

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:	June 3, 2026
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

Agenda (Topics to be discussed):

1. **Short Term Rentals (STR)**: Discussions on potential amendments to Zoning Bylaw Section 418 – Short Term Rentals/consider preparation of a General Bylaw.
2. **Seasonal Communities Designation**: Review and discussion on Seasonal Communities Designation and zoning requirements.
3. **Mattacheese Utilization Committee (MUC) Project**: Updates on the status of the MUC project.
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. Other Topics not reasonably anticipated 48 hours in advance of the meeting
11. Upcoming Meetings:
 - a. June 17, 2026
 - b. July 1, 2026
12. 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>

Town of Yarmouth

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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>

Second Offense: \$200 fine
 Third and Subsequent Offenses: \$300 fine for each offense

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

13-8-5. Severability

If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

13-9. Single Use Plastic Bottle Ban

13-9-1. Intentions and Findings.

13-9-2. Definitions

“Plastic bottle” shall mean a beverage container made from any type of plastic resin.

13-9-3. Use Regulations

It shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Provincetown. Enforcement of this regulation will begin September 1, 2021. Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal Officer) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

13-9-4. Administration and Enforcement

Enforcement of this regulation will begin September 1, 2021. Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in GL Chapter 40 Section 21D. The following penalties apply:

First Violation: Written warning
 Second Violation: \$150 fine
 Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Provincetown.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required; or to take any other action relative thereto.

13-9-5. Severability

If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

13-10. Prohibitions Related to Short-Term Rental of Residential Properties.

13-10-1. Purpose and Intent. This bylaw is enacted pursuant to the Town’s Home Rule Authority and

the authority set forth in General Laws c. 64G, §14 and is intended to:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) Protect the time-honored tradition of home rentals in Provincetown and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Provincetown;
- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.
- (6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock.
- (7) protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

13-10-2. Definitions.

For purposes of this Chapter, the following terms shall have the definitions indicated.

13-10-2-1. "Corporation". All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, §4, respectively.

13-10-2-2. "Owner". Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC, or a Trust. The Owner may also be referred to as the operator, or the Host.

13-10-2-3. "Short-Term Rental". The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined in Massachusetts General Laws Chapter 64G.

13-10-2-4. "Time Share, Interval or Fractional Ownership Unit." Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:

- (1) co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;
- (2) centralized or professional management;
- (3) reservation systems;
- (4) maximum or minimum day limits on each interest holder's occupancy or use of the property; or
- (5) management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.

13-10-3. Prohibitions.

13-10-3-1. Registration Requirement. No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Provincetown unless it is registered with the Board of Health and in compliance with regulations issued by the Board of Health and is registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

13-10-3-2. Limitation on Number of Short-Term Rentals. An Owner may register to operate only two dwelling units as Short-Term Rentals. If a person owns or is listed as a manager and/or is an agent for three or more dwelling units, that person must choose only two units to be registered as Short-Term Rentals. No person shall have more than two legal or equitable title or beneficial interest in dwelling units used for Short-Term Rentals except as provided for above. An Owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the Owner's name.

13-10-3-3. Corporate Ownership. Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

13-10-3-4. Affordable Housing Dwelling Units. Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

13-10-3-5. Time Share, Fractional and Interval Ownership Units. No Fractional Ownership, Interval or Time Share Dwelling Unit may engage in Short-Term Rental activities or be eligible to receive a Certificate of Registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.

13-10-3-6. Protection for Existing Short-Term Rentals. Any person or other legal entity who holds a current Certificate of Registration on the effective date of this bylaw may continue to engage in Short-Term Rentals in accordance with the existing Certificate of Registration, until the dwelling unit is transferred or conveyed, or the certificate of registration is not renewed. If a property is bequeathed to a person or other beneficiary through a will, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

13-10-4. Regulations.

13-10-4-1. Regulations and Fees. The Board of Health may promulgate regulations to carry out and enforce the provisions of this bylaw, and may, subject to the approval of the Select Board, set fees for the issuance of Certificates of Registration for Short-Term Rentals.

13-10-5. Penalties and Enforcement.

13-10-5-1. Enforcement Options. Whoever violates any provision of this bylaw, or a regulation

promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

13-10-5-2. **Non-Criminal Disposition.** Whoever violates any provision of this bylaw, or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law (Chapter 2). If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense.

The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

13-10-5-3. **Suspension of Certificate of Registration.** If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Owner of a dwelling unit operated as a Short-Term Rental by the Board of Health or its designee, after a Certificate of Registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Owner may, at the discretion of the Board of Health and after a hearing, disqualify that Owner from obtaining a Certificate of Registration for a period of up to three years.

13-10-5-4. **Civil Penalty.** In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

13-10-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

~~**13-10. Prohibitions Related to Bed and Breakfast Establishments, Lodging Houses, Hotels and Motels.**^{70*}(Editor's note: duplicate numbering of 13.10 is a Scribner's error and in the process of correction)~~

~~**13-10-1. Authority.** This bylaw is enacted pursuant to the Town's Home Rule Authority and the authority set forth in General Laws c. 64G, §14.~~

~~**13-10-2. Prohibitions.** No person or other legal entity may own or operate a total of more than three (3) bed and breakfast establishments, lodging houses, hotels, or motels within the Town of Provincetown.~~

~~**13-10-3. Protection for Existing Owners and Operators.** Any person or other legal entity which owns or operates a bed and breakfast establishment, lodging house, hotel, or motel within the Town and is duly licensed by the Town to do so on the effective date of this bylaw shall not be subject to this prohibition.~~

~~**13-10-4. Penalties and Enforcement.**~~

~~13-10-4-1. **Enforcement Options.** Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.~~

⁷⁰ Amended April 7, 2025, ATM Article 27

From: [Grylls, Mark](#)
To: [Williams, Kathleen](#)
Subject: Planning Board STR meeting 5/20
Date: Thursday, May 21, 2026 10:42:15 AM

Hi Kathy,

Item to note. When I first began my career in Yarmouth, I questioned the weekly of houses and was told that it has been going on forever in Yarmouth, leave it alone basically. Now it has a name, STR's. The crowding on the streets will continue in the beach areas as long as people invite family to join them at their summer place for a weekend. In speaking with Chief Lennon, not quoting him, people can park in the street unless posted otherwise by DPW . However, they cannot block access for emergency vehicles. Therefore, occupancy limits (beds) are regulated by Title 5.

Susan Brita response - Certificate of Inspection - \$100 (Building Code)

Rental registration - \$80 (Health Code)

No need for an intern - program funds itself

Ken Smith response - Fire does not inspect apartments unless it is a multi family aka R-2 use per Table 110 of 780 CMR and those are done every 5 years. The areas inspected are common hallways and assembly areas. This is triggered by the Building Code. Individual apartments are inspected annually by Health as required by the Chapter 108 of the General Bylaw. All regulations requiring smoke detectors, carbon monoxide detectors, fire alarm systems etc. are contained in the Building Code and confirmed per Building Code, not the Fire Code. Ken may be referring to nursing homes which are a different use in the Building Code.

