existing Route. 28 properties new potential.
17. I think providing an outlet that creates tax revenue for the Town (business/research) and also creates jobs while maintaining public access for boating and/or beach would be great.
18. Thank you!
19. Establish the site as a non-profit facility for marine and oceanographic research.
20. Contribute to ecological health of Lewis Bay, wetlands and surrounding areas of the sound, do not further tax an area which is already a victim of its own attractiveness.
21. This is an ideal property for public access to water and recreation area, ideally administered by the Park Department or Conservation Commission.
22. Return the property to a drive-in at night and a farmers market etc. during the day.
23. I think there should be some public access to the water, but also some commercial development as well.
24. 1.) Less traffic and congregation along Route 28. 2.) A museum site for Yarmouth history that concentrates on the glacier formation of the land, occupation of the early indigenous people and early white settlers.
25. Housing for low income families and seniors.
26. Possible shuttle stop figured into the infrastructure.
27. Businesses like the Lobster Boat seek to benefit most -- they should be held accountable in some way for the development of the project. There's no reason they should only gain from this.
28. Boating!
29. Build a marina.
30. Recreation.
31. The primary goal should be the revitalization of Route 28 and to make Yarmouth look more attractive to the public at large. Anything that will attract people to Yarmouth.
32. Something that will create a positive image for Yarmouth - similar to Bridgewater State University coming to Town.
33. Attempt to improve the character and perception of West Yarmouth along Route 28.

3. Please identify your top (3) policy goals:

Answer Choices	Response Percent	Response Count
Open Space/Ecological Restoration	54.94%	178
Energize Route 28	53.70%	174
Public Access to Water	46.30%	150
Permanent Job Creation	38.27%	124
Indirect Tax Benefit	35.19%	114
Direct Tax Benefit	34.26%	111
Low Impact Development	37.35%	121

SITE USES

1. Please rate the following Potential Uses in terms of suitability/desirability for the Drive In Site. While each Potential Use is to be rated separately, note that multiple uses at the site are possible.

Policy	1 Not Desirable/ Suitable	2 Moderately Desirable/ Suitable	3 Desirable/ Suitable	4 Highly Desirable/ Suitable	Rating Average	Response Count
Boardwalk along River to Seagull Beach	10.87% 35	20.19% 65	28.26% 91	40.68% 131	<u>2.99</u>	322
Access to Water for Boating/Kayaking	11.08% 35	20.89% 66	29.75% 94	38.29% 121	<u>2.95</u>	316
Outdoor Entertainment (i.e. Concerts/Movies/Festivals)	18.13% 58	17.81% 57	30.00% 96	34.06% 109	<u>2.80</u>	320
Marina Educational Facility	18.85% 59	22.68% 71	30.67% 96	27.80% 87	<u>2.67</u>	313
Performing Arts Center	23.82% 76	25.71% 82	27.90% 89	22.57% 72	<u>2.49</u>	312
Marina	29.65% 94	26.50% 84	22.08% 70	21.77% 69	<u>2.36</u>	317
Seasonal Use for Artist Shanties and/or food stands	30.06% 95	23.42% 74	30.70% 97	15.82% 50	<u>2.32</u>	316
Boat Trailer Park	39.74% 124	29.49% 92	17.95% 56	12.82% 40	<u>2.04</u>	312
Conference Space	46.20% 146	26.90% 85	18.67% 59	8.23% 26	<u>1.89</u>	316
Hotel	63.49% 200	19.37% 61	11.75% 37	5.40% 17	<u>1.59</u>	315
Multi-Family Housing (i.e. Condos)	70.66% 224	11.99% 38	8.52% 27	8.83% 28	<u>1.58</u>	317

2. **If there are other Uses that have not been identified here, please note and provide a brief description:** (43 written responses, ordered top to bottom by most recent response to earliest response).

1. I am adamantly opposed to a Performing Arts Center. We already have the Cultural Center, John Simpkins field for festivals, Parker's River Beach for concerts and Mattacheese Auditorium.
2. Open space.
3. Activities for seasonal and year-round children.
4. It should be a multi-use destination site with a water sports / boating facility (similar to Cape Cod Waterways in Dennis). Also, a marina with revenue-producing moorings and a public access boardwalk leading further out to a beach. Further inland, there should be an adventure park (similar to the one now in Sandwich). The adventure park should also have a quick and casual style restaurant will compliment an adventure park with open space. Closer to the road, there should be a park and public space that can be used for concerts/festivals/artist shanties/etc. Consider also putting a Yarmouth Police outpost in the artist shanty area and leaving room for a modest amount of parking.
5. Ecological restoration. Not every vacant site available is suitable for development given the surrounding intensity of use.
6. Marina.
7. A sports complex or Yarmouth youth community center similar to Hyannis. These facilities will bring tournaments to Yarmouth.
8. A joint research and educational facility between Woods Hole Oceanographic Institute and Bridgewater State University.
9. How about a drive in? They are more high tech and are coming back into style. The site could be utilized for boating during the day with low impact on the area (Look at what the recreation department is doing with outdoor movies).
10. Why not bring back the drive-in movies? Many of us would rather go there than to Wellfleet!
11. Bring the drive-In back! Wellfleet is too far away.
12. Splash water-park for kids.
13. Make it a drive-in.
14. A marine center with an aquarium to promote research and tourist attraction
15. We need a park similar to Aselton Park in Hyannis that could be used for events such as the Pops in the Park and that would draw people to the area and help create a walking zone and encourage small business development. The boardwalk to Seagull Beach would be excellent! We have no center of Town and I believe the proper use of this property could be a start!
16. Ecological based development would be the BEST for long term use of tourism dollars! We DO NOT need more places for people to access and pollute Lewis Bay...How about relieving some of the pressure on the beach access of Green Harbor? What about a public fishing pier somewhere? You know real Cape Cod Ocean activities... not more "buy buy buy"!
17. Build a connecting boardwalk to Seagull Beach. Once built, the property will take on new value. Allow private business to make proposals that will develop tourism based opportunities that will extend into the shoulder seasons. There should also be a plan to connect a bike trail to the new bike trail. Perhaps cutting across Bog Rd. Winslow Grey/W. Yarmouth Rd.
18. Access to water with seasonal beach pass for residents and user fee for visitors.
19. I would like to see a beach shuttle with busses based there...plus utilized in the same fashion as the Barnstable County Fairgrounds in the Summer time.
20. Drive-In theatre.

