

# 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 Meeting

Name of committee, board, etc:	<b>Community &amp; Economic Development Committee (CEDC)</b>
Date of Meeting:	<b>January 28, 2018</b>
Time:	<b>4:30 p.m.</b>
Place:	<b>Room A Yarmouth Town Hall 1146 Route 28 South Yarmouth, MA 02664</b>

### Agenda

1. FY20 Draft Zoning Articles
  - o Accessory Dwelling Units
2. CEDC 2019 Work Plan
3. Committee Member Updates
4. Staff Updates
5. Minutes for Review
  - o January 14, 2019
6. Upcoming Meetings
  - o Monday, February 11, 2019
  - o Monday, February 25, 2019
7. Adjourn

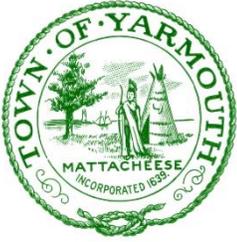
YARMOUTH TOWN CLERK

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Posted By (Name):	Kyle Pedicini
Signature:	<i>Kyle Pedicini</i>

Copies of documents and other exhibits listed here may be found in the Department of Community Development at Yarmouth Town Hall.





# TOWN OF YARMOUTH

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Planning  
Division

## Summary of Zoning Amendments for 2019 Annual Town Meeting

(updated January 16, 2019)

The following is a brief summary of the proposed zoning amendments for the 2019 Annual Town Meeting. Hard copies of the full text are available at the Planning Department at Town Hall during normal business hours, or can be viewed online at the Town website.

1. **Zoning Article 1 – Accessory Dwelling Units:** The Planning Board has been looking at ways to amend the existing Accessory Apartment Bylaw to create more housing opportunities while taking into consideration other factors such as our current high levels of residential density on small lots, potential impacts to single family neighborhoods, ensuring affordable housing stays affordable and is used year round, and concerns about impacts from increased wastewater loading on our water quality.

Although the proposed amendments to the bylaw remains restricted to family related and affordable units through a Special Permit, the Board has loosened the restrictions to promote the creation of accessory units by:

- Eliminating the affordable housing deed restriction and fair marketing requirements (lottery or ready renter list). This will decrease costs and allow a homeowner flexibility to rent to someone they know who is income eligible.
- Ensuring affordability by matching maximum rents to the Federal Fair Market Rental rates which include utility costs.
- Increasing the income eligibility for an affordable unit from 80% of the local Area Median Income to 100% to expand housing opportunities for our workforce.
- Offering flexibility for waivers to the accessory unit requirements through a Special Permit rather than a Variance, which is more difficult to obtain.
- Making it easier to create a family related apartment by expanding the definition of family-related to include other long-term family-like relationships that are care giving or parental in nature. Easing the requirements on the affordable units may also promote the conversion of a family related apartment to an affordable unit as life circumstances change over time.

The Planning Board has balanced these changes with an increase in the minimum lot size from 10,000 square feet (sf) to 15,000 sf; and setting apartment sizes between 400 sf and 800 sf and basing it on 50% percent of the existing building size to keep the accessory unit proportional to the existing building and lot size.

These are initial steps that can be further expanded or modified in subsequent years based on the success of the regulations and as the Town moves forward with a municipal wastewater system.