The reason for this email is that I am trying to make sure that accurate information is available.

I will be available over the summer for PB meetings.

Talk soon,
Mark

MARK GRYLLES
DIRECTOR OF INSPECTIONAL SERVICES / BUILDING COMMISSIONER
TOWN OF YARMOUTH
(508) 398-2231 x 1260

From: [Deirdre Gaquin](#)
To: [Williams, Kathleen](#)
Subject: Rambling thoughts about STRs
Date: Tuesday, May 26, 2026 3:41:28 PM

Attention! This email originates outside of the organization. Do not open attachments or click links unless you are sure this email is from a known sender and you know the content is safe. Call the sender to verify if unsure. Otherwise delete this email.

Kathy,

Your memo of May 14 really covers it well. I do prefer to keep it simple, though the Falmouth bylaw certainly has a lot of interesting information.

Enforcement of existing rules seems to work. The large groups and parties that bother the neighbors are probably very damaging to the rental units so the owners should appreciate any rules that can be reasonably enforced. Your suggestion of providing a clear outline of the process of complaints makes sense. And clear rules about local emergency contacts,

I think that the existing "type of rentals" description is good. A reference to the noise code (11pm to 7am) might be a good idea. Limiting the actual number of parking spaces or guests at gatherings would be tricky. I think that the existing prohibition on large scale events makes sense as worded.

I think it would be wise to limit corporate ownership. Though it doesn't appear to be a problem, it could easily become one. Do we have a way to define it that we could incorporate into the registration process? Would the definitions in the Falmouth bylaw make sense? I noticed that there's a national bill in the House to limit corporate ownership of houses,

https://www.npr.org/2026/05/20/nx-s1-5827166/house-passes-housing-affordability-bill?ck_subscriber_id=2538481433&utm_source=convertkit&utm_medium=email&utm_campaign=How%20to%20restore%20your%20sixth%20sense%20-%2021898724

The Falmouth code includes a limit of three licenses per owner. Something like that might make sense. In my years of renting, I encountered many types of owners, including one local person who owned several houses for short term rental. A very nice person, well-run rentals, but maybe this type of limit would ease competition with hotels, and discourage people from buying multiple houses solely for short term rentals when those houses could be available for local year-round purchases.

Management by DelMar, Vacasa, and others sounds like it works well for the owners and the renters. Do they provide adequate support as local emergency contacts? How much have they impacted the rental businesses of local realtors? Hotels?

Is there any need to mention partial rentals? Falmouth devotes a lot of discussion to this, but I think that your adding ADUs to the list of ineligible units is probably all we would need. I've encountered owners who moved into their ADU while we rented their house.

Such an interesting and complicated issue!

Deirdre

Williams, Kathleen

From: Susan Brita <sfbrita@gmail.com>
Sent: Saturday, May 30, 2026 11:22 AM
To: Williams, Kathleen
Subject: Comments

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STR - the Donahue report confirms Yarmouth doesn't really have any significant problems with its summer rental program. The suggestion to add language to prevent corporate commercialization is a welcome addition, even though at this time corporate activity is not an issue.

I would recommend extending the sunset provision with explanation that Yarmouth is continuing to evaluate the SRT environment, consistent with donahue report recommendation.

Seasonal Communities - I continue to believe that the designation of "seasonal community" for Yarmouth doesn't provide any substantial benefits. Furthermore, certain zoning regulations that enable Yarmouth to maintain residential neighborhood characteristics would be eliminated.

From: [TOM PENDLETON](#)
To: [Williams, Kathleen](#)
Subject: Re: Planning Board Comments on STRs
Date: Wednesday, May 27, 2026 3:44:57 PM

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Kathy

I think the memo is fine.

My only question and this is probably very minor. People who travel for long periods of time ie cross country etc on some occasions will rent their property out for 1 to several weeks. These properties are never registered in any official manner. To me these are difficult at best to monitor and account for. but in my mind they are STR's. Is there anyway to account for this? Or in the case of a problem just become a law enforcement matter?

Tom

Tom Pendleton

508-826-8113

tp9970@Comcast.net

On 05/27/2026 2:08 PM EDT Williams, Kathleen <kwilliams@yarmouth.ma.us> wrote:

Hi Guys,

I heard from a couple of you, but just a reminder to provide me with any specific comments you may have on the STR revisions we discussed at the 5/20 Planning Board meeting.

Thanks,

Kathy

Kathy Williams, P.E.

Yarmouth Town Planner

1146 Route 28

South Yarmouth, MA 02664-4492

From: [JOANNE CROWLEY](#)
To: [Williams, Kathleen](#)
Subject: Re: Planning Board Comments on STRs
Date: Thursday, May 28, 2026 9:43:55 PM

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Hi Kathy,
I've been away all week....my specific comments related to purpose (pulling over some Falmouth language) which I think I shared at the meeting.
Joanne

On Wed, May 27, 2026 at 2:08 PM Williams, Kathleen <kwilliams@yarmouth.ma.us> wrote:

Hi Guys,

I heard from a couple of you, but just a reminder to provide me with any specific comments you may have on the STR revisions we discussed at the 5/20 Planning Board meeting.

Thanks,

Kathy

Kathy Williams, P.E.

Yarmouth Town Planner

1146 Route 28

South Yarmouth, MA 02664-4492

(508) 398-2231 Ext 1276

kwilliams@yarmouth.ma.us

From: [Williams, Kathleen](#)
To: [Don Palaia](#); [Lewis, Barry](#)
Cc: [Whritenour, Robert](#); [Lennon, Kevin](#); [Grylls, Mark](#)
Subject: RE: Short Term Rentals - Bylaws and Planning - 51 Tanglewood
Date: Monday, June 1, 2026 4:37:00 PM
Attachments: [060326 PB Agenda with Links.pdf](#)
[image001.png](#)

Hi Don,

I will certainly relay your concerns to the Planning Board for their meeting on June 3rd. Please see the attached agenda with remote access links. You bring up some good points for the Board to consider.

Thanks,
Kathy

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

From: Don Palaia <asonofsam@hotmail.com>
Sent: Monday, June 1, 2026 1:51 PM
To: Lewis, Barry <BLewis@yarmouth.ma.us>
Cc: Williams, Kathleen <kwilliams@yarmouth.ma.us>; Whritenour, Robert <RWhritenour@yarmouth.ma.us>; Lennon, Kevin <KLennon@yarmouth.ma.us>; Grylls, Mark <mgrylls@yarmouth.ma.us>
Subject: Re: Short Term Rentals - Bylaws and Planning - 51 Tanglewood

Thank you for the quick response Mr Lewis.