21. Install a "splash pad" like the one at Nelson Memorial Park in Plymouth...we are supposed to have a splash pad project submitted to the CPC Committee in the Fall.
22. Movie theatre.
23. Aquatic research center with permanent jobs.
24. Campgrounds with picnic area.
25. Revitalize the drive-in so people do not have to drive to Wellfleet! Use the site for seasonal activities when the drive-in is not open.
26. As a resident of the Town of Yarmouth, I would like to see a drive-in movie theater put in there with maybe a sitting area and boardwalk that leads to Seagull Beach and incorporates a playground off to the side...etc.
27. Build a boardwalk area along a portion of Parkers River for fishing, provide space to get your kayak in the water, create walking trails that connect to a boardwalk.
28. Bring back the drive-in for summer nights and the flea market during summer days.
29. Rebuild the drive-in theatre.
30. Strongly consider a use that does not contribute to the traffic congestion already in that area. Research the possibility of having an alternate entrance/exit to the property from a side road.
31. Regular Housing for Low income Families! Why condos?
32. Look at developments in the southern states; many have incorporated outdoor shopping/entertainment areas, while utilizing access to water.
33. Outdoor waterpark such as Heritage Park in Mashpee.
34. A small portion to allow for families to enjoy a picnic. One of the first things I did was ask Parks & Recreation for a picnic table under the trees. I watch as families sit in front of the Chamber and eat their lunch just purchased from a fast food shop. Others catch up on email. Wi-Fi access also important. Convenience of communication while enjoying their stay.
35. Mixed-use, highly dense housing and businesses with waterfront development. Could sell/rent condos at market rate, and help finance construction. All projects should include community benefit agreements.
36. Similar setup to Mashpee Commons.
37. If any housing is built there, make it affordable.
38. New library.
39. New Library with water access, outdoor programming and education center.
40. Drive In Theater.
41. Public park with water vistas.
42. This should be an upscale - not Coney Island! We already have too many hotel rooms in Yarmouth, we do not want loud, noisy venues and we do not want more housing.
43. Night Club/indoor rock/country concerts

3. Please identify what you think are the (3) most suitable/desirable Potential Uses

Site Uses	Response Percent	Response Count
Boardwalk along River to Seagull Beach	59.57%	193
Outdoor Entertainment (i.e. concerts/movies/festivals)	44.75%	145
Access to Water for Boating/Kayaking	50.31%	163
Marina Educational Center	33.02%	107
Marina	25.31%	82
Performing Arts Center	24.38%	79
Artist Shanties/Food Stands	20.37%	66

Multi-family Housing (i.e. Condos)	11.42%	37
Conference Space	12.65%	41
Hotel	8.64%	28
Boat Trailer Parking	9.57%	31

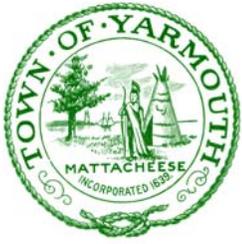
4. Please use the space below for any comments you may have: (70 written responses, ordered top to bottom by most recent response to earliest response).

1. Not a full-time resident, but I use a second home in West Yarmouth almost every week. I also have a home on Appleby Road and I am quite interested in eventual use of the property. I would like to be part of the team that would design the concept for marina use. Please call me. Thanks.
2. One idea is a smaller version of an old attraction in Albany, New York area. Here is the website and description: <http://hucksplayland.com/history>. This idea and the one in the Albany area was for everyone, but especially from Toddler age to Middle School age children.
3. This is public priority and should not be sold to private entities.
4. I would like to see high-end condos maybe with boat slips and/or a conference center. This would eventually upgrade the whole village center (Winslow Gray - Parkers River). The most important thing for this Town is a sewer system. We have written multiply zoning articles over the past ten years and very little has happened. Very little will continue to happen until we resolve the sewage issue.
5. Anything other than maintaining open space use will be detrimental to the environment, traffic flow (which is already overburdened), nearby neighborhoods, and the beauty of Seagull beach. In regards to question 3 (which forced 3 checks) I feel only a boardwalk is appropriate. The present traffic lights already contribute to slow traffic --creating more traffic which will negatively impact that section of Rt. 28 and could actually discourage business.
6. I would like to see something with access to water and not the development of a hotel or condos
7. This is a unique opportunity to greatly improve the image of Yarmouth. Please err on the side of nature-based development because that's what younger generations want. There are too many theaters on the Cape already and Sandwich sells out of its Adventure Park spaces by noon each day.
8. Encouraging an increase in tax revenue and increasing intensity of use always seems to be paramount with the Town Restoration and preservation should also be encouraged
9. As full time residents, we would like any "development" of this property to be minimal and allow for the site to be used for relaxation purposes. There seems to always be an emphasis on the tourism and less consideration for the year round Cape Codders.
10. Go back to the original Marina plan.
11. Build a new drive-in movie theatre. During the day it can be used for other outdoor events. Buy the ZooQuarium for the Marine Research Center.
12. It has been 20 years with how many designs for marinas? Allow some dredging! There is NO reason for EPA to complain since it is a filled in marsh. Lease the land for the development of a marina, dredge the river and fix the Route 28 Bridge to Swan Pond. Forget the Aqua-Circus! I told you this 15 years ago! Tell the Davenport Company to eat a couple years of construction. Just like they want to do a "bit" on South Shore Rd. I know of two plans that were paid for by the Town. Use one.
13. A marina like Bourne did at Mass Maritime (Taylor's Point?). Allow for the site to be outsourced to private management company.
14. This is a very valuable piece of property. Revitalizing it for boating/entertainment/and community events may give Yarmouth the shot in the arm it needs to bring back Route 28 as

- a wonderful destination. As a lifelong resident of the Town I understand that tourism IS our industry here and we have to grow that business just like any other business.
15. Please keep in mind that the hurricane of '44 took out almost everything south of Route 28 on that waterway and washed it into the bridge at Route 28 (severely damaging the bridge with storm surge and debris). Less development would lead to less storm debris and potential damage. Those who do not learn from history are doomed to repeat it.
 16. Thanks for requesting input.
 17. Let's make a splash pad or skate park for the kids
 18. If any housing is developed, it should be affordable housing.
 19. Thank You.
 20. I think a Town-run marina would be the best use of the property.
 21. Please do not sell off this precious piece of land to a private interest. South Yarmouth has no real heart or central communal town space. This would be an opportunity to create something that could provide a long term benefit to our Town and really appeal to our visitors.
 22. Thank you for your acceptance of public comments and input.
 23. Any plan for the property should include using the site to generate tax revenue for the Town AND recreational use by the public (boardwalk and access to the water ...Grey's beach has both, for example)
 24. Turn it back into a drive-in movie theatre until you come up with a set plan.
 25. A facility such as a Marine Education Site would bring year round activity to the area. It would attract an educated public along with the ability to host some joint activities with Cape Cod Community College and Dennis-Yarmouth Regional Schools. The drive-in property is a midway point between the Woods Hole and the National Seashore sites. We need some low impact development and not something that will generate more gasoline powered vehicles into our waterways.
 26. Think LONG term conservation and not short term economic gains for a small number of people...The bay is everyone's so please help preserve it or there will no longer be a reason to come to this area at all! Purposeful development works - no more speculative building – we need to occupy Route. 28. This area is becoming a mecca for homeless people and a total bummer for long term multi-generation property owners.
 27. There are no women on your committee!
 28. The site should NOT be used for housing, condos or a full service marina. This property had tremendous potential to invigorate Yarmouth. Adding a boardwalk first will create a new and exciting vision that can be guided by the Town of Yarmouth, but completed by a developer with great vision.
 29. We definitely don't need another hotel, conference center, or affordable housing at this site. Keep the site for water related activities and/or develop a maritime center and/or seasonal artist shanties as Hyannis has done at the Ocean Street docks.
 30. Business growth is key to assist the tax payers in Yarmouth. Combining business growth and public access to the water is a win-win solution; everyone can have the best of both.
 31. I would like to see the Woods Hole proposal used on the drive-in property. The last things we need are more hotel rooms or retail stores along Route 28.
 32. I want our association to be vocal and strong in looking out for the best interests of our community.
 33. The site achieves little to no tax revenue now and has not for many years so adding to the tax revenues should not be the priority. Site abuts the water and thus should be used in a way that protects the ecology and/or provides access or viewing of the water. If we can locate a site there that has an economic benefit through permanent job creation that is ideal. We don't need more low-end retail, shanty space, food service or hotels along our waterfront. The marine center seem like a very good use for the site.
 34. I support the Bridgewater State/ Woods Hole Research Center.
 35. This space has great potential for achieving both short term and long term goals. Hopefully a project will begin sooner rather than later.