2. **Zoning Article 2 – Signage:** This amendment allows for the use of automated electronic messages for signs that include information that changes on a regular basis. This amendment specifically applies to gas prices, Community Information Boards (similar to what currently exists at the D-Y High School on Station Ave), and time, date and temperature signs. The amendment outlines specific size and area requirements for the electronic messages. Lastly, this amendment outlines dimensional and location requirements for drive-through menu boards for food service businesses with a maximum size of 66 square feet directed towards drive-through traffic and screened from view from the street.
3. **Zoning Article 3 – Entertainment:** The amendment eliminates the need for a Special Permit for outdoor entertainment such as concerts, dancing, exhibitions, cabaret or public shows, if located in the B1 or B2 business districts, if the entertainment is accessory to an allowed or permitted use, and if an Entertainment License is obtained from the Board of Selectmen. As these accessory uses already go through a Public Hearing process for an Entertainment License with the Board of Selectmen, this zoning amendment would eliminate the time and expense associated with a second Public Hearing on the same request.
4. **Zoning Article 4 – Boat Storage:** As a seaside community, many residents have boats that they keep at their residences. Currently boat storage is allowed on residential properties if located behind the front face of the buildings. However, accessing this area can be difficult on smaller lots depending upon the building/site layout, topography and vegetation. This amendment would provide some flexibility by allowing for one registered boat to be stored anywhere on a residential property as long as it does not create a traffic or fire safety issue and adequate on-site parking remains for the property.
5. **Zoning Article 5 – Miscellaneous Amendments:** This Article includes miscellaneous and minor amendments to a variety of bylaw sections as outlined below:
  - a. Adds a new Section 304 – Stormwater Management, which references the need to adhere to the existing Yarmouth Stormwater Management Regulations.
  - b. Amends Section 414.6.1.1 – Table of Maximum Building Height within the VCOD, by excluding ancillary features, such as chimneys, spires, cupolas, pediments, cornices, mechanical equipment, railings, antennas or other similar structures not intended for human occupation, from the height limitations in Village Centers Overlay District, Village Center 2 (VCOD VC2) only, and adds a 4’ maximum height for such features.
  - c. Deletes Section 417 – Temporary Moratorium on Marijuana Establishments. Recreational Marijuana Establishments were banned at the 2018 Annual Town Meeting and the moratorium is no longer applicable or valid.
  - d. Amend Section 500 – Definition for Temporary Outdoor Recreation, by eliminating the maximum duration of 9 days, and clarifying the type of uses that would qualify as temporary outdoor recreation.

**ZONING ARTICLE 1 – Accessory Dwelling Units:** To see if the Town will vote to amend certain provisions of Section 407 – Accessory Apartments by amending various sections of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend the Table of Contents, by replacing the text “407. Accessory Apartments” with new text “**407. Accessory Dwelling Units (formerly Accessory Apartments)**”.
2. Amend Section 104.3.5 – Other Adjoining Non-conforming Lots, Paragraph 3.D, by replacing the text “apartments” at the end of the sentence with new text “**accessory dwelling units**”.
3. Amend Section 202.5 - Use Regulation Table, by replacing the text “A10 Accessory apartments” with new text “**A10 Accessory dwelling units**”.
4. Amend Section 407 – Accessory Apartments, by replacing the text “apartment” with new text “**dwelling unit**”; replacing the text “apartments” with new text “**dwelling units**”; and replacing the text “APARTMENTS” with new text “**DWELLING UNITS**” throughout the entirety of Section 407.
5. Amend the Index, by replacing the text “Apartments” with new text “**Dwelling Units**” throughout the entirety of the Index.
6. Amend Section 407.1 – Purpose and Intent, last Paragraph, but replacing the text “rents limited by State affordability guidelines” with new text “**rent limitations**”.
7. Amend Section 407.2 – Standards and Requirements, by adding new text as shown:

407.2 Standards and Requirements. The Board of Appeals may authorize accessory **dwelling units** only by special permit, provided that the following standards and criteria are met. **The Board of Appeals may alter or waive one or more of the requirements of Section 407 through a special permit if it finds that the alteration or waiver of the requirement(s) will not derogate from the intent of the bylaw.**

8. Amend Section 407.2 – Standards and Requirements, Paragraph 1, by adding new text as shown:
  1. accessory **dwelling units** shall be complete and separate housekeeping units that function independently from a primary single-family dwelling unit. **Kitchens shall include at a minimum a sink, microwave, stove with hood, and minimum 10 cubic foot refrigerator/freezer;**
9. Amend Section 407.2 – Standards and Requirements, Paragraph 3, by replacing the text “10,000” with new text “**15,000**” as shown:
  3. the lot on which the accessory **dwelling unit** is located must have a minimum lot size of **15,000** square feet;

10. Amend Section 407.2 – Standards and Requirements, Paragraph 4, by adding new text as shown:

- 4. the accessory *dwelling unit* shall be designed so that the appearance of the building *or detached accessory structure* remains *consistent with* that of a one-family residence as much as is feasibly possible. To ascertain this, architectural plans may be required by the Board of Appeals;

11. Amend Section 407.2 – Standards and Requirements, Paragraph 7, by adding new text as shown:

- 7. an accessory *dwelling unit* shall be no *smaller than 400 square feet and no* larger than *50% of the habitable floor area of the single family dwelling unit, or* 800 square feet, *whichever is lesser*, including all habitable space, closets, and storage;