So there was no rental permit? Somehow I am not surprised. Has anyone reviewed the websites? Will they be allowed to continue to be advertised as a Capacity of 14? Will the town require that websites match what the inspection determines?

What, if any, fines or repercussions will be incurred by this or past violations? This has been ongoing for a number of years. Of even more interest to the town might be did the town actually receive the Excise Tax that was due to it for past rentals?

Just because she is starting paperwork today really doesn't give one a high level of confidence that compliance to the bylaws will be overseen or enforced. Unless we, the residents, continue to push the issues.

Respectfully,
Donald Palaia

On Jun 1, 2026, at 12:53 PM, Lewis, Barry <BLewis@yarmouth.ma.us> wrote:

I just spoke with the owner and she is starting the rental paper work today.
Barry

From: Don Palaia <asonofsam@hotmail.com>
Sent: Monday, June 1, 2026 11:49 AM
To: Williams, Kathleen <kwilliams@yarmouth.ma.us>
Cc: Whritenour, Robert <RWWhritenour@yarmouth.ma.us>; Lennon, Kevin <KLennon@yarmouth.ma.us>; Lewis, Barry <BLewis@yarmouth.ma.us>; Grylls, Mark <mgrylls@yarmouth.ma.us>
Subject: Short Term Rentals - Bylaws and Planning

Good morning Ms. Williams,

Thank you for taking the time to provide an update on the actions of the Planning Board in regards to Short Term Rentals. Although I was not able to join the last meeting via the Zoom link I am hoping to join the next one or attend in person. I was able to watch the recording on Youtube and found it encouraging that some members of the board recognize the need for greater control and oversight. A fact one may find interesting is that when a search is done on Airbnb for stays in Yarmouth, MA., there are over 1,000 homes found in the search. The search parameters were Yarmouth, MA - flexible dates with a minimum occupancy of 1. One wonders if that many Inspections and Permits have been issued.

The recent problem we encountered in our neighborhood is just one example of lack of oversight and enforcement. There are more. For example 51 Tanglewood is being advertised as a 4 Bedroom, Sleeps 14 property. The Vision Appraisal Assessment Page for this property lists it as a 3 bedroom home, not 4. (Some casual browsing of various websites will show that overstating capacity is a common practice.) It also boasts reviews for one night stays, again a conflict with the current Bylaws that state duration must be 2 consecutive nights at minimum. When looking at the OpenGov portal I am not able to see where an Inspection Report or Rental Permit has ever been issued to this property. They may exist but they are not present as they appear to be for other properties in our area. The house at 51 Tanglewood is advertised on Vrbo as Property ID# 3158753, the link to the site is <https://vrbo.onelink.me/ltNz/k7idn1er>. It is also on Airbnb, listed as 4 bedrooms, sleeps 14 with Living Room 1 and Living Room 2 shown as "Where you'll Sleep". The link to the Airbnb is https://www.airbnb.com/rooms/771883649859309481?check_in=2026-08-23&check_out=2026-08-

[29&guests=1&adults=14&s=67&unique_share_id=5f852779-bf4f-4290-ab1c-1b698101c982](#) . The home at 51 Tanglewood is owned by an LLC out of Tennessee.

This example highlights how the current Short-Term Rental regulations are extremely difficult to enforce effectively. Residents and neighbors are forced to repeatedly document violations, take photographs, and persistently follow up with town officials simply to maintain basic peace in their neighborhood. Enforcement actions are often slow and only partially effective, placing an unfair burden on residents while allowing disruptive uses to continue.

The cumulative effect is a clear erosion of the quiet enjoyment of our homes. Overcrowded STRs generate excessive noise, traffic congestion, illegal parking, and party-style behavior that is inconsistent with the character of our residential streets.

I respectfully urge the Planning Board to adopt stronger, more enforceable regulations that:

- Set clear occupancy limits based on bedroom capacity, parking, and actual dwelling size.
 - As the Waste Water Treatment Plant becomes operational in a neighborhood, septic restrictions become useless.
- Require accurate advertising of capacity across all platforms including at least one street view of the property
- Impose meaningful penalties for repeated violations, including possible revocation of STR rights.
- **Explicitly prohibit** properties that have repeatedly violated current rules from claiming “pre-existing non-conforming use” status under any new, tighter regulations. Grandfathering past abuses would only reward non-compliance.

I am available and willing to participate in any future discussions or working groups reviewing the STR bylaws. I believe Yarmouth should follow Falmouth’s recent lead in creating clearer, more protective rules.

Thank you all for your time and service. I ask that this letter be included in the public record for the Short-Term Rental bylaw review process as well as the attached pdf of the Falmouth Bylaws to which I have added some comments in red.

Respectfully,

Donald Palaia

ARTICLE 17: To see if the Town will vote to amend the Code of Falmouth by adding a new section, Chapter 173, Operation of Short-Term Rentals, by adding the following new text:

Chapter 173, Operation of Short-Term Rentals.

1. Purpose and Intent.

This bylaw is enacted to establish an orderly process for identifying, registering and regulating Short-Term Rentals to protect against conditions that cause or create a nuisance and undermine the ability of residents to enjoy their property and the immediate neighborhood, to make the operation of Short-Term Rentals habitable and safe ,for residents, to protect the ability of homeowners to rent their property in a reasonable manner, , to prevent the corporate and other commercialization of housing for use as Short-Term Rentals, and to inhibit further reduction of the stock of year-round rentals. This bylaw is enacted pursuant to the Home Rule Authority of the Town as well as authority conferred to it by M.G.L. c. 64G § 14.

2. Exemptions to Bylaw.

The provisions of this Short-Term Rental Bylaw shall not apply to:

- a. Non-owner occupied commercial accommodations as defined in Chapter 240 of the Falmouth bylaws; or
- b. A dwelling unit exempt from paying excise fees under M.G.L c. 64G § 3 due to a total annual rental of not more than 14 days.

3. Definitions.

Owner. Any person who, alone, or severally with others, directly or indirectly, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, member or person appointed by the courts. An Owner can be a single person, a marital unit, or a group of people.

Operator. A person or entity who is designated by an Owner to be responsible for the day-to-day operations of the Short-Term Rental and who serves as the local emergency contact person with the Town of Falmouth. Any such person must live within 20 miles from the Short-Term Rental property and be available twenty-four hours per day and seven days per week during rental periods to respond immediately to emergencies and complaints. An Owner may also be an Operator, provided that they meet the other requirements of this paragraph.

The additional requirement for a representative within 20 miles would help deal with problems quickly without necessitating the involvement of Town Resources. It could also become an additional income stream for small businesses in the area.

Short-Term Rental. An owner-occupied, tenant-occupied, or non-owner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:

- a. at least 1 room or unit is rented to an occupant or sub-occupant for a period of 31 consecutive days or less; and
- b. all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Partial Rental. The rental of a portion of a dwelling unit as a Short-Term Rental.