36. That property has been sitting hallow for a long time without producing any tax revenue.
37. The last thing Yarmouth needs is another hotel. Put some type of venue there that will attract. People to come and spend their money.
38. I would love to see this land utilized for the public. There are enough hotels in that area that have been abandoned and are in terrible condition, we don't need any more lodging like this. With the ZooQuarium closing it would be nice to have an entertainment attraction on the property.
39. Thank you.
40. I would like to see development similar to the Hingham Boat Yard and Marina Bay in Quincy. Some type of mixed use property in combination with a marina and boardwalk to seagull beach to compliment the vista. I would also like to see artist shanties, retail stores, food concessions and condos incorporated at the site.
41. I appreciate your efforts to develop this area in the most appropriate way with the best interests of the Town in mind.
42. No more high impact seasonal uses, it just kills the ecologically of the area while only generating income and jobs for a few weeks a year. We are overburdened with this sort of development already.
43. Public waterfront options are fairly limited in Yarmouth.
44. I support a joint venture with Woods Hole Oceanographic Institute and Bridgewater State University as this should provide well-paying year round jobs.
45. Please do not turn this great space into an area for housing. If we cannot get a full-service marina, an area to launch boats/jet skis/kayaks would be ideal. A trailer parking may help to alleviate the crowded boat parking at Bass River/Smugglers Beach. Open space with public access, entertainment venues and a boardwalk to Seagull Beach would be a great use of this site too.
46. A scenic walkway to Seagull Beach would be nice, but it will take too much from the ecological restoration of the area, An easy walking surface that a boardwalk offers may encourage the unwanted use of the new Drive-in site parking lot as an area to park when Seagull Beach parking lot is full or if a member of the public does not want to pay parking fees.
47. Thank you. This is an effective entry way of providing input
48. I just want to see the space go to good use and not just become a dumping area or seasonal use every now and again for when food stands want to go up. I do believe a drive-in theatre would produce good revenue and would attract more Taurus to Yarmouth, opposed to having to go to Wellfleet.
49. I think this area should capitalize on the river restoration project, and create more opportunities for outdoor recreation, like kayaking, fishing and walking trails, kite flying, maybe enhance other habitat areas with nests. Create a larger buffer zone for the neighbors too. I do think the area could be a draw for tourists who will spend time in the area and visit nearby businesses.
50. The best use of the space is for a joint venture between Woods Hole Oceanographic Institute and Bridgewater State University as a marine research and educational facility. We need well-paying jobs instead of feeding our current "affordable housing" crisis. The last thing we need is more public access to water, more struggling hotels, and any more retail operations.
51. Would love to see some type of development ASAP, property has been sitting vacant way too long!
52. If you decide to build a boardwalk, please consider having it shaded with a couple of seating areas for people to sit down.
53. Thank you for undertaking this worthwhile project, and for your orderly, positive, inclusive approach! Best wishes as you carry on!
54. Interpretive signs along the river with information about the tides, salt marshes, marine invertebrates much like the natural Parks Services provider. Don't pollute Parkers River.
55. Thank you for requesting input.

56. I cannot imagine what good further commercial development of that area would bring to our region. It is "tacky" enough...please...something tasteful and educational.
57. Thank you for asking.
58. I appreciate being included in this process.
59. PLEASE!!! The need for housing the average Family in the Low Income bracket is a desperate need here! Perhaps the Town could take over some of the abandoned motels on Route 28, SCREEN the residents, restrict residence to working people, and even keep a couple for anyone with green card visas who are coming here to work for the hotels which never seem to provide any housing for them!
60. Make it forever!
61. Open, undeveloped space, especially on an over-developed Route 28, has value above and beyond what could ever be developed there. "Highest and best use" does not always mean development.
62. Yarmouth clearly lacks a center, a central focus for tourists to walk and enjoy our town. We need to consider the possibilities of a common area, such as the boardwalk concept, shanties, ice cream shop, fried clam shack, artist boutiques, etc. A comfortable area where people can come and spend several hours roaming. It is sad to think that Yarmouth does not have an area to attract young professionals. Where can I go to walk and shop and enjoy some food and a drink without driving? We send them to Hyannis! Although beautiful waterfront condos and luxury living would be nice, it would only satisfy the few that purchase. If this area is used for housing, we have not solved the problem of a Town focus.
63. I work professionally on policies and agreements for large-scale development. I would love to be a part of the conversation. It is most important that the developers sign a community benefit agreement--whether tangible or intangible (anti-drug funding or something)--there should be a compact with the residents of the community.
64. I think we have enough private built space along Route 28 that is poorly used. The focus should be on developing those existing spaces into the right kind of space (better serving current needs) before allocating more built space. Therefore, in general, any new development should focus on maintaining common open space and public amenities for residents and visitors. The last thing we need along 28 is another private development that just becomes another curb cut to most residents and visitors. Public amenities will tangentially provide a stronger tax basis by drawing other businesses and attracting residents. They will also enhance the lives of residents and visitors, as well as be a responsible environmental choice. Route 28 needs an anchor site, this is true, but private development will not provide the hierarchy required. That said - the site may be able to provide for multi-use - if assessed carefully. Thank you.
65. I have applied and asked for information about joining this committee. I have emailed a couple people based on info provided by assistant town manager, no progress.
66. It's a great space that we should preserve for public use
67. Residents need a nice walking space by the water.
68. Important to respect the intent of the original \$1.6 m land purchase. Attractive water access for the public would be ideal.
69. This is a real opportunity to bring Yarmouth to the same destination category as a Chatham, or Osterville. That will generate tax dollars which will generate tourism dollars that will initiate more business investment.
70. Phasing the development of the site, starting with the redevelopment of the riverfront area and boardwalk, would show the public that something is happening while the portion of the site for some type of commercial development would take longer.



TOWN OF YARMOUTH

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Planning
Division

MEMORANDUM

To: Drive-In Site Utilization Committee
cc: Karen Greene, Director of Community Development

From: Kathy Williams, Town Planner

Date: September 3, 2015

Subject: Former Drive-In Site – 669 Route 28 - Site Constraints

To assist the Drive-In Site Utilization Committee in their evaluation of the 22 acre former drive-in site at 669 Route 28, a site review has been conducted to identify site and development constraints and further define the developable portion of the property. This analysis is based on information from the initial Marina investigations prepared by Tetra Tech, supplemented with limited additional field investigations and discussions held with various Town Staff. Please note that final determinations and approvals can only be made once a project is brought before various permitting boards and committees.