12. Amend Section 407.2 – Standards and Requirements, Paragraph 9, by adding new text as shown:

- 9. the owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory *dwelling unit*; if the owner intends to occupy the accessory *dwelling unit* rather than the principal structure, the principal structure will then be designated in the special permit as the “accessory *dwelling unit*”. *The principal dwelling unit and the accessory dwelling unit may not be rented at the same time;*

13. Amend Section 407.2 – Standards and Requirements, by adding a new Paragraph 10 as shown:

*10. An accessory dwelling unit shall conform to all applicable State and local laws regulating new construction or new residential use including but not limited to the State Building Code and applicable plumbing, electrical, fire, health, septic and conservation regulations and bylaws.*

14. Amend Section 407.2.1 – Standards and Requirements specific to family-related accessory dwelling units, Paragraph 2, by adding new text as shown:

- 2. all family-related *dwelling units* must be occupied by a family member related to the owner(s) by blood, marriage or law, *or other long-term family-like relationship that is care giving or parental in nature which may be approved at the discretion of the Zoning Board of Appeals as part of the special permit.* That relationship shall be certified every two years at the time of inspection by the Building Commissioner.

15. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 1, by deleting in its entirety and replacing with new text as shown:

1. ***Maximum rents permitted. Affordable accessory dwelling units shall be rented only to low-income households for periods not less than one year. Maximum rent paid shall be equal to no more than the current Federal Fair Market Rents set annually by the US Department of Housing and Urban Development (HUD), as adjusted by bedroom size, and shall include all utilities as defined by HUD. If utilities are not included in the rent, a reduction in the Federal Fair Market Rents shall be made in accordance with the most current HUD specified Allowances for Tenant Furnished Utilities and other Services, adopted by the Yarmouth Housing Authority. At the time of application for a Special Permit, property owners are required to submit to the town, or the town’s agent, the lease or rental agreement for the dwelling unit showing the terms and rent to be charged. The property owners shall submit to the town, or the town’s agent, on an annual basis, the executed lease, rental agreement or renewal.***
  
16. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 2, by replacing the text “80” with new text “100” and adding new text as shown:
  2. Guidelines for income eligibility. All applicants for occupancy of an affordable accessory ***dwelling unit*** shall, at the time of initial rental application, ***and annually thereafter***, submit to the town, or to the town’s agent, all necessary documentation to confirm their eligibility for the unit. For the purpose of this ***section of the*** bylaw, low-income households shall be those having an income of no more than ***100%*** of the current Area Median Income (AMI) in the Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and assets meeting program guidelines.
  
17. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 3, by deleting in its entirety and replacing with new text as shown:
  3. ***Upon receiving a Special Permit for an affordable accessory dwelling unit, the owner(s) must file a Declaration of Covenants on the subject property at the Barnstable County Registry of Deeds. The Declaration of Covenants as an affordable rental unit shall state that the right to use an accessory dwelling unit may cease upon transfer of title. A time-stamped copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Division and the Board of Health.***
  
18. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 4, by deleting the text “*and a Affordable Housing Restriction*” in the first sentence.
  
19. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 5, by deleting the text “*and Affordable Housing Restriction*” and the text “*and in accordance with the Affordable Housing Restriction*”, and adding new text as shown:

5. The Special Permit *and* Declaration of Covenants for an affordable accessory *dwelling unit* may be terminated by the owner(s) provided the affordable accessory *dwelling unit* is removed and upon a satisfactory inspection of the Building Commissioner.
  
20. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 6, by deleting in its entirety.
  
21. Amend Section 407.5 – Amnesty, by deleting in its entirety and replacing with new text as shown:  
  

**407.5 Amnesty. (Deleted ATM 5/4/19)**
  
22. Amend Section 500 – Definitions, by deleting the Definition for AFFORDABLE ACCESSORY APARTMENT in its entirety and replacing with new text as shown:  
  

***AFFORDABLE ACCESSORY DWELLING UNIT – A secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, located within, attached to, or adjacent to a primary single-family dwelling unit. The maximum allowable rent for affordable accessory dwelling units shall be set per Section 407.***
  
23. Amend Section 500 – Definitions for FAMILY-RELATED ACCESSORY APARTMENT, by replacing the text “APARTMENT” with “**DWELLING UNIT**”

**Requires 2/3rds Vote**

## 407. ACCESSORY ~~APARTMENTS DWELLING UNITS~~.

407.1 Purpose and Intent. It is the intent of this bylaw to provide a variety of housing types to meet the changing needs of the community. In doing so, the bylaw is also intended to protect the character and property values of single-family residential neighborhoods.

