

Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
August 4, 2021

The Yarmouth Planning Board held an in-person Business Meeting at **5:30** p.m. on Wednesday **August 4, 2021** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Chris Vincent, Joanne Crowley, Tom Baron, Susan Brita, and Brad Goodwin and Liz Hartsgrove

Planning Board Absent: Will Rubenstein

Staff Present: Kathy Williams, Town Planner; and Mark Grylls, Building Commissioner

Guests: Mary Vilbon - Yarmouth Chamber of Commerce, and Tom Nickinello

1. **Potential Zoning Amendments:** Continued discussion on potential zoning amendments for the fall Special Town Meeting (date to be determined), with the Board providing input to staff on how to move forward. Kathy Williams gave an overview of the potential zoning amendments for discussion as outlined in the attached July 30, 2021 Planner Memo.
 - a. **National Flood Insurance Program (NFIP) (Draft #1 – NFIP):** The Board reviewed the attached Draft addressing mandatory edits to the Zoning Bylaw in order to maintain eligibility in the NFIP. A copy of these edits have been sent to Shannon Hulst, Floodplain Specialists & CRS Coordination with the Cape Cod Cooperative Extension, for her input related to NFIP compliance, along with additional questions related to unnumbered A Zones, submission of new technical data, permitting checklist for state and federal permits and allowing for variances. After discussion, the Board requested Staff to coordinate with Shannon Hulst and move forward with drafting an Article.
 - b. **Zoning Map and Bylaw Conflict (Draft #2 – Section 201.2 – Classes of Districts).** The attached Draft addresses the conflicts between the language in the existing zoning boundaries shown on the Zoning Map, and the written word within the Zoning Bylaw, for the rear boundaries of the B1/B2 zoning districts. This Draft 2 clarifies the boundary along the railroad to reflect the southern boundary line of the railroad property and not the centerline, and has been reviewed by Town Counsel. The Planning Board had no modifications to the attached draft.
 - c. **Rezoning of Lots:** Three potential parcels were discussed for possible rezoning, 121 & 125 Route 6a, and 17 Berry Avenue. The Stacy family of 17 Berry Avenue has expressed interest in the rezoning of their parcel from R25 to B2, and the Nybergs of 125 Route 6a have expressed support to rezone their parcels from a mix of B1/R40 to all B1. No feedback has been received from the Cooperative Bank at 121 Route 6a. After a brief discussion, the Board is moving forward with this Article, with Staff following up with the Bank and notifying abutters of the Public Hearing.
 - d. **Employee Housing:** The Board discussed ways to create more year round housing units through the creation of smaller units, along Route 28, top of shop, cottages, etc., to supplement the commercial uses. Input via the attached e-mail from Town Counsel indicated the need for a more complex amendment to ensure these units remain year round. After discussion, the Board decided to hold off on employee housing amendments until after the update of the Housing Production Plan.

- e. **Food Trucks (Draft 1 – Food Trucks)**: The Planning Board reviewed the attached Draft allowing for Mobile Food Vendors on town-owned property if approved by the Board of Selectmen through the Use of Town-Owned Property application process. There are also some simple standards that have been outlined for discussion with the Board, along with a definition for Mobile Food Vendor, and amendments to the Sign bylaw to allow for a sandwich board style sign when the Vendor is open for business. The Board also reviewed the attached letter from the Chamber of Commerce Board of Directors in support of the amendment.

The Planning Board had a robust discussion on this topic including the application process, hours of operation, frequency, temporary vs seasonal, potential for a Request for Proposal (RFP) process/fees, identifying specific town owned parcels where food trucks would be allowed, providing definitive standards not up to interpretation, and potential for larger sign options.

Ultimately the Board felt the proposed amendments with minor clarifications would allow for such a use on town owned property from a zoning perspective with further requirements being outlined in a future Board of Selectmen Policy.