Detailed information is outlined in this memo, but the most significant site constraints that may impact the development of the site, whether due to regulatory requirements, site limitations or cost, are related to:

- Various Wetland Resources and buffer zones
- Riverfront Area
- FEMA Special Flood Hazard Areas
- Wastewater
- Traffic
- Permitting - specifically Cape Cod Commission Development of Regional Impact

1. **Wetland Resource Areas & Riverfront Area:** As shown in the attached Site Constraint Map, the main wetland resources on the property that are protected and regulated by the Massachusetts Wetlands Protection Act and the Yarmouth Wetland Regulations include floodplain, coastal bank, coastal beaches, salt marsh adjacent to the Parkers River, a recently mapped isolated wetland in the southwest corner of the property, the 100' wetland buffer zones, and the 200' riverfront area. Outlined below are the main wetland resources which will limit the developable portion of the property:

- a. **Riverfront Area**: The Massachusetts Wetlands Protection Act has jurisdiction over the 200' riverfront area (inner and outer riparian zones) from the mean high water line of Parkers River. The Act does allow for more flexibility for redevelopment projects like the drive-in site, versus new development to naturally vegetated riverfront areas. Any impacts associated with redevelopment of the riverfront can be no closer than the existing impacts and must meet the following:
- Adhere to the stormwater standards outlined in the Massachusetts Stormwater Handbook (i.e. stormwater treatment, recharge, peak flow attenuation, erosion control, and operation and maintenance plan). Use of Low Impact Development (LID) stormwater techniques, such as pervious pavement, bioretention areas and vegetated filter strips would be encouraged.
 - Provide mitigation or restoration which may include removal of fill and/or debris, reduction in stormwater runoff, planting of native species to restore/enhance wetland resource areas, and restoration of another wetland on site.
 - Prevent impairment of wildlife habitat.
 - Implement erosion control measures during construction to prevent impacts to groundwater and surface water quality.
 - Provide 100' wide area (inner riparian) of undisturbed vegetation, except for uses outlined below.

Based on conversations with Town Staff, development such as a walkway, public kayak launching area, boardwalk or viewing platform/gazebo appear allowed within the 100' riverfront area. A boardwalk is viewed as passive recreation and can be located across wetlands. All main structures, including public restrooms and parking areas must be located outside the 100' riverfront area. Artist shanties/sheds can be located within 50 feet of the mean annual high water line of the Parkers River and at least 35 feet from a wetland resource area. Some development can be done in the outer riparian zone (100'-200') for redevelopment projects, but significant development should be pushed to the outer limits of the riparian zone and result in improvements over existing conditions.

- b. **Wetlands and Salt Marshes**: In addition to the requirements of the Massachusetts Wetlands Protection Act, the Yarmouth Wetland Regulations do not allow for any impacts to the salt marshes or wetlands themselves, without a Variance. The Conservation Commission typically limits work within the 100' wetland buffer to no main structures within 50' of the wetland (sheds allowed within 35') and no disturbance within 35' of a wetland. Development such as a walkway, public kayak launching area, or boardwalk are allowed within 35' of a wetland. A gazebo or viewing platform would be viewed as a structure and would need to be located outside the 35' setback.
- c. **Coastal Beach**: In the original Marina analysis a small section of Coastal Beach was identified in the northeast corner of the property, south of the Lobster Boat as shown on the attached Site Constraints Map. Even at that time, the encroachment of the adjacent salt marsh had reduced the size of the coastal beach to 10'. Karl von Hone, Director of

Yarmouth's Division of Natural Resources, recently inspected this area and it appears the beach has filled in with wetland vegetation and direct access is no longer available for such activities as kayak/canoe launching. Access to the water for small water craft could be made with a pier/float to access the water directly.

- d. **Restriction Order**: A large portion of wetlands adjacent to Parkers River are subject to a Coastal Wetlands Restriction Order. Any alteration of the coastally restricted saltmarsh not specifically allowed in the Restriction Order would require an Act of the Massachusetts Legislature. While special legislation permitted some impacts to these wetlands for the Marina project, any other development scenario would need to be reevaluated by State permitting authorities. Some limited improvements are allowed by the Coastal Wetlands Restriction Order, such as observation decks, piers, and foot bridges, which would allow for a future Seagull Beach Boardwalk to be constructed over the Restricted Wetlands to the south of the drive-in site.
2. **FEMA Special Flood Hazard Areas (SFHA)**: The attached Site Constraints Map shows the current FEMA Flood Insurance Rate Maps (FIRM) Special Flood Hazard Areas (SFHA). The entire site is within the 100 year floodplain with the majority of the site having a Base Flood Elevation (BFE) of 13. The southern end of the property is also within a Coastal Barrier Resource Area (CBRA). Any structures constructed in the CBRA are ineligible for flood insurance and should be avoided.

Construction of buildings within a SFHA must adhere to Appendix 120.G of the Massachusetts Building Code. New buildings within a SFHA shall be elevated so that the lowest floor is located at or above the BFE, including basements and cellars. However, there is an exception that allows for unfinished or flood resistant enclosures used solely for parking of vehicles, building access, or incidental storage to be constructed below the Base Flood Elevation, with appropriate hydrostatic openings to allow free passage of flood waters. Accordingly, lower level parking may make sense for this property due to the significant grade changes across the property, the high BFE, and to decrease the land required for surface parking. However, this type of construction does add additional costs. Limited use structures, such as public restrooms and artist shanties/sheds, may be possible below the BFE if they are wet flood-proofed.

It may be possible to remove the developable portion of the site from the SFHA through the placement of fill on the property through a Letter of Map Revision Based on Fill (LOMR-F). This would require the placement of fill on the lot to above the Base Flood Elevation. Filling of the floodplain would be under the jurisdiction of the Conservation Commission. Placement of fill in the floodplain, but outside other jurisdictional wetlands, buffers, and riverfront area should be possible. However, fill within the buffer or riverfront area would be of concern and restrictions would apply.

It should be noted that there is significant grade change along the property from an elevation of 4 near the location of the old drive-in screen by Parkers River to elevation 9 at the outer edge of the parking area for the drive-in. The BFE for this area is 13, requiring 4' to 9' of

fill. In addition, as most of the riverfront area cannot be filled, there would be a significant grade change on the property which would need to be addressed through proper site design.

3. **Wastewater**: The Town of Yarmouth currently does not have a municipal wastewater system and relies heavily on individual on-site septic systems for wastewater treatment, which readily transmit nitrates to ponds and rivers due to the high permeability of our soils. The Town of Yarmouth pursued a long-term, multi-phased wastewater management program with centralized treatment in 2011, but the project was not funded by the residents. The Cape Cod Commission's updated Section 208 Water Quality Plan for Cape Cod has brought wastewater back to the forefront which will ultimately result in some type of wastewater management system for the Town of Yarmouth. However, depending on the options chosen, it could take five to ten years before a municipal wastewater system is in place that would serve the former drive-in site.

Development of the site prior to implementation of a municipal wastewater system could be costly and would need to rely on the development of a private system. The following outlines information regarding an on-site system at the former drive-in site.

- a. **On-Site Soils Data**: Soil borings were conducted in 1988 and 2002 along the southern end of the site as part of the Marina project and the soils were classified as poorly graded sand and poorly graded sand with some silt. The site also includes some fill when the sloped drive-in parking area was created. Based on information at the Health Department, the groundwater elevation for the former drive-in site is 1.5 NAVD88.
- b. **Design Standards and Treatment Requirements**: Flows between 2,000 and 10,000 gallons per day (gpd) per parcel require an Innovative/Alternative (I/A) treatment system and are permitted locally. Flows of over 10,000 gpd per parcel are permitted by MassDEP and require a wastewater treatment facility. A minimum 5' of separation is required between the groundwater table and bottom of the septic system, and a maximum 3' of cover is allowed on top of septic systems.
- c. **Previous Work at the Site**: The west side of the parcel, furthest from Parkers River has the most potential for disposal fields. Soil testing was done in the 1980s for a proposed condominium project (the impetus for the Town purchasing the property). At that time, there was difficulty in getting to native soils to conduct percolation tests due to the amount of fill material and the depth to groundwater. Extensive dewatering was required to conduct the percolation tests in the native soils. It is possible, though costly, to remove the fill material and backfill with sand to provide the minimum 5' separation to ground water, as long as the existing soils have adequate percolation rates.