The purpose of family-related accessory ~~apartments-dwelling units~~ is to provide an opportunity for family members who choose to live in a close proximity, but separate from other family members, to remain within that family environment.

The purpose of affordable accessory ~~apartments-dwelling units~~ is to create rental housing for Yarmouth's year-'round residents with ~~rent limitations~~~~rents limited by State affordability guidelines~~.

407.2 Standards and Requirements. The Board of Appeals may authorize accessory ~~apartments-dwelling units~~ only by special permit, provided that the following standards and criteria are met: The Board of Appeals may alter or waive one or more of the requirements of Section 407 through a special permit if it finds that the alteration or waiver of the requirement(s) will not derogate from the intent of the bylaw.

1. accessory ~~apartments-dwelling units~~ shall be complete and separate housekeeping units that function independently from a primary single-family dwelling unit. Kitchens shall include at a minimum a sink, microwave, stove with hood, and minimum 10 cubic foot refrigerator/freezer;
2. only one accessory ~~apartment-dwelling unit~~ per lot shall be allowed;
3. the lot on which the accessory ~~apartment-dwelling unit~~ is located must have a minimum lot size of ~~40,000~~ 15,000 square feet;
4. the accessory apartment shall be designed so that the appearance of the building or detached accessory structure remains consistent with that of a one-family residence as much as is feasibly possible. To ascertain this, architectural plans may be required by the Board of Appeals;
5. an accessory ~~apartment~~dwelling unit may be located within, or attached to, a principal residential structure or in a detached accessory building on the same lot. Pre-existing, non-conforming accessory structures must receive a special permit from the Board of Appeals as outlined in section 104. New accessory structures must meet the dimensional requirements of section 203.5;
6. an accessory ~~apartment~~dwelling unit, whether located within a principal residential structure or within a detached accessory structure, shall clearly be a subordinate to the principal structure. Any new entrance for an accessory ~~apartment~~dwelling unit must be located on the side or rear of the building, as long as it meets the requirements of existing codes;

7. an accessory apartmentdwelling unit shall be no smaller than 400 square feet and no larger than 50% of the habitable floor area of the single family dwelling unit, or 800 square feet, whichever is lesser, including all habitable space, closets, and storage;
8. no accessory apartmentdwelling unit shall be held in separate ownership from the principal structure/dwelling unit, and it shall be so stated in the “Declaration of Covenants”;
9. the owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory apartmentdwelling unit; if the owner intends to occupy the accessory apartmentdwelling unit rather than the principal structure, the principal structure will then be designated in the special permit as the “accessory apartmentdwelling unit”. The principal dwelling unit and the accessory dwelling unit may not be rented at the same times;
10. An accessory dwelling unit shall conform to all applicable State and local laws regulating new construction or new residential use including but not limited to the State Building Code and applicable plumbing, electrical, fire, health, septic and conservation regulations and bylaws.

407.2.1 Standards and Requirements specific to family-related accessory apartmentdwelling units:

1. at least 3 off street parking spaces shall be available on the premises for use by the residents of the main residence and the family-related accessory apartmentdwelling unit.
2. all family-related apartmentdwelling units must be occupied by a family member related to the owner(s) by blood, marriage or law, or other long-term family-like relationship that is care giving or parental in nature which may be approved at the discretion of the Zoning Board of Appeals as part of the special permit. That relationship shall be certified every two years at the time of inspection by the Building Commissioner.

407.2.2 Standards and Requirements specific to affordable accessory apartmentdwelling units:

1. at least 2 off street parking spaces on the premises shall be required for use by residents of the main residence and 2 additional parking spaces shall be required for use by the residents of the affordable accessory apartmentdwelling unit.
2. all affordable accessory apartmentdwelling units must be rented to households meeting the guidelines for low- or moderate-income households. All occupants of an affordable accessory apartmentdwelling unit shall, upon an initial application, and on an annual basis thereafter, submit to the town, or its agent,

the necessary documentation to confirm their eligibility for the dwelling unit.