- f. **Section 303-Signs (Draft #1 – Signs)**: There have been further discussions with the Chair and Vice-Chair of the Zoning Board of Appeals (ZBA) regarding the attached Draft of the Sign bylaw. The intent of the change was to clarify when relief through Special Permit could be provided as outlined in Section 303.13, by eliminating the special permit criteria specifying "*that the result will be visually and aesthetically beneficial to the neighborhood*". As outlined in the attached e-mail train with both the Chair and Vice Chair, there does not appear to be consensus as to how to address this issue. After a general discussion, the Board decided to move forward with the preparation of an Article as the edits could help future decisions, and staff will coordinate with the Chair/Vice Chair.
- g. **Micro-Brews (Draft 1 – Micro-Brews)**: The attached Draft modifies the E1 manufacturing use through a note to allow for micro brew pubs or ale houses in the B1/B2 districts by-right if the product is manufactured and sold for consumption on-site and not for off-site distribution.

The Board discussed the opportunity to allow for some type of additional sale of the product for off-site use, although off-site distribution could be considered manufacturing which is not allowed in the B2 zoning district at this time. After discussion the Board modified the note to include consumption and retail sale on-site.

- h. **Body Art Establishments (Draft #2 – Body Art)**: The attached Draft 2 includes amendments that correct Body Art as a J3 Use (other personal care services), allows body art establishments by-right in the B2, HMOD1 and the four VCOD villages, and includes definitions that match the Board of Health regulations on body art/tattoos. Such establishments would not be allowed in the AED or the B1 districts. Staff noted that no written response was received from the Health Director regarding body piercing, but some general discussions indicate body piercing is something that can be more invasive. Staff also noted the attached correspondence, one in support of body art studios (K. Fitzsimmons), and two requesting to complete the vision process prior to moving forward with consideration for this change (K. DiTrapano & S. Brita).

The Board had a general discussion on the second draft. Susan Brita indicated she felt this change was premature until a plan has been developed for Route 28. Other Planning Board members were in support of allowing body art establishments on Route 28, viewing

them as another personal care service that can fill commercial vacancies and offer employment. The consensus of the Board was to move forward with the draft as written.

2. **Cape Cod Commission (CCC) Development of Regional Impact (DRI) Review:** Continued discussion on possible comment letter to the CCC on supplemental information provided on the DRI Application by Blue Sky Towers III, LLC, for a 120' monopole wireless communication tower and ground equipment to be located at 1044 Route 28, South Yarmouth, Assessor Map 50, Parcel 189.1.

Kathy Williams gave an overview of the attached August 4, 2021 e-mail outlining the status of the DRI project. The applicant submitted some additional information based on input received from the first Public Hearing, but it has not been reviewed by the Commission's peer reviewer, Isotope Wireless, due to timing and vacations. Due to the technical nature of much of the submittal materials, this peer review is critical. As the statutory timeline for closing the hearing was expiring, the CCC requested that Blue Sky withdraw their DRI application and restart the process through a new Site Plan Review (SPR) submission to the Town for a mandatory referral. Blue Sky has indicated they will be submitting the new SPR application to the Town soon. Once submitted and referred to the Commission, a new Public Hearing notice will be required. The August 11th Public Hearing will be canceled. Once the DRI project has been resubmitted and the peer review has been completed, the Planning Board will have further discussions on providing a comment letter.