During the Marina Feasibility Study, a 2,000 gpd subsurface disposal system was designed along the western side of the entrance to the property (currently where the access road is located). Further site investigations would be necessary to determine the amount of wastewater the site could handle.

- d. **Cape Cod Commission:** Please note that should a development go through the Cape Cod Commission's (CCC) Development of Regional Impact (DRI), no increase in nitrogen loading would be allowed. As there is no development currently on the site, this will require the treatment of other sources of wastewater to a higher level to offset the increase from the proposed project.
4. **Traffic:** Access to the property is limited to Route 28, but some emergency vehicle access may be available through Courtland Way. Depending on the level of development and the specific use, traffic mitigation measures may be required at the entrance to the site, and could include such elements as:
- Left turn storage lane on westbound Route 28.
 - Right turn deceleration lane on eastbound Route 28.
 - Two lane exit on the site to provide left and right hand turn lanes.
 - Potential modifications to the driveway access to the Lobster Boat to add an entrance off the new entrance to the drive-in property, eliminating the western curb cut on Route 28 and making the eastern curb cut right turn only (no left turn onto Route 28), to minimize conflicts.

Some issues which may impact turning lanes on Route 28 include the width of the existing Route 28 right-of-way (ROW) which appears too narrow to accommodate a turning lane within the existing layout, and thus requiring additional ROW. Also, the existing and proposed Parker's River bridge will not be wide enough for three travel lanes and 5' bike lanes, but would accommodate the transitional area for a turning lane. This may impact the location of the entrance to the site.

Lastly, if the use has specific, limited times for traffic impacts, traffic may be able to be controlled through a police officer on Route 28 during these peak times.

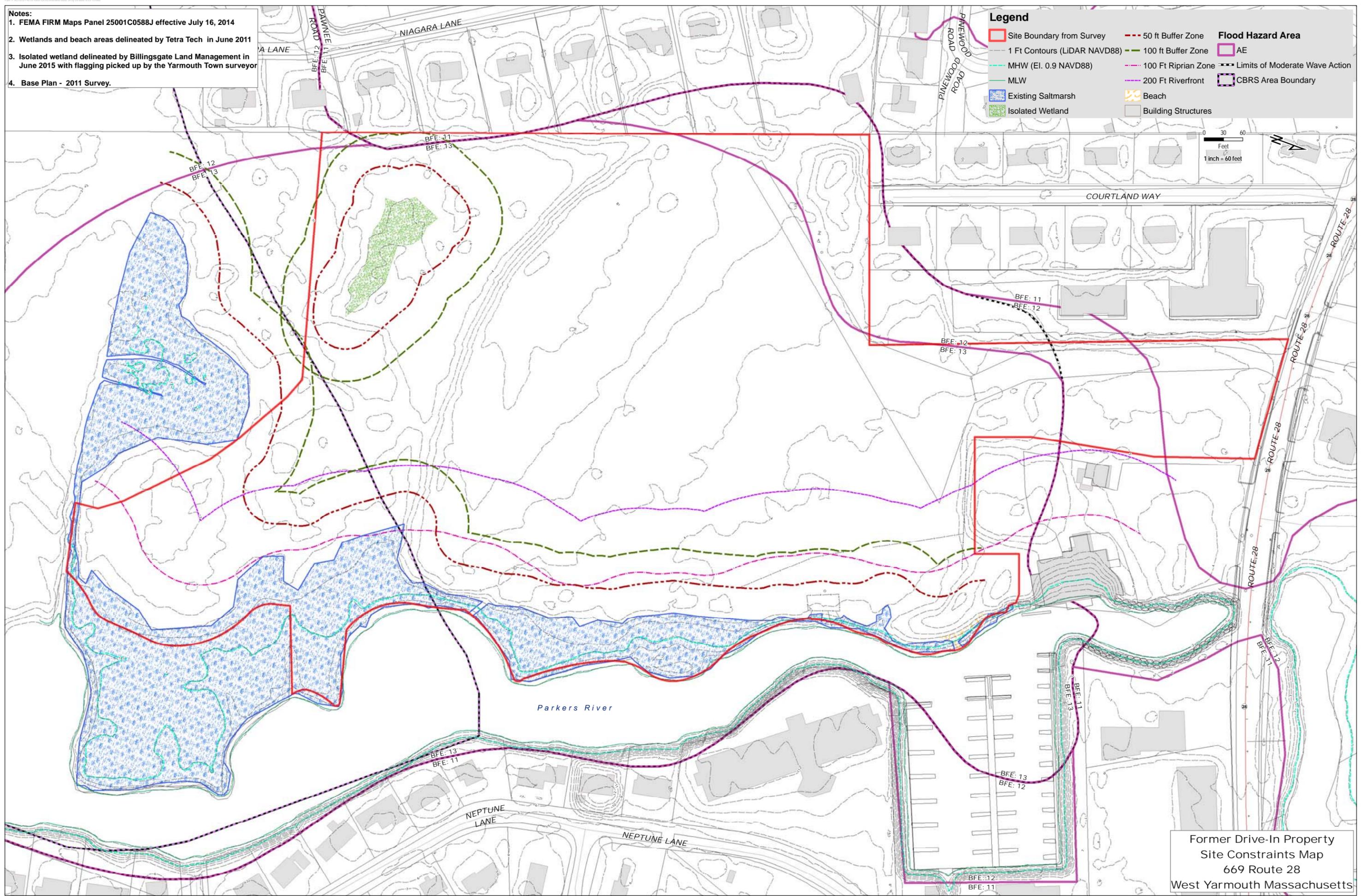
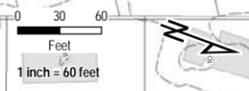
5. **Permitting and Cape Cod Commission (CCC):** Permitting can be a costly portion of any project and can have significant impacts to project timelines. Various environmental permitting will be required depending on the level of development. Of special concern is the Cape Cod Commission Development of Regional Impact (DRI) Review process. The DRI process could be triggered for projects creating 30 or more residential dwelling units, commercial development for buildings greater than 10,000 square feet (sf), new construction involving outdoor commercial space greater than 40,000 sf, and mixed use residential and non-residential with a floor area greater than 20,000 sf. Depending on the size and type of development, one of these thresholds may be triggered. The CCC DRI process requires compliance with various Minimum Performance Standards and potentially costly mitigation. The CCC DRI process may play a role in how the drive-in site is developed if developers would like to avoid this costly process through subdividing the parcel into multiple lots for smaller development projects that would not trigger DRI jurisdiction.

6. **Miscellaneous Issues:** The site parameters briefly discussed below do not appear to provide any significant impediments to development based on previous investigations for the Marina project:
- a. **Water:** The site is currently serviced by a municipal water line that provides water to the shellfish propagation facility. A watermain extension into the site would be required for fire and sprinkler protection and domestic water usage. Yarmouth currently appears to have adequate water supply for development of this site.
 - b. **Topography:** The site is relatively flat with gentle slopes ranging from 3 to 9 over the majority of the site.
 - c. **National Heritage and Endangered Species Program (NHESP) and Areas of Critical Environmental Concern (ACEC):** The NHESP program mapping does not identify any rare or endangered species or certified vernal pools on the site. There are no ACEC areas containing significant environmental resources located on the site.
 - d. **Historic and Archaeological Resources:** The Massachusetts Historical Commission (MHC) indicated the Marina project was unlikely to affect significant historic or archaeological resources.

