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## YARMOUTH PLANNING BOARD MINUTES

March 13, 2024

**I. CALL TO ORDER**

Chair Holden called the meeting to order at 7:01 PM.

**II. ROLL CALL OF MEMBERS**

	<b>PRESENT</b>	<b>ABSENT</b>
Wendi Holden, Chair	X	
Janet Hansen, Vice Chair	X	
Hildy Ginsberg	X	
Mary Lynn Engel		X
Jerry King	X	
Ian Cromarty	X	
Matt Schumacher	X	

**OTHERS**

Erin Zwirko, Planning Director  
 Julie Dubovsky, Assistant Planner

**III. APPROVAL OF MINUTES**

Upon a motion duly made by Matt Schumacher, seconded by Janet Hansen, and carried by a roll call vote of 5-0-1, the minutes of the February 28, 2024, meeting were approved. Chair Holden abstained from voting due to her absence at the meeting.

**IV. COMMUNICATION**

Erin announced the release of the draft Comprehensive Plan, which will be circulated to the Board and committees for feedback. This Friday, March 15<sup>th</sup> kicks off the 45-day comment period and there will be a joint Planning Board and Town Council meeting on April 25<sup>th</sup>. At the March 27<sup>th</sup> meeting, Erin will give a detailed presentation on the draft plan to the Planning Board. Erin also announced the companion event, Rooted Narratives: The Power of Place, which marks the release of the draft.

**V. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

None

**B. NEW BUSINESS:**

1. **Action Item: Amended Final Ch. 702 Site Plan Review and Site Improvements in the Upper Village Historic District; Latchstring Park; Medium Density Residential (MDR) District; Main Street; Map 41 Lot 41; Town of Yarmouth, Applicant.** The applicant is requesting an amendment to the Major Site Plan for the renovation of the existing, town owned Latchstring Park at the intersection of West Main Street and West Elm Street. The Site Plan was approved by the Planning Board in September 2023; it allowed that material deviations could be approved administratively by the Director of Planning & Development. The Town now seeks an amendment to the Major Site Plan consistent with reduction of the project

scope. A vote may be taken after public comment is received.

M. Schumacher noted his relationship with the matter in front of the Board, and noted that he can take an unbiased approach to the review. The other Board members agreed with his position.

Town Engineer Steve Johnson gave a presentation on the proposed reductions in scope. Since the previous meeting in September, the team conducted a competitive bid process and received four bids, but all were well above the budget. The Task Force then went through a value engineering process to reduce the scope to fit within the available budget. The goal is that nothing in construction precludes installing the preferred items later once funding is secured.

Mr. Johnson reviewed the various scope reductions:

- Reduction of one (1) catch basin and instead providing a pipe inlet for drainage;
- Elimination of the proposed light pole bases, poles, and fixtures. Electrical conduit for potential future installation will be maintained;
- Exchange of the proposed granite pavers in favor of cast in place concrete;
- Elimination of the cobblestone planting border;
- Elimination of the granite block seating area as well as stones located around the site;
- Adjusting the Latchstring Monument reinstallation detail to a simpler and easier to construct detail;
- Elimination of the furniture package, including benches, rubbish barrels, and bike hitches. It is anticipated that these items will be obtained through other sources or procured through unused contingency funding near the end of the project;
- Elimination of bed planting materials and using grass as vegetative cover for the beds. Proposed trees will remain as well as proposed irrigation for the site.

The Board asked for clarification on items to be removed, such as the rubbish cans on site and the three lampposts, and if there were any priorities for additions during phasing of construction. S. Johnson noted that he took an evening drive-by and determined that there was sufficient ambient light from the streetlights and adjacent buildings in the interim. The project has a 5% contingency fund in case of hidden costs during implementation, which hopefully can be allocated to items removed in the reduced scope.

Susan Prescott of 58 Hillside Street and a Latchstring Park Task Force member outlined her preference to use any unused funds for the furniture package and lights, and then add the granite blocks back during construction. The grass mix should be replaced with the full planting schedule. S. Johnson added that several people in the community have donated in-kind services for demolition and irrigation.

The Board was in consensus about the proposed plan for implementation and returning items to the scope.

The Chair opened to public comment. Seeing none, public comment was closed and returned to the Board.

M. Schumacher asked if there would be any additions that could potentially cause more disruption later, such as the granite blocks. S. Johnson noted that there would be minor impacts and preparations would be made to protect any recently installed materials.

Erin noted that nothing in this motion would create a condition where the Task Force and Town would have to come back for a further amendment, and nothing would trigger Site Plan review on its own. As funding becomes available those elements should be allowed to be installed without further review. The Board was in consensus on that recommendation.