407.3 Permit Procedure and Requirements. The procedure for the submission and approval of a special permit for an accessory apartmentdwelling unit shall be the same as prescribed in section 103.2 of this bylaw.

1. No Building Permit or Occupancy Permit for either a family-related accessory apartmentdwelling unit or an affordable accessory apartmentdwelling unit shall be issued until the Special Permit and Declaration of Covenants are recorded at the Barnstable County Registry of Deeds.

407.3.1 Permit Procedure and Requirements for family-related accessory apartmentsdwelling units:

1. A notarized letter of application from the owner(s) stating that (s)he/they will occupy a portion of the residence and that a family related member shall occupy the other portion shall be required with the application. The name and relationship of the family member shall be stated in this letter of application.
2. Upon receiving a Special Permit for a family-related accessory apartmentdwelling unit, the owner(s) must file a Declaration of Covenants on the subject property at the Barnstable County Registry of Deeds. The Declaration of Covenants shall state that the right to use an accessory apartmentdwelling unit may cease upon transfer of title. A time-stamped copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Division and the Board of Health.
3. The Special Permit for a family-related accessory apartmentdwelling unit shall terminate upon the sale of the property or transfer of title to the dwelling unless the new owner(s) files on the subject property a new Declaration of Covenants at the Barnstable County Registry of Deeds at the time of transfer or within 45 days of the sale, agreeing to abide by the prior restrictions of the Special Permit. The new Declaration of Covenants must contain the endorsement of the Building Commissioner that the family-related accessory apartmentdwelling unit and the tenant continue to conform to eligibility requirements. The new Declaration of Covenants shall state that the right to use a family-related accessory apartmentdwelling unit may cease upon transfer of title. A time-stamped copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Division and the Board of Health.

If no action is taken by the new owner(s) at the time of transfer or within 45 days of the sale, then the new owner(s) must apply for re-approval of the Special Permit by the Board of Appeals for a family-related accessory apartmentdwelling unit, stating that the conditions at the time of the original approval remain unchanged.

4. The Special Permit and Declaration of Covenants for a family-related accessory

apartmentdwelling unit may be terminated by the owner(s) provided the family-related accessory apartmentdwelling unit is removed and upon a satisfactory inspection of the Building Commissioner.

#### 407.3.2 Permit Procedure and Requirements for affordable accessory apartmentdwelling units:

1. Maximum rents permitted. Affordable accessory apartmentdwelling units shall be rented only to low-income households for periods not less than one year. Maximum rent paid shall be equal to no more than the current Federal Fair Market Rents set annually by the US Department of Housing and Urban Development (HUD), as adjusted by bedroom size, and shall include all utilities as defined by HUD. If utilities are not included in the rent, a reduction in the Federal Fair Market Rents shall be made in accordance with the most current HUD specified Allowances for Tenant Furnished Utilities and other Services, adopted by the Yarmouth Housing Authority. 30% of the theoretical income of a household in the Barnstable-Yarmouth Metropolitan Statistical Area (MSA) earning 70% of the Area Median Income (AMI), as published annually by the U.S. Department of Housing and Urban Development (HUD). At the time of application for a Special Permit, property owners are required to submit to the town, or the town's agent, the lease or rental agreement for the dwelling unit showing the terms and information on the rent to be charged. On the first weekday of September of each year thereafter, tThe property owners shall submit to the town, or the town's agent, on an annual basis, the executed lease, rental agreement or renewal information about annual rents. A form for this purpose will be provided. These affordability requirements shall be recorded in the Declaration of Covenants and the Affordable Housing Restriction.
2. Guidelines for income eligibility. All applicants for occupancy of an affordable accessory apartmentdwelling unit shall, at the time of initial rental application, and annually thereafter, submit to the town, or to the town's agent, all necessary documentation to confirm their eligibility for the unit. For the purpose of this section of the bylaw, low-income households shall be those having an income of no more than 80100% of the current Area Median Income (AMI) in the Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and assets meeting program guidelines.
3. Upon receiving a Special Permit for an affordable accessory apartmentdwelling unit, the owner(s) must file a Declaration of Covenants and an Affordable Housing Restriction on the subject property at the Barnstable County Registry of Deeds. The Affordable Housing Restriction must be approved by the Affordable Housing Committee and signed by the Board of Selectmen. The Declaration of Covenants as an affordable rental unit and the Affordable Housing Restriction shall state that the right to use an accessory apartmentdwelling unit may cease upon transfer of title. A time-stamped copy of the recorded Declaration of Covenants and the Affordable Housing Restriction shall be provided to the Board of Appeals, the Building Division and the Board of Health.