- Notes:
1. FEMA FIRM Maps Panel 25001C0588J effective July 16, 2014
 2. Wetlands and beach areas delineated by Tetra Tech in June 2011
 3. Isolated wetland delineated by Billingsgate Land Management in June 2015 with flagging picked up by the Yarmouth Town surveyor
 4. Base Plan - 2011 Survey.

Legend

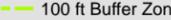
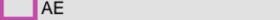
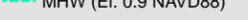
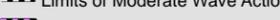
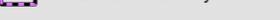
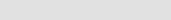
Site Boundary from Survey	50 ft Buffer Zone	Flood Hazard Area
1 Ft Contours (LiDAR NAVD88)	100 ft Buffer Zone	AE
MHW (EI. 0.9 NAVD88)	100 Ft Riparian Zone	Limits of Moderate Wave Action
MLW	200 Ft Riverfront	CBRS Area Boundary
Existing Saltmarsh	Beach	Building Structures
Isolated Wetland		



Former Drive-In Property
 Site Constraints Map
 669 Route 28
 West Yarmouth Massachusetts

- Notes:
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 4. MassGIS 2014 Aerial Photo.

Legend

 Site Boundary from Survey	 50 ft Buffer Zone	 Flood Hazard Area
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Former Drive-In Property
 Site Constraints Map
 669 Route 28
 West Yarmouth Massachusetts

ISOLATED WETLAND
AREA (NO BUILD ZONE)



LOT 2
(11.25+/- ACRES TOTAL AREA)
(9.8+/- ACRES WITHOUT ISOLATED WETLAND AREA)

LOT 1
(1.3 +/- ACRES)