3. **Community Visioning Presentation:** Kathy Williams stated that to date there have been 907 responses to the 2nd Visioning Survey. Staff will leave the survey open until August 9th and then run the results for discussion at the next meeting.
4. **Meeting Minutes:**
 - a. **July 7, 2021:** On a motion by Tom Baron, and seconded by Liz Hartsgrove, the Planning Board voted (4-0-2) to approve the meeting minutes of July 7, 2021, with Joanne Crowley, Brad Goodwin, Liz Hartsgrove, and Tom Baron voting in favor, and Chris Vincent and Susan Brita abstaining.
 - b. **July 21, 2021:** On a motion by Chris Vincent, and seconded by Liz Hartsgrove, the Planning Board voted (4-0-2) to approve the meeting minutes of July 21, 2021, with Joanne Crowley, Chris Vincent, Susan Brita, and Tom Baron voting in favor, and Liz Hartsgrove and Brad Goodwin abstaining.
5. **Board of Appeals Agenda & Decisions:** The attached ZBA Agenda and Decision were sent to the Planning Board via e-mail.
6. **Committee Updates from Board Members:**
 - a. **Water Resources Advisory Committee (WRAC):** Tom Baron noted the July 26th WRAC meeting where the committee was in support of a Yarmouth treatment option. The consultant CDM is working on design plans to be included in the upcoming MassDOT project.
 - b. **Community & Economic Development Committee (CEDC):** Joanne Crowley noted that the CEDC met on 8/3 with the Board of Selectmen (BOS) to give them their annual update. The BOS encouraged CEDC to move focus to economic development and more engagement with the business community.
 - c. **Community Housing Committee (CHC) and Affordable Housing Trust (AHT):** Brad Goodwin indicated recent CHC/AHT meetings where various parcels of Town Land were looked at for possible affordable housing, disposition or holding for future uses.

7. **Board Member Items:** Susan Brita inquired about whether the proposed Boardwalk at the Riverwalk Park would be handicap accessible. Kathy Williams indicated that it would.
8. **Correspondence:** Attachments noted below were sent to the Planning Board via e-mail.
9. **Staff Updates:** None.
10. **Upcoming Meetings:**
 - a. August 18, 2021
 - b. September 1, 2021
 - c. September 15, 2021 – Zoning Amendment Public Hearing
 - d. September 21, 2021 – Board of Selectmen
11. **Adjournment: VOTE:** On a motion by Liz Hartsgrove, seconded by Chris Vincent, the Planning Board voted unanimously (6-0) to adjourn at 7:20 PM.

ATTACHMENTS:

- **August 4, 2021 Agenda**
- **Potential Zoning Amendments:** July 30, 2021 Memo from Planner with
 - Draft #1 National Flood Insurance Program, dated July 30, 2021 and July 30th e-mail from Town Planner to Shannon Hulst;
 - Draft 2 – Section 201.1 – Classes of Districts, dated July 26, 2021
 - Employee Housing – July 27, 2021 e-mail with Town Counsel
 - Food Trucks: Draft 1 – Food Trucks, dated July 29, 2021; July 30, 2021 support letter from the Yarmouth Chamber of Commerce; and Barnstable Mobile Food Unit Checklist
 - Signs: Draft 1 – Signs, dated July 16, 2021; and July e-mails with ZBA Chair S. DeYoung and Vice Chair S. Igoe
 - Draft 1 – Micro-Brews, dated July 29, 2021
 - Body Art: Draft 2 – Body Art, dated July 27, 2021; July 26, 2021 e-mail from K. DiTrapano; August 3 2021 e-mail from K. Fitzsimmons; and August 2, 2021 e-mail from Susan Brita to the Board of Selectmen
- **Blue Sky Tower DRI:** August 4, 2021 e-mail from Town Planner to Town Administrator with an update on the Blue Sky Tower DRI process
- **Draft Meeting Minutes:** July 7, 2021 & July 21, 2021
- **Miscellaneous Correspondence:**
 - ZBA Agenda for August 12, 2021
 - ZBA Decision 4894
 - Conservation Commission Agenda for July 15, 2021
 - Barnstable Hearing Notice for August 9, 2021 – Regulatory Agreement
 - Barnstable Hearing Notice for August 9, 2021 – Rezoning
 - Visioning Publicity

Approved on 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 4, 2021, with Joanne Crowley, Brad Goodwin, Susan Brita, Liz Hartsgrove, and Tom Baron voting in favor, and Will Rubenstein abstaining.