4. Requirements to Operate a Short-Term Rental.

- a. No dwelling unit or part thereof may be offered or operated as a Short-Term Rental within the Town Falmouth without first obtaining a license from the Town of Falmouth.

Licenses may be issued to Owners of dwelling units upon submission and review of a complete application. Incomplete applications will be rejected.

- b. Term of the license. Licenses shall be valid for a period of two years.
- c. License Fee. The fee for the license shall be further determined by the Board of Health, or designee, and shall not be waived, discounted or prorated for any reason.

- d. All Short Term Rentals shall have a designated Operator
- e. Minimum license application requirements. All applications for a license shall include, at a minimum, the following Information:
 - i. The names of all Owners
 - a. Any owner that is a Town of Yarmouth employee, elected or appointed official of the town, member of any Town Board or Committee or a volunteer shall be identified as such.
 - b. Any owner that is a contractor for the Town of Yarmouth shall be identified as such
 - c. Any owner who is a spouse, significant other, household memembr or family member that identifies as described above shall be identified as such.
 - ii. Proof of Ownership
 - iii. 24-hour contact information for any Operator, which shall include the name, address, phone number and email address of the Operator
 - iv. Trash and recycling plan
 - v. Parking plan, showing at least one parking spot per bedroom
 - vi. 24-Hour contact information
 - vii. Noise Control and nuisance provisions
 - viii. Description of the rooms or units to be rented
 - ix. Copy of certification of registration in accordance with M.G.L. c. 64G
 - x. Tax ID number for any Limited Liability Company applicant
 - xi. Copy of valid smoke and Carbon Monoxide (CO) detector certificates of compliance, or certification by homeowner acceptable to the Board of Health.
 - xii. Copy of most recent Title V inspection certificate, if applicable
 - xiii. An attestation and certification, made by the applicant, that the information provided in the application is true and accurate and that the dwelling unit is habitable under the law
 - xiv. The Board of Health, or designee, may impose additional license application requirements as the Board may determine are needed for the administration of this bylaw.
- f. Occupancy limits. The license is subject to an occupancy limit of two times the number of bedrooms, as determined by the Board of Health, or designee.
 - a. Children ages 0-3 do not count towards occupancy

(Obviously subject to BOH review. This would encourage residential use by families)

g. Necessary Information Provided to Renters. The **Owner or** Operator shall provide the following information to Short-Term Rental renters, by posting or otherwise:

- i. Contact information for the Operator and any other emergency contact person(s)
- ii. The telephone numbers for Falmouth Police, Fire Rescue and Board of Health
- iii. An email address for the Board of Health where the Renter may file a complaint
- iv. The Board of Health, or designee, may impose additional Necessary Information requirements as the Board may determine are needed for the administration of this bylaw.

XV. The Owner shall provide the Board of Health a complete listing of Internet Portals for each property licensed to include

- a. Website name, ex. Airbnb, VACASA, Vrbo, etc.
- b. Property ID Number or info for each website
- c. Advertised Capacity

XVI The owner shall provide Proof of Insurance showing coverage for tenants.

Most standard homeowners policies do not cover rentals, just like standard auto insurance policies prohibit vehicle use for Uber and Lyft, etc. The recent death of a Brewster mother and her young child in a Short Term Rental in Salt Point, NY is currently in the courts. That fire also led to the Maggie Hubbard Rental Safety Act which is currently "in Committee" in the Mass Legislature. Referred to as Bill MA S2736.

XVII. The Owner or Representative of the Trust, LLC or other entity that owns the property shall sign documentation that they have read and understand the Short Term Rental Bylaws.

5. Ownership of Short-Term Rentals.

- a. No Owner shall be entitled to receive more than three **???** licenses to operate a Short- Term Rental in the Town of Falmouth.
- b. No Limited Liability Company tax ID number shall be used to register more than three Short-Term Rentals with the Department of Revenue of the Commonwealth.
- c. No Fractional Ownership, Interval or Time Share unit may engage in Short-Term Rental activities or be eligible to receive a Short-Term Rental license for such unit.
- d. No property which is owned, in whole or in part, by a C-corporation, an S-corporation, a nominee trust, or a real estate investment trust may engage in Short-Term Rental activities or be eligible to receive a Short-Term Rental license for such property.

6. Special Requirements for Partial Rentals.

- a. No partial rentals may include, as part of the rental, occupancy of any non-habitable space, such as a garage or unfinished basement, or any space which is permitted only for occasional, accessory, ancillary use, such as a finished basement laundry room which is not permitted for permanent occupancy.
- b. The rental of part of a property must be designated in the application for a license;
- c. During any short-term rental, no person, including any Owner, shall occupy any part of the property which could not otherwise be individually rented under this Bylaw. For example, an Owner may not rent out all available bedrooms while personally occupying a basement, a tent, or a garage.
- d. All short-term rentals shall include access to bathroom and sanitary facilities for all occupants, including any Owners who occupy the premises during a rental.

7. Ineligible Properties.

Short-Term Rentals are prohibited in any of the following:

- a. Dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs;
- b. Any dwelling unit or other area that is movable or that is not on a permanent foundation, including but not limited to sheds, tents, campers, RVs, vans, boats, and any mobile homes which lack a permanent foundation.

8. Additional Restrictions on Use.

- a. Short Term Rentals are for residential uses only. No large scale events including, but not limited to, weddings, Corporate events, Class/family reunions, photo shoots, Fraternity or Sorority Gatherings, etc.
- b. No Short-Term Rental property shall be used for any purpose that charges for admission, either directly or indirectly, or which advertises attendance.
- c. No Short-Term Rental shall be made to any entity as a renter. Short-Term Rentals shall only be rented to individuals.
- d. Nuisance. No Short-Term Rental shall create or result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare, trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area.
- e. At no point during the use of the property as a Short-Term Rental shall the number of people present on the property exceed twice the occupancy limit as defined in this bylaw. (Yarmouth does not currently have this provision).
- f. No vehicles shall be parked on lawns, overnight on the street and no street parking that impedes traffic and safety at any time. Overnight Parking violations begin at 11:59 pm.
- g. The minimum age requirement to rent a qualifying property shall be 21 years of age. Said individual shall be responsible for any person under the age of 18. (Yarmouth currently has no age restrictions).
- h. Quiet hours shall be observed between 11pm and 7am.

9. Inspection.

Short-Term Rentals may be subject to inspection by the Falmouth Health Department, Fire Rescue Department, and the Building Department. Short-Term Rental Owners are required to provide access for the purpose of conducting safety inspections when necessary. Failure to provide access to an inspector upon request and after proper

notice will invalidate the license to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the inspecting Department or the Town. Failure to comply with orders to correct deficiencies may result in penalties.