ROUTE 28

GAZEBO
TO BOARDWALK

BOAT RENTAL

ARTIST SHANTIES

FOOD TRUCKS

RESTROOMS/
TOURIST INFO

65 PARKING
SPACES
(PAY & DISPLAY)

LOBSTER
BOAT
PROPERTY

PERVIOUS
PAVEMENT

KAYAK/
CANOE
LAUNCH

LOT 3
RIVER WALK

UPWELLER

OVERLOOK
W/BENCHES

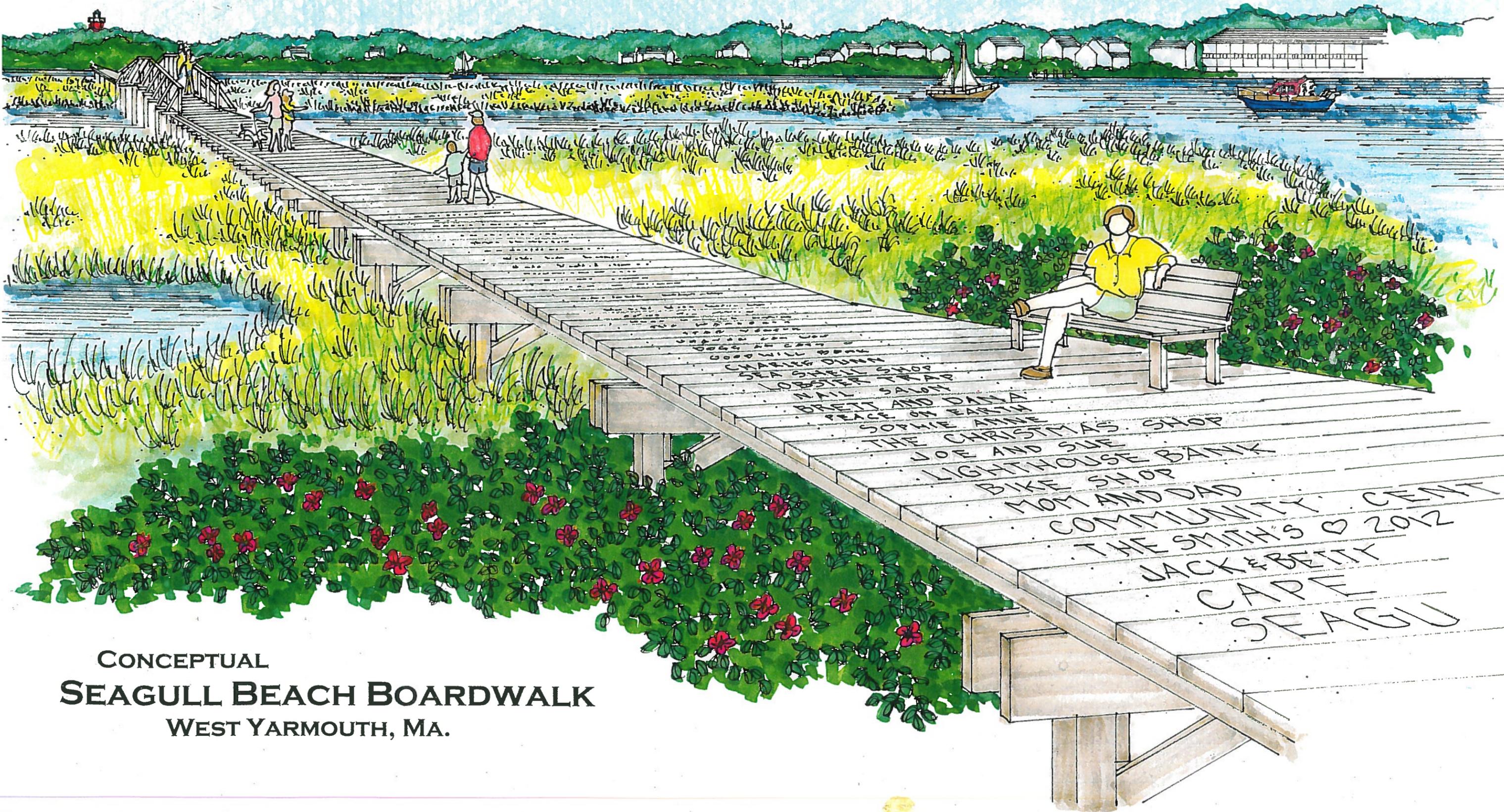


PARKERS RIVER

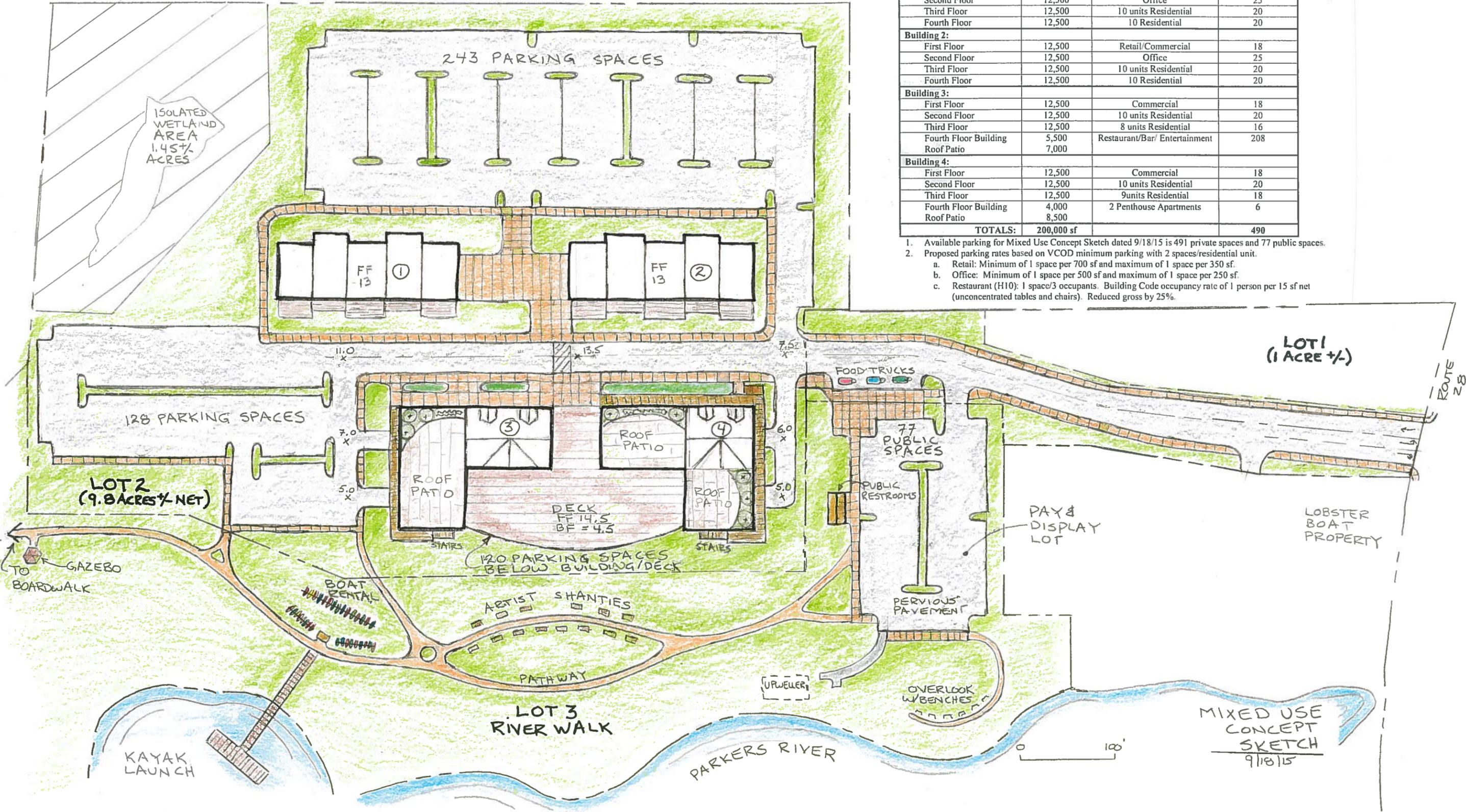
EXISTING
MARINA

RIVERWALK
CONCEPT SKETCH

9/8/15



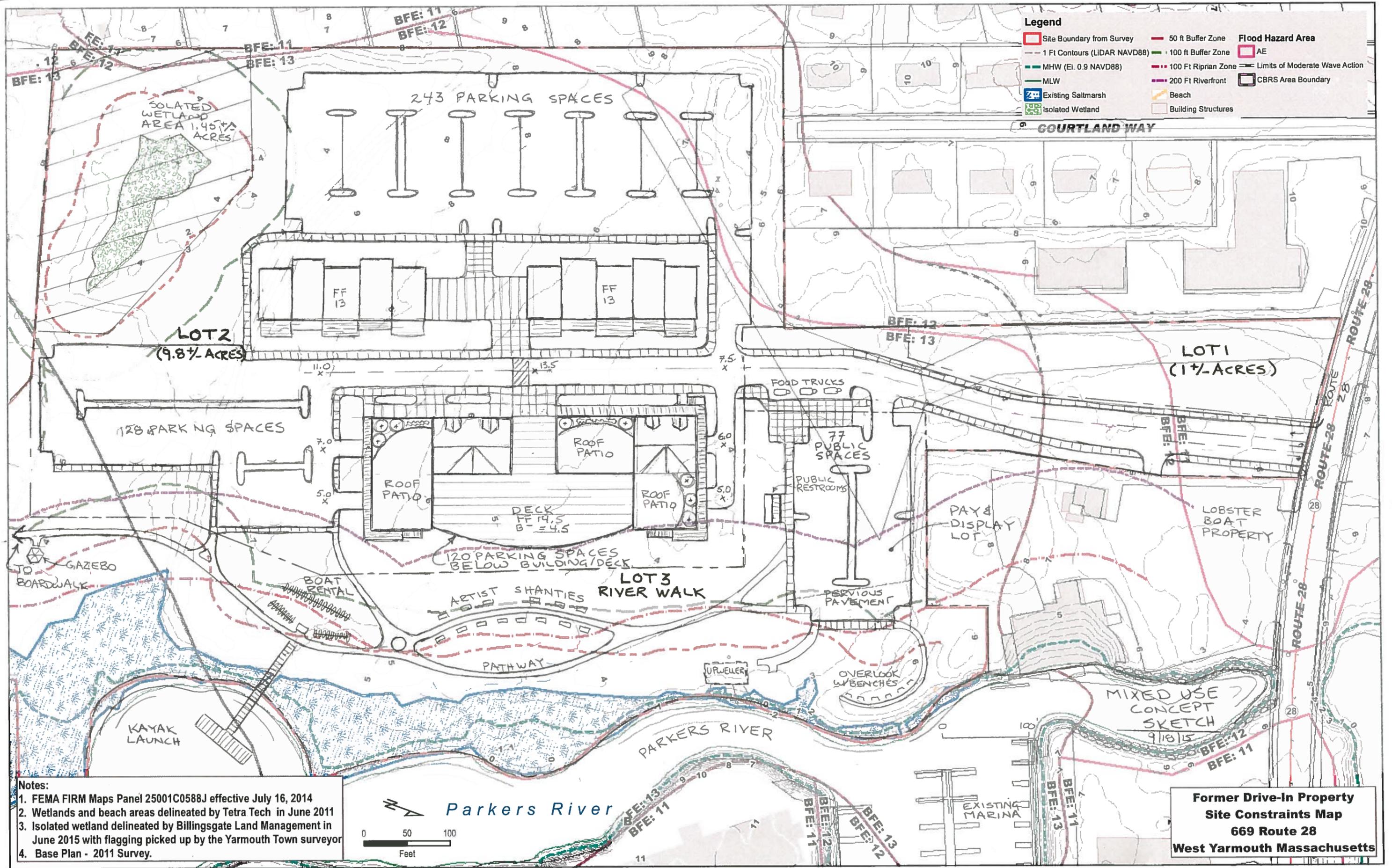
CONCEPTUAL
SEAGULL BEACH BOARDWALK
WEST YARMOUTH, MA.



