

Town of Yarmouth

Per M.G.L.: All town and school boards, committees, commissions, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting.

Notice of Meetings

Name of committee, board, etc:	Planning Board
Date of Meeting:	January 5, 2022
Time:	5:30 p.m.
Place:	Town Hall Hearing Room 1146 Route 28, South Yarmouth, MA 02664 OR Zoom Link: https://us02web.zoom.us/j/89836415124 Phone: +1 301 715 8592 and enter webinar ID: 898 3641 5124

This is to formally advise that, as required by G.L. Chapter 30A, §§ 18-25, and pursuant to Chapter 20 of the Acts of 2021, *An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency*, signed into law on June 16, 2021, the Yarmouth Planning Board will hold a public meeting at the date and time noted above. The public is welcome to attend either in-person or via the alternative public access provided above.

Agenda (Topics to be discussed):

1. **Discussion on Potential Zoning Amendments:**
 - a. Temporary Seasonal Employee Housing
 - b. Short-Term Rentals
 - c. Consideration of other zoning amendments for the 2022 Annual Town Meeting.
2. **Planning Board 2021 Annual Report**
3. **Cape Cod Commission (CCC) Development of Regional Impact (DRI):** Discussion and update on status of the DRI application for Blue Sky Towers III, LLC, for a 110' monopole wireless communication tower and ground equipment to be located at 1044 Route 28, South Yarmouth, Assessor Map 50, Parcel 189.1.
4. Meeting Minutes
5. Board of Appeals Agenda & Decisions
6. Committee Updates from Board Members
7. Board Member Items
8. Correspondence
9. Staff Updates
10. Upcoming Meetings:
 - a. January 19, 2022
 - b. BOS Vision Plan Presentation: TBD
 - c. February 2, 2022
11. Adjournment

Attachments: All exhibits are available for public review in the Planning Department, Yarmouth Town Offices, 1146 Route 28, South Yarmouth, MA, during normal business hours.

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

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

YARMOUTH TOWN CLERK

21DEC30PM12:03 REC



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December 22, 2021

Chairman Crowley:

Yarmouth has a positive reputation for addressing affordable housing, however, housing for seasonal employees does not have a clear solution. From retail shops to large resort locations, seasonal workers drive our economic success. In years passed college students gathered to rent housing and fulfilled the needs of our seasonal employment. The workforce has changed from those days. It is estimated, prior to Covid, that there were nearly 400 J1 and H2B seasonal visa employees. This does not include other seasonal workers that relocate here for employment. The seasonal competition for housing is an issue. At the same time seasonal employees are seeking housing in a decreasing local market. However, there is a solution, and with better clarity in the regulatory process we believe that local businesses can address this need.

It is anticipated that our businesses will be short housing for an excess of 150 individuals during the 2022 season. Without an adequate workforce, many businesses will be required to reduce services and in turn revenues. Local businesses provide diversity in the local tax base which reduces the burden on residents. Already we have seen many businesses close earlier, reduce hours, or convert their business to drive up only, all to cope with a lack of labor.

As a business community, we would like to address this issue with decent housing for the seasonal workforce. Not every business can address this issue, even small businesses with a few employees lack the capability to deliver housing for its employees. Therefore, creating opportunities that are more central to the housing resources can provide a more appropriately regulated approach.

This proposed zoning amendment will provide clarity to the definition of a seasonal employee, limiting the employees to persons employed principally within the Town of Yarmouth's borders. The amendment provides a clear understanding that designated properties will have the ability and permission to house the employee of another business. Without this change, the opportunities for housing are extremely limited leaving almost no alternative options for the employers and employees. Much of the other by-law features such as the limitation on the season will remain within the months of April to October.

The ability to provide adequate, safe, coordinated, comprehensive, and reliable housing for the seasonal workforce is something we as a business community can deliver. We hope that the Planning Board supports this effort so we can provide our seasonal workforce with the respect they deserve.

Jamie Veera

Chair, Yarmouth Community Partnership

POTENTIAL EDITS RELATED TO SEASONAL EMPLOYEES AT MOTELS/HOTELS

404.5 Seasonal Employee Housing at Motels/Hotels

404.5.1 Purpose: The purpose of this bylaw is to provide standards to ensure safe and adequate housing for temporary seasonal employees at motels/hotels.