10. Violations.

The Board of Health may cause an investigation into complaints of violations of this bylaw and any rules or regulations promulgated hereunder. The Board of Health may issue a notice of violation and, after a hearing and an opportunity to be heard, may, upon a showing of a preponderance of the evidence that a violation has occurred, place conditions upon, suspend or revoke the license. The Board of Health may issue a fine pursuant to non-criminal disposition or a may issue civil penalty.

11. Non-Criminal Disposition.

Any Owner who violates any provision of this bylaw or regulation promulgated hereunder may be subject to a civil fine. Where non-criminal disposition of this section is provided for in § 1-2 of the Falmouth bylaws, pursuant to the authority granted by M.G.L. c. 40 § 21D, said violation may be enforced in the manner provided in such statute. The civil fine for such violation shall be \$300 as set forth in § 1-2. Each day a violation occurs shall be a separate offense.

12. Civil penalty.

In accordance with G.L. c. 64G, § 14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

13. Authority of the Board of Health.

The Board of Health, or designee, is authorized to implement this bylaw and to promulgate rules, regulations, policies and procedures for the administration and enforcement of Short-Term Rental licenses and to effectuate the purpose of this bylaw.

14. Severability.

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

15. Compliance with other laws.

All Short-Term Rentals shall be registered with the Commonwealth of Massachusetts Department of Revenue and shall be operated in accordance with this bylaw and all local, state and federal laws and regulations.

16. Effective Date. The provisions of this Bylaw shall take effect on January 1, 2027.

Or do or take any other action on the matter. On request of the Select Board.

RECOMMENDATION (Select Board):

EXPLANATION: This bylaw establishes a uniform method of regulating Short-Term Rentals in Falmouth. It establishes a requirement for a license with a term of two years and an application process designed to help the Town obtain critical information from property owners. It creates certain prohibitions on noise and nuisance, limitations on total short-term rental occupancy, and restrictions on certain types of commercial activity, all to protect neighbors. It provides additional tools for Town staff to enforce restrictions and, lastly, this bylaw attempts to deter large corporations from dominating the Falmouth rental market.



TOWN OF YARMOUTH

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Planning
Division

MEMORANDUM

To: Planning Board
From: Kathy Williams, Town Planner
Date: June 1, 2026
Subject: Undersized Lots – Seasonal Communities

The Planning Board has been looking into Seasonal Communities Designation and the required zoning changes that go along with it. One of the requirements is for zoning related to “Undersized Lots,” essentially non-conforming lots with a minimum of 10,000 sf and minimum 20’ of frontage. Although the regulations do not specifically state that these are vacant lots, the likelihood is that this provision would be used for development of vacant, unbuildable lots. Development of Undersized Lots would be required by right in all zoning districts allowing single family homes (B1, B2, R25, R40 and RS-40) and excludes B3 and AED. Great Island R-87 (2-acres) was also excluded for simplicity and low impacts.

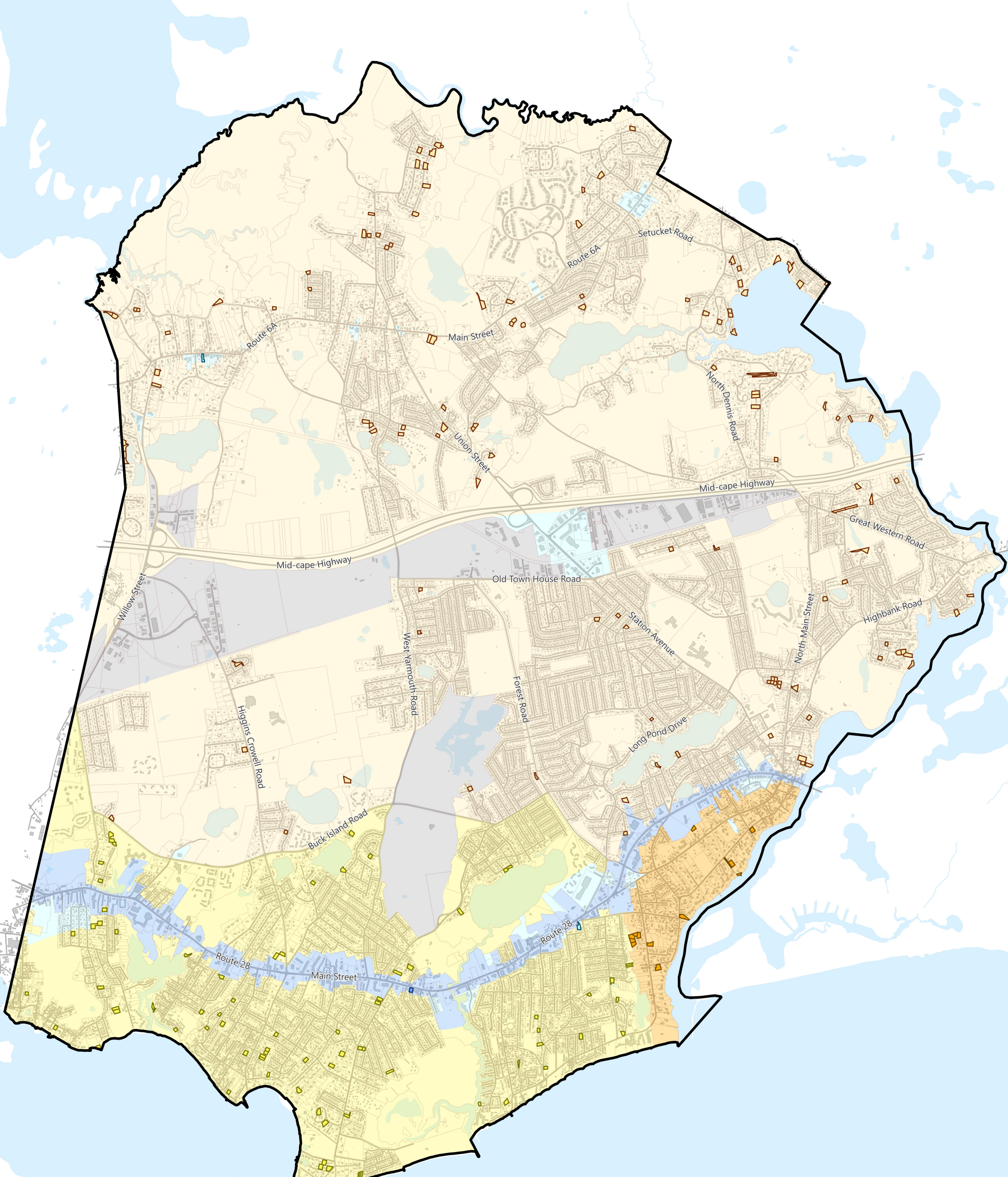
To get an idea of how many vacant Undersized Lots there are in town, Ed Xu in the GIS Department developed the attached map showing the following:

1. B1 Zoning District: Vacant Lots with a min. 10,000 sf, but less than 24,000 sf
2. B2 Zoning District: Vacant Lots with a min. 10,000 sf, but less than 20,000 sf
3. R-25 Zoning District: Vacant Lots with a min. 10,000 sf, but less than 25,000 sf
4. R-40 & RS-40 Zoning Districts: Vacant Lots with a min. of 10,000 sf, but less than 40,000 sf
5. Assessor Use Codes: (Please note that parcels owned by the Town, for education, recreation, conservation, or hospital use were not included.)
 - a. Developable Commercial Land'
 - b. Developable Residential Land'
 - c. Potentially Developable Commercial Land'
 - d. Potentially Developable Residential Land'
 - e. Undevelopable Commercial Land'
 - f. Undevelopable Residential Land'











Ed also prepared an online web map where you can click on a non-conforming parcel and bring up more information on the parcel including use description, assessor information, lot size in square feet, zoning district and a link to Laserfiche. Link to Web Map:

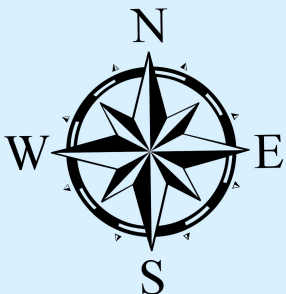
<https://yarmouthma.maps.arcgis.com/apps/mapviewer/index.html?webmap=e80d52c6aabc49de9ab5950a860ed939>

In looking closely at the on-line mapping, not all parcels shown on the attached Map are truly buildable due to other restrictions, but they meet the criteria noted above. Individual review would be necessary to eliminate some of the lots, but it gives an idea of the overall number involved (220 shown on the map), which is relatively small. The number which would actually use the Undersized Lot provision rather than our current zoning bylaw is anticipated to be a small fraction. Although there is the benefit of reduced setbacks, it comes with the required Attainable and Year-Round Housing Restrictions.



**Non-Conforming Vacant Lots
10,000 sf minimum
(Not Owned by the Town, Education,
Hospital, or Industrial)**

 B1 (<24,000 sf) - 2 Parcels	 Other Parcels
 B2 (< 20,000 sf) - 1 Parcel	 Other Zoning Areas
 R25 (<25,000 sf) - 78 Parcels	 Building Footprints
 R40 (<40,000 sf) - 126 Parcels	 Roads
 RS40 (<40,000 sf) - 13 Parcels	 Town Boundary



Town of Yarmouth
MINUTES OF THE PLANNING BOARD MEETING OF
May 20, 2026

The Yarmouth Planning Board held a Hybrid in-person/remote access Business Meeting at **5:30** p.m. on Wednesday **May 20, 2026** in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Planning Board Present: Tom Pendleton, Deirdre Gaquin, Susan Brita, Joanne Crowley, Peter Slovak, and Ken Smith

Planning Board Absent: Will Rubenstein

Staff Present: Kathy Williams, Town Planner

Guests: Attorney Michael Kennefick, Moriarty Bielan & Gamache, LLC

1. **Meeting Opening**: Chair Joanne Crowley opened the hybrid meeting at 5:31 PM. All Planning Board members were in-person.
2. **Approval Not Required ANR Plan #2371M**: Trustees of the Kings Way Condominium Trust; property located on the north side of Nottingham Drive, Yarmouth Port, MA; Assessor Map 142, Parcel 17; Zoning District R40. The ANR creates a non-buildable lot for conveyance purposes and includes modifications to ANR Plan 2371L to meet Land Court filing requirements.

Attorney Michael Kennefick gave a brief overview of the need to endorse a slightly revised ANR Plan for the lot north of Nottingham Drive to address comments from Land Court. This request did not modify the lot dimensions. He further noted the desire to close on the property quickly to meet the June 1st grant deadline.

Kathy Williams briefly reviewed the attached May 15, 2026 Planner Report noting that the Special Permit book and page in not included on the ANR, but since it is being sold to the town and not for development, she was okay with not including it on the ANR plan to move the sale forward.

VOTE: On a motion by Susan Brita, seconded by Ken Smith, the Planning Board voted 6-0 to endorse ANR Plan #2371M prepared by Merrill Engineers and Land Surveyors, and dated and stamped May 8, 2026, with Tom Pendleton, Deirdre Gaquin, Susan Brita, Joanne Crowley, Peter Slovak, and Ken Smith voting in favor.

The signed mylar was given to Attorney Kennefick at the meeting.

3. **Short Term Rentals (STR)**: Discussions on potential amendments to Zoning Bylaw Section 418 – Short Term Rentals based on the UMass Donahue STR Study and input from the Select Board.

Joanne Crowley gave a brief introduction noting the materials contained within the packet including the May 14th Planner Memo, Draft #1 Redline, the recently adopted Falmouth General Bylaw on STRs, and recent email correspondence from resident Don Palaia regarding an issue with a STR in his neighborhood. She noted she was looking for comments and guidance from the Planning Board to help staff develop a second draft.

Kathy Williams gave an overview of her memo and key takeaways from the STR Study, and the March 3rd Select Board meeting. The purpose of the Study was to evaluate the impact of STRs on year-round housing, motels, and quality of life. Takeaways include: STRs have limited impacts on year-round housing; seasonal homeowners want to utilize their properties part of the time limiting the desire to rent year round; available data did not show a significant amount of investor ownership at this time; the percentage of seasonal housing has remained relatively steady over the past 30

years; STRs make up a small percentage of our housing stock (5-8%); excise tax contributions from traditional lodging and STRs over the past 5 years; quality of life issues such as traffic, noise, overcrowding, parking, loss of community, fear of investor proliferation, enforcement and easier access desired for STR data including local contact information. She further noted the Select Board were more interested in ways to incentivize/preserve year-round housing versus stricter regulations.

Ms. Williams further outlined potential changes including clarifying the process for lodging a complaint for enforcement including coordination with the Police Dept for incidents outside business hours and providing a list of STRs with contact information on the Town Website via OpenGov; confirmed with Town Counsel that the STR Use lapses at the end of the sunset clause (no grandfathering); and initial discussions on whether we should be creating a General Bylaw (grandfathering doesn't apply) rather than including everything within the Zoning Bylaw, although the Zoning Bylaw would need to allow the use in accordance with the General Bylaw. More discussions with Town Counsel are needed regarding the benefits of a general bylaw vs. the zoning bylaw.

