

**Town of Yarmouth**  
**MINUTES OF THE PLANNING BOARD MEETING OF**  
**September 1, 2021**

The Yarmouth Planning Board held an in-person Business Meeting at **5:30** p.m. on Wednesday **September 1, 2021** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

**Planning Board Present:** Chris Vincent, Susan Brita, Joanne Crowley, Liz Hartsgrove, Tom Baron, and Will Rubenstein

**Planning Board Absent:** Brad Goodwin

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

1. **Approval Not Required (ANR) Plan #2937:** HVB & DIB Revocable Living Trust, Dennis D. Burgess Trustee, 54 West Great Western Road, South Yarmouth, MA, Assessor's Map 109, Parcel 12. The ANR Plan divides the existing lot into three lots.

Robin Wilcox of Sweetser Engineering, representing the owner, outlined the proposal to subdivide the lot into 3 parcels. As one of the lots is accessed on a curve in West Great Western Road, Town Staff requested sight distances for Lot 3. Mr. Wilcox indicated the sight distances to the left (east) was 116.5 and to the right (west) 200'. At the meeting, he noted that the actual sight distance would be larger once the area is cleared for the driveway. Kathy Williams, Town Planner, noted that the sight distances should be higher for a 30 mph roadway, 335' and 290', respectively. She also noted that she inquired of Town Counsel whether the ANR could be denied due to inadequate access related to sight distance. She relayed to the Board that Town Counsel was unaware of any case law denying an ANR for this reason, noting that although not ideal, unless the access is impossible or there is a documented severe safety issue with this location, it may be hard to defend a denial.

The Board discussed the ANR Plan and had questions related to the safety of the access and the ability to flip the access for Lot 3 to the east side of Lot 2. Robin Wilcox indicated this was not done per the preference of the owner and to keep the lots generally the same size.

After discussion, with reservations regarding safety of the access for Lot 3, but taking into consideration the limitations of an ANR denial and input from Town Counsel, the Board voted as follows:

**VOTE: On a motion by Chris Vincent, and seconded by Will Rubenstein, the Planning Board voted (6-0) to endorse ANR Plan 2937, dated August 11, 2021, with Joanne Crowley, Will Rubenstein, Susan Brita, Liz Hartsgrove, Chris Vincent, and Tom Baron voting in favor.**

The signed linen was given to Mr. Wilcox at the meeting for recording.

2. **Officer Elections and Committee Assignments:** Discussion on Board member interest in officer positions and committee assignments.

The Planning Board members had a general discussion on their current committee assignments (see attached) and their interest in remaining on the same committees or switching. The majority of members wished to remain on their current committees. Will Rubenstein, Capital Budget, did inquire about the frequency of meetings and the ability for a zoom hybrid meeting option to allow for easier participation. Kathy Williams indicated she would follow up with the Town Administrator. Liz Hartsgrove, although interested in remaining on the Community Preservation

Committee, indicated she would consider Capital Budget if Will Rubenstein did not wish to continue.

The Planning Board members had a general discussion on who would like to serve as Chair, Vice Chair and Clerk. The three current officers, Joanne Crowley Chair, Liz Hartsgrove Vice Chair and Tom Baron Clerk, indicated they would like to remain in their positions for another year. No one else indicated they were interested in an officer position. Formal voting for officers and committee assignments will occur at the September 15<sup>th</sup> meeting.

3. **Planning Board Update to Board of Selectmen:** Review and discussion on update to the Selectmen on past year's activities, goals for the upcoming year, and any needed assistance or feedback.

The Board reviewed the attached August 27<sup>th</sup> Draft Memo in preparation for the September 21<sup>st</sup> update to the Board of Selectmen. Liz Hartsgrove requested stronger language regarding the need for a Free Cash Grant for the Local Comprehensive Plan, rather than relying partially on grants, as this has been a long term goal of both the Planning Board and Board of Selectmen. Staff will edit the memo for final review at the September 15<sup>th</sup> meeting.

4. **Zoning Articles for Fall Special Town Meeting:** Discussion on minor comments received from Town Counsel on Zoning Articles.

Town Counsel suggested minor changes for two Zoning Articles. Edits for Zoning Article 1 – NFIP are as outlined in the attached draft, emphasizing that the new language is in bold italics, and permits for work in the flood zones are required by Building and Conservation under a separate process. The suggested edits for Zoning Article 3 – Brewpubs included adding a definition. Working with Mark Grylls, Building Commissioner, the Article was amended as attached to reference only brewpubs (not micro brew pubs and ale houses) and add a definition. The Board discussed these amendments and were in agreement except for the definition of brewpubs. Liz Hartsgrove requested a change to eliminate the requirement for food service in the zoning bylaw, understanding it may end up as a requirement of licensing by the Board of Selectmen. She referenced MGL CH 138 as a source of supplemental information. Staff will review and provide a revised Definition for the next meeting.