404.5.2 Applicability: The Building Commissioner may approve, through annual application and permit, Seasonal Employee Housing units at currently licensed motels/hotels in accordance with the provisions outlined herein. If an Applicant cannot meet all the provisions outlined herein as determined by the Building Commissioner, a Special Permit from the Zoning Board of Appeals is required.

404.5.3 Operational Standards for Seasonal Employee Housing at Motel/Hotels: Accommodations for Seasonal Employee Housing at Motels/Hotels shall have the following features:

1. Seasonal employee housing shall be for no more than seven months between April 1st and October 31st annually.
2. Seasonal employees shall be housed in motel/hotel rooms only. Seasonal employees may not be housed in camp sites, tents, RVs, mobile homes or campers located on the motel/hotel property.
3. Seasonal employee housing shall meet all the Board of Health and State of Massachusetts regulations regarding building and fire codes, health codes, water supply and wastewater disposal.
4. Maximum occupancy rate of each unit to be determined per the Health Codes.
5. Seasonal Employee housing shall be used solely by employees and shall not include family members of employees, or other non-employees.
6. The employer property owner or manager shall designate an on-site proctor for each property utilized as employee housing. The on-site proctor shall ensure that all seasonal employees are apprised of the rules and code of behavior prior to occupancy. The name and contact information for the on-site proctor shall be submitted to the Yarmouth Police Department and Building Commissioner.
7. All employees shall have access to cooking facilities, which shall include at a minimum a microwave, sink, cooktop and refrigerator /freezer.
8. No more than 15% of any hotel or motel rooms at a single parcel may be used for employee housing (fractions shall be rounded to the nearest whole number). Each room used for employee housing shall be identified on a locus map of the site and submitted to the Building Commissioner, Board of Health and Yarmouth Police Department.
9. All employees must be able to demonstrate that they maintain a principal place of residence elsewhere.
10. The property owner or manager shall keep records of all employees utilizing employee housing, including name, permanent address, ~~and~~ length of stay, and place(s) of employment with contact information. All documentation to be provided upon request.
11. The permit issued by the Building Commissioner shall be valid for one year only.

DEFINITIONS:

SEASONAL EMPLOYEE HOUSING at Motels/Hotels – A currently licensed motel or hotel property ~~owned by an employer, a portion of~~ which is utilized to provide temporary seasonal housing for ~~his or her~~ employees or staff, who are principally employed in Yarmouth (employed within the borders of Yarmouth for more than 24 hours per week). All Seasonal Employee Housing at Motels/Hotels shall be conducted in accordance with the requirements and provisions of Section 404.5 – Seasonal Employee Housing at Motels/Hotels. ~~or employees or staff of tenants of the property owner. The employer shall designate an on-site proctor for each property so utilized. Seasonal employee housing shall be for no more than seven months between April 1st and October 31st annually.~~

PLANNING BOARD

The Planning Board was very active in 2021 with their work on the Yarmouth Community Visioning project, culminating with a presentation of the Vision Plan to the Board of Selectmen in early 2022.



Through a strong public participation process, a Vision was created for Yarmouth as a great place to Live, Work, Play & Learn. General Goals were developed to identify what we want to preserve, promote or provide to reach our shared Vision related to the Environment, Community Character & Design, Housing, Town Services, Senior & Age-Friendly Services, Climate Resiliency & Sustainability, the Economy, Connectivity & Mobility, Recreation & Entertainment, Education & Learning, and Libraries. The Final Vision Plan can be viewed at: <https://www.yarmouth.ma.us/1838/Community-Visioning>

The Vision Plan provides a solid foundation for updating our Local Comprehensive Plan (LCP), which serves as our community's long-term master plan. As with the Visioning process, the Planning Board will be looking to the public and other Boards and Committees throughout its development to help set the right goals, initiatives and projects to meet the needs and desires of our community. The Planning Board will begin the 18-24 month process of updating the LCP in 2022.