The following motion was made:

Based on the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated March 7, 2024, for an amendment to the previously approved Major Site Plan, Town of Yarmouth, Applicant; Latchstring Park Renovation, Map 41 Lot 41, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the amended Major Site Plan meets the required standards and is therefore approved subject to the conditions outlined in the Planning Board's decision dated September 13, 2023, and the following condition of approval:

1. An erosion control blanket shall remain in place and be maintained until the seed mix used as vegetative cover throughout the park germinates and is established.

**Such motion moved by Janet Hansen, seconded by Matt Schumacher, and voted 6 in favor, 0 opposed, (Engel absent).**

- 2. Action Item: Substantial Modification of a Structure in the Demolition Delay Overlay Zone and within the Upper Village Historic District, 91 South Street, Map 41 Lot 82A; Brad Moll, Applicant.** The applicant is requesting a review of the demolition of the primary structure, a one-story, 905 square foot cottage, to build a new 2,300 square-foot home. The existing garage will be retained.

E. Zwirko provided background information on a Contract Zone Agreement (CZA) that affects this property and 20 Cumberland Street. Adopted in 2012, it allowed the property to be split placing the Loring House and cottage on their own lots. Since the adoption, the Town has undertaken historic preservation efforts like adopting the Demolition Delay Ordinance and establishing the Historic Preservation Committee (HPC). As part of the historic preservation planning efforts, the cottage was designated as non-contributing to the period of significance of what is now the Upper Village Historic District. Erin and Nick reviewed and believe it is consistent within the CZA. This project has been daylighted far more now through the public review

than would've through the CZA process alone. The new home will be built to the district's required setbacks. The Planning Board could consider a Condition of Approval so not to perpetuate the setback in the CZA, and to approve the proposed Site Plan and Elevations.

Vice Chair Hansen asked for clarification as to why the CZA was needed in 2012, and Erin explained that it was only to separate into 2 lots. At the time, nothing further was imagined, although the conditions of the CZA offered pathways for construction and/or reconstruction of the structures.

The applicant, Brad Moll, presented and commended the HPC and Erin for their help putting this together over the last 4 months. He felt he was obliged to consider what South Street is all about, especially since he lives in the area as well. Bruce Butler designed a home that was historically accurate for the neighborhood. The existing cottage was built as a summer cottage, underbuilt, is failing without a foundation, and the framing is rotting into the ground. He felt it was a good example of what can be done in the historic district going forward.

Chair Holden asked if the applicant found the setback condition of approval acceptable, and B. Moll affirmed. I. Cromarty asked if the existing driveway would stay where it is, adding that visibility is obscured here due to the overgrown cedar trees on the adjacent property.

Chair Holden opened to public comment.

Ed Ashley, 20 Spartina Point - Speaking as HPC member who reviewed the application, expressed support for everything the applicant and Erin reported. Ed read the findings and recommendations from the HPC to approve the application.

Public comment was closed.

M. Schumacher shared his academic exercise to look at the 2012 Planning Board minutes on the CZA and agree with Erin's solution that the proposals brings the lot back to conformity. The only other thing noted in the 2012 minutes is to protect the views of the main house and that the cottage was deemed to have "beautiful architectural value." He cautioned that, as a Board, when passing CZAs that they communicate why it is warranted to change code for a parcel especially when zoning can change over time.

The Board was in agreement on the recommended additional Condition of Approval. Chair Holden thanked the applicant and the architect for their work, and M. Schumacher commended the HPC on a successful review process.

The following motion was made:

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings of Planning Memo dated March 7, 2024, regarding the application of Chapter 701, Article IX, Historic Building Alterations and Demolitions, for the substantial modifications to 91 South St, Map 41 Lot 82-00A, Brad Moll, Applicant, the Planning Board finds that the existing structure is Not a Building of Value and the

new construction proposed will retain, respect, and complement the remaining significant character defining features of the property and will be compatible with the historic streetscape of the Upper Village Historic District, and therefore waives the delay period, and allows that the substantial modifications proceed subject to Town Planning Authority approval with the following conditions:

1. Prior to the issuance of a building permit, the applicant shall receive written approval from the Yarmouth Water District regarding the property's connection to the municipal water main and determination of water service capacity for a fire sprinkler system, per Chapter 317, Fire Sprinkler Ordinance. Evidence of such approval shall be provided to the Director of Planning & Development, Code Enforcement Officer, and Fire Chief.
2. South Street is under moratorium until 2028. Any paving impacts shall be subject to moratorium restoration standards.
3. Contractor parking is prohibited on South Street, Cumberland Street, and Center Street.
4. The project shall be constructed per the site plan prepared by Main-Land Development Consultants, Inc., dated January 30, 2024, and the elevations prepared by Bruce Butler, dated February 9, 2024.

**Such motion moved by Janet Hansen, seconded by Ian Cromarty, and voted 6 in favor, 0 opposed, (Engel absent).**

#### ADJOURNMENT

With no objection, the meeting adjourned at 7:48 PM

Respectfully submitted:

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Julie Dubovsky, Assistant Planner