5. **Community Visioning:** Review and discussion of the results of the 2<sup>nd</sup> Visioning Survey.

Kathy Williams, Town Planner, gave the attached PowerPoint Presentation on the 2<sup>nd</sup> Visioning Survey, providing an overview of the attached August 27<sup>th</sup> Summary Memo. The Board had a detailed discussion on how to proceed next with Joanne Crowley emphasizing the need to digest the information and review the detailed written responses in order to determine what changes are needed to the Draft Vision Statement and Goals. Although there was discussion on obtaining further input from committees and boards, it was ultimately decided that each board member would take 1-2 goals and do a deep dive into the data to develop potential amendments to the vision/goals as follows:

<b>Planning Board Member</b>	<b>Goal #</b>
Joanne Crowley	4. Town Services
Liz Hartsgrove	5. Age-Friendly 8. Connectivity & Mobility
Tom Baron	1. Environment 9. Recreation
Brad Goodwin	3. Housing
Chris Vincent	2. Community Character
Susan Brita	6. Climate Resiliency & Sustainability 7. Economy
Will Rubenstein	10. Education & Learning 11. Libraries

Kathy Williams noted that the written comments were detailed with some including specific projects, but the survey results generally indicated we were on the right track. In reviewing the results of the survey and written comments, she suggested the Board look to identify things to be eliminated, consolidated, added, or tweaked in the draft vision/goals. Kathy Williams will coordinate with Joanne Crowley are further instructions to the board members along with including the Word version so each person can redline edit their copies for discussion at the October 6<sup>th</sup> Planning Board meeting.

Will Rubenstein also requested a compilation of the town demographics in comparison to the demographics of those taking the visioning survey.

6. **Meeting Minutes:**

- a. **August 18, 2021:** On a motion by Liz Hartsgrove, and seconded by Will Rubenstein, the Planning Board voted (5-0-1) to approve the meeting minutes of August 18, 2021, with Joanne Crowley, Will Rubenstein, Susan Brita, Liz Hartsgrove, and Tom Baron voting in favor, and Chris Vincent abstaining.

7. **Board of Appeals Agenda & Decisions:** The attached ZBA Agendas and Decision were sent to the Planning Board via e-mail.

8. **Committee Updates from Board Members:** None

9. **Board Member Items:** Tom Baron noted a visioning comment referencing his presentation at the annual town meeting regarding solar. Will Rubenstein inquired about the advertising for the zoning Public Hearing. Kathy Williams indicated that the hearing was noticed in the paper twice, and sent to abutting towns/Cape Cod Commission and Dept of Housing & Community Development. Additional publicity will go out prior to the meeting including direct notices to those abutting the parcels to be rezoned. Will Rubenstein commented on the discussions happening with the Sandwich Boardwalk with Tom Baron noting the upcoming meeting with the Conservation Commission for the Riverwalk Park Boardwalk site investigations.

10. **Correspondence:** Attachments noted below were sent to the Planning Board via e-mail.

11. **Staff Updates:** None.

12. **Upcoming Meetings:**

- a. **September 15, 2021:** Zoning Amendment Public Hearing and Recommendations  
b. **September 21, 2021:** Board of Selectmen (BOS) – Zoning Amendments and Planning Board Annual Update  
c. **September 22, 2021:** Tentative if needed, dependent upon results of the BOS meeting

13. **Adjournment: VOTE:** On a motion by Liz Hartsgrove, seconded by Will Rubenstein, the Planning Board voted unanimously (6-0) to adjourn at 8:10 PM.

**ATTACHMENTS:**

- **September 1, 2021 Agenda**
- **ANR 2937:** August 27, 2021 Planner Memo with Form A and ANR Plan, and August 30, 2021 e-mail from Sweetser Engineering
- **Committee Assignment Table**
- **Planning Board Update:** August 27, 2021 draft Memo from Joanne Crowley to the Board of Selectmen

- **Potential Zoning Amendments:** Zoning Article 1 – NFIP, draft #2 dated August 27, 2021 and Zoning Article 3 – Brewpubs, draft 2 dated August 24, 2021
- **2<sup>nd</sup> Visioning Survey Results:** August 27, 2021 Summary Memo from Town Planner and PowerPoint presentation dated September 1, 2021
- **Draft Meeting Minutes:** August 18, 2021
- **Miscellaneous Correspondence:**
  - Conservation Commission Agenda September 2, 2021 as amended
  - ZBA Agendas for August 26, 2021 and September 9, 2021
  - ZBA Decision 4910
  - August 29, 2021 e-mail from J. Rajcula to the Board of Selectmen regarding body art establishments

***Approved on September 15, 2021:***

**On a motion by Liz Hartsgrove, and seconded by Will Rubenstein, the Planning Board voted (6-0-1) to approve the meeting minutes of September 1, 2021, with Chris Vincent, Susan Brita, Joanne Crowley, Liz Hartsgrove, Tom Baron and Will Rubenstein voting in favor, and Brad Goodwin abstaining.**