BUILDING	AREA (SF)	USE	PARKING
Building 1:			
First Floor	12,500	Retail/Commercial	18
Second Floor	12,500	Office	25
Third Floor	12,500	10 units Residential	20
Fourth Floor	12,500	10 Residential	20
Building 2:			
First Floor	12,500	Retail/Commercial	18
Second Floor	12,500	Office	25
Third Floor	12,500	10 units Residential	20
Fourth Floor	12,500	10 Residential	20
Building 3:			
First Floor	12,500	Commercial	18
Second Floor	12,500	10 units Residential	20
Third Floor	12,500	8 units Residential	16
Fourth Floor Building	5,500	Restaurant/Bar/ Entertainment	208
Roof Patio	7,000		
Building 4:			
First Floor	12,500	Commercial	18
Second Floor	12,500	10 units Residential	20
Third Floor	12,500	9 units Residential	18
Fourth Floor Building	4,000	2 Penthouse Apartments	6
Roof Patio	8,500		
TOTALS:	200,000 sf		490

- Available parking for Mixed Use Concept Sketch dated 9/18/15 is 491 private spaces and 77 public spaces.
- Proposed parking rates based on VCOD minimum parking with 2 spaces/residential unit.
 - Retail: Minimum of 1 space per 700 sf and maximum of 1 space per 350 sf.
 - Office: Minimum of 1 space per 500 sf and maximum of 1 space per 250 sf.
 - Restaurant (H10): 1 space/3 occupants. Building Code occupancy rate of 1 person per 15 sf net (unconcentrated tables and chairs). Reduced gross by 25%.

MIXED USE
CONCEPT
SKETCH
9/18/15



Legend

[Red outline]	Site Boundary from Survey	[Red dashed line]	50 ft Buffer Zone	[Pink box]	Flood Hazard Area
[Dashed line]	1 Ft Contours (LiDAR NAVD88)	[Green dashed line]	100 ft Buffer Zone	[Pink box]	AE
[Blue line]	MHW (El. 0.9 NAVD88)	[Red dashed line]	100 Ft Riparian Zone	[Black line]	Limits of Moderate Wave Action
[Green line]	MLW	[Purple dashed line]	200 Ft Riverfront	[Black box]	CBRS Area Boundary
[Blue hatched box]	Existing Saltmarsh	[Yellow line]	Beach	[Grey box]	Building Structures
[Green hatched box]	Isolated Wetland				

- Notes:**
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**Former Drive-In Property
Site Constraints Map
669 Route 28
West Yarmouth Massachusetts**

Williams, Kathleen

From: Williams, Kathleen
Sent: Thursday, September 17, 2015 4:16 PM
To: Greene, Karen
Subject: FW: Marina Permitting

Hi Karen,

I spoke with Karl vonHone, Director of Natural Resources, about the permitting associated with a Marina. It appears from Karl's e-mail below that there are many other significant permitting issues that would need to be addressed to make a Marina possible on the former drive-in site. I had been under the impression that the legislation removed the major hurdle to a public Marina, but it appears that that was just one of many difficult hurdles which would need to be overcome.

Thanks,
Kathy

Kathy Williams, PE
Yarmouth Town Planner
1146 Route 28
South Yarmouth, MA 02664-4492
(508) 398-2231 Ext 1276
kwilliams@yarmouth.ma.us

From: vonHone, Karl
Sent: Thursday, September 17, 2015 4:02 PM
To: Williams, Kathleen
Subject: Marina Permitting

Kathy,

The following are the filings and permits that would need to be obtained if we were to move a marina project forward. If the cost/revenue component worked then we still had a 50-60% chance of obtaining all permits needed, as saltmarsh, dredging, fueling, pollution, flushing etc.... are still difficult hurdles to overcome. Saltmarsh at the state level was an immediate "NO" so the special legislation was sought to remove a known fatal issue.

The legislation provides relief from the DEP Wetland Protection Act for removal of saltmarsh as there is an "overriding public interest and shall be exempt from any Department of Environmental Protection review under the Wetlands Protection Act and a Water Quality Certification under the Massachusetts Clean Waters Act (401 Water Quality Certification Program); provided, however, that the town shall mitigate any disturbance of wetland vegetation by aggressive attempts at restoration or rehabilitation of an area or areas of distressed wetland vegetation of a total area of not less than twice the area of wetland vegetation disturbed." This legislation only covers the saltmarsh component not any of the other criteria that the evaluation will be based on.

Cape Cod Commission would have additional input on the project. They will be and had been very critical of the project. The permitting hurdles have always been significant as saltmarsh is sacred to all environmental permitting agencies. The federal review will also be very difficult to overcome.

Unfortunately, over the years we have lost key permitting officials to retirement who I was able to garner support from for the project. I do not know how their replacements will view this project.

Permit Filings

- "Draft" Environmental Impact Report/Development of Regional Impact
- "Final" Environmental Impact Report/Development of Regional Impact
- Chapter 91 License - MassDEP
- Water Quality Certificate - MassDEP variance to **salt marsh removal only**** all other standards would need to be met
- 404 Dredge/Fill Permit - Army Corp
- Local Wetlands Filing
- Wetlands Protection Act Variance - MassDEP :variance to **salt marsh removal only**** all other standards would need to be met
- Consistency Review - CZM
- Site Plan/Special Permit Approval - Town of Yarmouth
- Highway Access Permit - MassDOT
- Title V Wastewater Disposal Permit - Yarmouth Board of Health
- NPDES - Construction General Permit
- NPDES - Multi Sector General Permit
- Fuel Storage and Dispensing Permits
- Building Permit

Karl W. von Hone, Director

**Division of Natural Resources
424 Route 28
West Yarmouth, MA 02673**

**(508) 760-4800 phone ext. 1615
(508) 760-4805 fax**

kvonhone@yarmouth.ma.us

<http://www.yarmouth.ma.us/index.asp?nid=142>

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Tony Raine
Raineman LLC
P.O. Box 166
West Chatham.MA 02669

MARCH 25, 2015

- referred to Karon
(and new cont.)
- info BOS

Board of Selectmen
c/o Town Administrator's Office
1146 Route 28
South Yarmouth, MA 02664

Dear Members of the Board of Selectmen:

My name is Tony Raine and I am a long time Cape Cod resident and until September 2013 was General Manager of the Cape Cod Melody Tent.

I have also been independently promoting and producing concerts and events in New England since 1987.

When I left my position in 2013 I began researching the viability of producing a Cape Cod music festival and building an annual event which could contribute significantly to revenue on Cape Cod.

I made an initial approach to The Town of Yarmouth in November of 2013 to look into the possible use of the former Yarmouth Drive-In theatre on Rte 28 in Yarmouth as a site.

I have long standing relationships with several Yarmouth businesses and in presenting the idea to several of them determined this to be a practical venue. I did present the idea and a concept to several town department personnel, the town manager and to a grants committee in late 2013 and had a favorable response.

At this time I understand a review committee is to be formed to help determine the town's best usage of the land which had been slated for development as a marina. I also understand that considerable clean-up work needs to take place before it could be used by the public.

I became excited about the prospect of the Drive-In site for the following reasons:

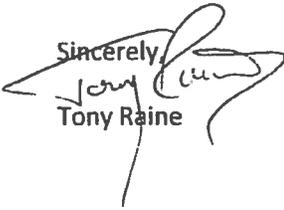
- 1) The site had been used for entertainment in the past (Drive-In movies)
- 2) The amount of space and surrounding area allows for maximum control of audio.
- 3) The town can manage a large influx of people and accommodate them in terms of rooms and hospitality.
- 4) That area of Rte 28 is already established for amusement etc: Zoo-quarium, restaurants, Pirates Cove and other commerce.
- 5) The site could be used for a large festival or as a site for smaller events, food fairs etc.

At this time I would like to propose a situation where my company would clean up the site and make it useable and maintain and use the site for events for an agreed to period dependent on the town's determination of usage.

We would propose one event during this summer season if viable and have August 22/23 on our calendars. This event would establish the site as a venue for an ongoing event and series of events for coming years.

I look forward to your response and to making necessary applications and meeting with you to discuss further.

Sincerely,


Tony Raine