To maintain our existing redevelopment opportunities while we work towards an updated LCP, the Planning Board worked with the Board of Selectmen and the Cape Cod Commission (CCC) to secure an extension of the Growth Incentive Zone (GIZ) through October 2031. Yarmouth's GIZ offers relief from the Cape Cod Commission (CCC) Development of Regional Impact (DRI) review thresholds for 35 motel properties along Route 28. The GIZ eases permitting requirements, making it easier to redevelop these properties.

The Planning Board also spent considerable time reviewing a CCC DRI application submitted by Blue Sky Tower III to erect a 110' communications tower at 1044 Route 28 next to Our Lady of the Highway Roman Catholic church at the intersection of Forest Road. The Board has participated fully in providing written comments as well as appearing at three (3) public hearings voicing our serious concerns with the location, height, and overall appearance of the tower.

In addition to these long term planning efforts, another chief responsibility of the Planning Board is the development of Zoning Bylaw amendments. The Planning Board developed seven (7) Zoning Bylaw amendments which were approved at the fall 2021 Special Town Meeting (STM). These included amendments for development within Flood Zones necessary to maintain the Town's eligibility in the National Flood Insurance Program (NFIP); correcting inconsistencies between the zoning boundaries shown on the Zoning Map and the written word in the Zoning Bylaw; expanding business opportunities by allowing Brewpubs in business districts, Body Art Establishments along Route 28, and Mobile Food Vendors on town-owned land; changes to the sign bylaw to clarify the height of business center signs and simplify the language for issuing Special Permit relief; and rezoning one parcel from residential to business to facilitate redevelopment.

The Planning Board is also responsible for the formal review of Preliminary and Definitive Subdivisions Plans, Lot Releases, Approval Not Required (ANR) Plans, Scenic Roads, Street Names, and Special Permits for certain projects developing under Section 404 – Motel Bylaw, the Revitalization Overlay Architectural District (ROAD) Bylaw, and cluster subdivisions. The Planning Board also conducts Site Plan Review for all Village Center Overlay District (VCOD) projects. Below is a comparison of the number of Planning Board actions taken in 2021 and in the previous three years:

Planning Board Actions	2018	2019	2020	2021
Business Meetings	18	21	17	22
Workshop Meetings	0	0	4	1
Public Hearings	2	5	2	1
Approval Not Required Plans	3	3	4	2
Preliminary Subdivisions	0	1	1	0
Definitive Subdivisions/Modifications	1	0	0	0
Lot Releases	1	0	0	3
Special Permits	0	1	1	0
R.O.A.D. Projects	0	0	0	0
VCOD SPR	0	2	3	0
Design Review Hearings	0	0	0	0
Scenic Road Hearings	0	1	1	0
Articles Presented at Town Meetings	4	6	0	7

Planning Board members also serve on other Town committees, with assignments being made each September. Outlined below are the members who served on each committee in 2021:

Committee Assignment	Planning Board Member
Affordable Housing Trust (AHT)	Brad Goodwin
Capital Budget Committee (CBC)	Will Rubenstein
Community & Economic Development Committee (CEDC)	Joanne Crowley
Community Housing Committee (CHC)	Brad Goodwin
Community Preservation Committee (CPC)	Liz Hartsgrrove
Design Review Committee (DRC)	Chris Vincent
Drive-In Site Utilization Committee (DISUC)	Susan Brita
Land Disposition Committee	Tom Baron
Water Resources Advisory Committee (WRAC)	Tom Baron

This year saw the resignation of Tom Baron who has served on the Planning Board since 2016. Mr. Baron also skillfully represented the Planning Board on the Water Resources Advisory Committee and the Land Disposition Committee. We want to thank him for his diligence, insightful comments and valuable service to our community. We wish him well in all future endeavors.

The Planning Board would also like to extend a special thanks to our own Kathleen Williams, P.E., Town Planner. During the visioning process, she has consistently produced timely, comprehensive and insightful documents and commentary guiding our deliberations.

Lastly, the Planning Board would like to thank all those who participated in the Community Visioning project, and to encourage everyone to stay involved and participate in the update to the Local Comprehensive Plan.

Respectfully submitted,

Joanne Crowley, Chair
Liz Hartsgrove, Vice Chair
Will Rubenstein, Clerk
Brad Goodwin
Chris Vincent
Susan Brita

Staff: Kathy Williams, Town Planner

DRAFT