The Planning Board members had some initial questions and comments including: is it possible to extend the sunset clause for a longer period of time (5-years was mentioned) to allow us to continue to monitor STR impacts in this changing industry and can we make changes to the bylaw while extending the sunset clause (Kathy Williams to check with Town Counsel); there are uncertainties within the Study/takeaways and would like more time to study; revenue streams are changing with a post COVID bump which are now stabilizing; and increased revenues may be related to increased nightly prices rather than increased number of room nights sold. As an aside, the Board discussed the potential reduced economic benefits related to temporary seasonal employee housing in motels for individual workers versus expenditures from a family motel stay; importance of having enough seasonal help to keep restaurants and other places open; seasonal employee housing offers guaranteed income, but may result in less reinvestment back into the property which is detrimental to our Route 28 commercial corridor; and concerns that not all workers staying in Yarmouth temporary seasonal employee housing are working in Yarmouth the required 24 hour minimum.

Ms. Williams also reviewed the attached Draft #1 to Section 418 – Short-Term Rentals including: adding in additional ineligible units such as ADUs/Protected Use ADUs and dwelling units developed under the VCOD, ROAD and HMOD1 overlay districts; clarifying inspections and new certificate of inspection now required for STRs based on changes to the MA Building Code; all certificates must be posted and visible from the outside of the dwelling; and eliminating the sunset clause although will look into extending per the previous discussion. Draft #1 does not include limitations on investment properties as input is needed from the Planning Board first. Joanne Crowley reviewed some of the projects developed under the VCOD/ROAD bylaws such as Jay-Mart, duplexes at 703 Route 28, and mixed-use project at 645 Route 28.

Ms. Williams noted the recently passed Falmouth General Bylaw on STRs which they worked on with a separate committee (not yet approved by the MA Attorney General). There is a lot of information in their bylaw some of which may be applicable to Yarmouth which Ms. Williams reviewed such as: expanding the purpose to include protecting year-round housing and preventing the commercialization of housing for use as STRs; adding in additional definitions; requiring a parking plan as parking may be the limiting factor rather than occupancy; and banning STRs that are fractional ownership/timeshares; and limiting the number of STR certificates for different types of owners (individuals, couples, or group of people) and LLCs which were limited to three (3). Ms. Williams also briefly noted the expanded language regarding what constitutes a Nuisance as well as limiting the number of people allowed on the property at any one time to twice the occupancy limit.

The Planning Board members had questions and comments related to: using fees from STR registrations to hire staff; are STRs inspected by Building, Health and Fire like other rental units; Falmouth has fewer motel/hotel rooms than Yarmouth; and setting maximum limit of people on the

property at one time may help with enforcement of noise complaints. The Planning Board members spent some time talking about the ownership and how multiple LLCs could be developed with different names; not sure limiting is necessary as it is not a problem at this time, but would not take long for it to become a problem; and our lower median home prices on the Cape makes us more attractive for STRs.

Ms. Crowley asked the Board for any specific edits they would like to see in the next draft. Diedre Gaquin noted that limiting the maximum number of people on the property at one time could be limiting for family get-togethers and we may want to include a notation that the Town has quiet hours that need to be honored. Kathy Williams suggested developing a one-page to denote things Short-Term renters need to know to be good neighbors that is included with the rental certificate. Peter Slovak suggested looking at some other Towns. Ken Smith noted Provincetown is not as restrictive and worth looking at but don't want it too restrictive and drive STRs underground. The Board briefly talked about managing operators who could be beneficial in ensuring the property is properly managed but could also make it very easy for owner to STR a property versus selling to a family. Joanne Crowley also had a couple specific comments to strengthen the purpose to prevent corporate commercialization and to protect year-round housing; liked ineligible units for the optional overlay districts to keep them year-round; and including maximum number of occupants at one time and further defining a nuisance for further discussion by the Board. Joanne Crowley noted the email exchange with Mr. Palaia which is a good example of issues with STRs and how the Health/Building Department worked with the owner to address it.

Some Planning Board members wanted more time to review the packet information prior to providing more thoughts. It was agreed that Board members will provide their thoughts to the Town Planner by May 27th to help with modifications for the June 3rd meeting.

4. **Commonwealth of Massachusetts Bond Bills and FY 27 Appropriation Budget:** Review and discussion on the Environmental Bond Bill, the Economic Bond Bill (Mass Wins Act), and FY 27 Appropriations bill (Outside Sections) that relate to Zoning.

Joanne Crowley gave a brief introduction to the materials in the packet related to zoning changes or enticements for zoning changes via bond bills and appropriations. Ms. Crowley expressed her concerns that things not making it into the Affordable Homes Act are now creeping into unrelated pieces of legislation, concerns with lack of transparency and lack of outreach to local communities by our representatives. She noted that this is for informational purposes only and no Planning Board action is needed. Kathy Williams gave a brief overview of her May 15th Memo highlighting issues of concern:

- **Environmental Bond Bill:** Preferential treatment for discretionary or competitive grant programs for communities with certain policies such as by-right multi-family zoning, elimination of minimum parking requirements, elimination of restrictive lot size requirements; and wastewater and wetland standards that do not exceed state health or environmental standards. This would put communities without this zoning and those with stricter wastewater or wetland standards at a disadvantage for important environmental grant funding such as the State Revolving Fund (SRF) loans relating to water infrastructure. Planning Board members noted how important water is to the Cape and the need to protect it.
- **Economic Bond Bill:** Modifies MGL Ch 40A by including requirements related to the Site Plan Review process and would not allow for performance standards related to aesthetics or allow the requirement of specific building materials. We will need to review/modify our Site Plan Review Team process and our VCOD Site Plan Review Processes and evaluate how this might impact Design Review and our design standards. The Bond Bill also includes opt-in adaptive reuse section for commercial conversions to housing.
- **FY27 Appropriations Bill – Outside Sections:** Modifies sections of MGL Ch 40A mainly to promote housing production. There are some changes to extend timelines on permits which might be difficult to keep track of, but the greater changes relate to modifications to the criteria

for issuance of a Variance, as well as extending timelines for Variances. They also eliminated a paragraph related to imposing conditions, safeguards and limitations. Zoning Bylaw changes would be needed related to the timelines and Variance criteria.

5. **Seasonal Communities Designation**: Review and discussion on additional information received related to Seasonal Communities Designation and zoning requirements.

Kathy Williams reviewed the attached emails with Phil Dearing of the Executive Office of Housing and Livable Communities (HLC) regarding the two zoning amendments that are required upon acceptance of the designation. Mr. Dearing confirmed that “regulating” moveable tiny homes includes prohibiting them which addresses our major concern. She further reviewed additional information provided on “Undersized Lots” (lots that don’t meet current zoning but are a minimum of 10,000 sf and minimum of 20’ of frontage). She had originally thought the undersized lots were for vacant lots which might have previously been deemed unbuildable, but Mr. Dearing noted the regulations do not say vacant and anyone with a lot meeting these requirements could redevelop under this provision. Ms. Williams noted the advantage is a reduction in setbacks to 1’/1000 sf of building lot size with a 15’ maximum setback on all sides, but it also comes with the requirement that it be for Attainable Housing with a Year-Round Housing Restriction.

Lastly, Ms. Williams reviewed input regarding who would be responsible for monitoring and enforcing the Attainable Housing (tied to income up to 250% AMI) and Year-Round Housing restrictions. Essentially, it would be on the communities, or someone they designate, to ensure this type of housing is being sold/rented to qualified individuals. This could result in more work for Town Staff.

Ms. Williams noted that the Select Board will be looking for input from the Planning Board on the zoning amendments as she anticipates adoption of the Seasonal Communities Designation will be on the fall special town meeting. The zoning changes are required to be implemented within 24 months of accepting the designation. To try to get a better understanding of the number of vacant non-conforming lots, Ms. Williams will request a map from the GIS department.

6. **Mattacheese Utilization Committee (MUC) Project**: Updates on the status of the MUC project.

Kathy Williams noted that the MUC presented their final Report and three Concept Plans at the May 12th Select Board meeting. She briefly reviewed the 3 concept plans with outlined various layouts for a sports complex, housing, conservation, and school. She emphasized the MUC recommendation to demolish the existing Middle School Building due to the cost to rehabilitate the building, the need for sewer infrastructure, drinking water and environmental protection, sustainability and solar, trying to address local recreation department needs, and potential phasing for the project dependent upon the ME Small Elementary School feasibility study.

7. **Meeting Minutes**:

- a. April 15, 2026: **VOTE: On a motion by Susan Brita, and seconded by Ken Smith, the Planning Board voted (6-0) to approve the meeting minutes of April 15, 2026, with Tom Pendleton, Deirdre Gaquin, Susan Brita, Joanne Crowley, Peter Slovak, and Ken Smith voting in favor.**
- b. April 28, 2026 (Annual Town Meeting): **VOTE: On a motion by Ken Smith, and seconded by Tom Pendleton, the Planning Board voted (6-0) to approve the meeting minutes of April 28, 2026, with Tom Pendleton, Deirdre Gaquin, Susan Brita, Joanne Crowley, Peter Slovak, and Ken Smith voting in favor.**

8. **Board of Appeals Agenda & Decisions**: The attached ZBA Agenda, Approval/Denial Summary and Decisions were sent to the Planning Board via email.

9. **Committee Updates from Board Members:**

- a. **Water Resource Advisory Committee (WRAC):** Ken Smith noted the WRAC met on May 4th and gave an overview of the status of the work. Work on Route 28 will continue until about the 3rd week in June (when school gets out); South Shore Drive has been repaved for the summer; working on all three pump stations; working on the force main across the bog; and the treatment facility is making huge progress. Upon an inquiry from Susan Brita, Mr. Smith noted additional funding will be needed to address the effluent discharge at Bayberry Golf Course as limitations on allowable mounding at the treatment facility site limits the amount that can be discharged there. He further noted there is no price tag for this work yet, but that the golf course will be able to utilize the treated effluent for irrigation. Mr. Smith noted they are trying to schedule the WRAC meetings for the Hearing Room where they can be more readily televised.
 - b. **Design Review Committee (DRC):** Peter Slovak noted that the DRC met recently to review a project at the Station Avenue Stop & Shop Plaza to expand the building to the south for a new Town Fair Tire building. This would be an additional location, and the existing Town Fair tire would remain in Hyannis.
 - c. **Parkers River Landing/Drive-In Site Utilization Committee (DISUC):** Susan Brita noted the good reviews for the recently opened Parkers River Landing which really provides a great place for people to visit and the boardwalk is stunning.
 - d. **Community Housing Committee (CHC):** Deirdre Gaquin noted the recent CHC meeting where they discussed the ongoing projects including the mixed-use project at 645 Route 28, the Habitat for Humanity Project off Wood Road and the housing project at 703 Route 28. She also noted the Yarmouth Housing Authority is working on another RFP for the Forest Road property.
 - e. **Library Building Committee (LBC):** Tom Pendleton noted the Library Ballot question failed. The Select Board will still need to have the Special Town Meeting as it was a petitioned article, but the meeting should be conducted quickly.
10. **Board Member Items:** Joanne Crowley inquired about the construction near the Olympia Restaurant on Route 28. This work is related to drainage for the MassDOT Bass River Bridge/4 corners project and is located on the town owned lot. Joanne Crowley also inquired as to whether the Affordable Housing Trust (AFT) reauthorized the \$25,000 to be spent on continuing the mixed-use studies. Ms. Williams indicated that they had.
11. **Correspondence:** The attached Correspondence was sent to the Planning Board via email.
12. **Staff Updates:** Kathy Williams noted the Tree Warden and the Engineering Department are working on a replanting plan for Old Main Street per the Scenic Road decision issued by the Planning Board in May 2024 for removal of trees related to the sewer main installation.
13. **Upcoming Meetings:**
- a. June 3, 2026
 - b. June 17, 2026
14. **Adjournment:** VOTE: On a motion by Susan Brita, and seconded by Tom Pendleton, the Planning Board voted unanimously (6-0) to adjourn at 7:22 PM.

ATTACHMENTS:

- **May 20, 2026 Agenda**
- **ANR Plan 2371M:** May 15, 2026 Planner Memo; May 14, 2026 Memo from Attorney Michael Kenefick, Moriarty Bielan & Gamache, LLC; Form A; and 2371M ANR Plan
- **Short Term Rentals:** May 14, 2026 Planner Memo; Redline Draft #1, dated May 14, 2026; Falmouth 2026 ATM Warrant – STR Article 17; Yarmouth General Bylaw Ch 108; and staff email exchange with Don Palaia regarding issues experienced with STRs.

- **Commonwealth of Massachusetts Bond Bills and FY 27 Appropriation Bill:** May 15, 2026 Planner Memo; May 7, 2026 Letter from Cape Cod & Islands Water Protection Fund regarding the S3064; Excerpt of Environmental Bond Bill – Definition of Priority Housing Projects; Excerpts of Economic Bond Bill H.5386; Excerpts from the Senate Committee on Ways and Means FY 27 Budget Recommendations; and MGL CH 40A Sections 6 and 10
- **Seasonal Communities:** Staff emails with Philip Dearing, HLC, regarding questions and answers regarding seasonal communities; and FAQs
- **Draft Minutes:** April 15, 2026 and April 28, 2026
- **Miscellaneous Correspondence:**
 - Zoning Board of Appeals Agenda and Approvals/Denials Summary for 5/14/26
 - ZBA Decisions 5222, 5224, 5225, 5226, 5228, 5229, 5231, 5232, and 5233
 - Conservation Commission Agendas for 5/7/26 and 5/21/26
 - April 16, 2026 Planner Memo to the Affordable Housing Trust regarding funding to continue mixed-use analysis
 - April 2026 Cape Cod Commission Reporter

Approved on _____:

On a motion by _____, and seconded by _____, the Planning Board voted (x-x-x) to approve the meeting minutes of May 20, 2026.

DRAFT