4. The Special Permit for an affordable accessory apartmentdwelling unit shall terminate upon the sale of the property or transfer of title to the dwelling unless the new owner(s) files on the subject property a new Declaration of Covenants ~~and a Affordable Housing Restriction~~ at the Barnstable County Registry of Deeds at the time of transfer or within 45 days of the sale, agreeing to abide by the prior restrictions of the Special Permit. The new Declaration of Covenants must contain the endorsement of the Building Commissioner and the Town's delegated affordable housing inspector that the affordable accessory apartmentdwelling unit and the tenant continue to conform to eligibility requirements. The new Declaration of Covenants shall state that the right to use an affordable accessory apartmentdwelling unit may cease upon transfer of title. A time-stamped copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Division and the Board of Health.

If no action is taken by the new owner(s) at the time of transfer or within 45 days of the sale, then the new owner(s) must apply for re-approval of the Special Permit by the Board of Appeals for an affordable accessory apartmentdwelling unit, stating that the conditions at the time of the original approval remain unchanged.

5. The Special Permit, ~~and~~ Declaration of Covenants ~~and Affordable Housing Restriction~~ for an affordable accessory apartmentdwelling unit may be terminated by the owner(s) provided the affordable accessory apartmentdwelling unit is removed and upon a satisfactory inspection of the Building Commissioner ~~and in accordance with the Affordable Housing Restriction~~.
6. ~~No occupancy permit shall be issued for an affordable accessory apartment until an Affordable Housing Restriction has been recorded at the Barnstable County Registry of Deeds.~~

#### 407.4 Records and Inspections.

407.4.1 Accessory apartmentdwelling units shall be inspected at least once every two (2) years by the Building Commissioner for which there shall be an additional users fee in the amount stipulated by the Board of Selectmen, payable at the date of inspection.

407.4.2 The Building Commissioner shall maintain a running, up-to-date log of approved and/or inspected accessory apartmentdwelling units.

407.4.3 Failure to pass inspection shall allow the Building Commissioner to require removal of cooking, sanitary, sleeping facilities or structural portions previously approved, associated with the addition of the accessory apartmentdwelling unit to the single-family residence.

407.5 Amnesty. ~~(Deleted ATM 5/4/19) In an effort to meet the town's housing needs, real property containing an accessory apartment, as described in this bylaw section, for~~

~~which there does not exist a validly issued variance, special permit, building permit, or occupancy permit, may apply to the Board of Appeals for a special permit to legally continue the use as an accessory apartment. The Board of Appeals shall be empowered to grant a special permit, waiving any portion of bylaw sections 104, 201, 202, and 203, as they pertain to a single-family dwelling. The Board of Appeals shall not waive the provisions of this bylaw section, except by variance, and any accessory apartment created under this amnesty provision shall comply to the requirements of this bylaw section.~~

~~To qualify for amnesty under this bylaw, the unlawful accessory apartment must be a single accessory dwelling unit that is accessory to an owner-occupied single-family dwelling and must have been in existence before April 8, 2008. It shall be the burden of the applicant to prove to the Board of Appeals that the unlawful apartment was in existence before that date. No more than one unlawful accessory apartment in a single family residence may apply for amnesty.~~

~~The amnesty provisions of this bylaw will expire on and will no longer be available after July 1, 2011.~~

#### RELATED DEFINITIONS:

AFFORDABLE ACCESSORY APARTMENT DWELLING UNIT – A secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, located within, attached to, or adjacent to a primary single-family dwelling unit. The maximum allowable rent for affordable accessory dwelling units shall be set per Section 407.~~An affordable accessory apartment shall have deed restrictions that hold rent to affordable housing guidelines set by the Town.~~

AFFORDABLE HOUSING RESTRICTION – A contract, mortgage agreement, deed, restriction or other legal instrument, acceptable in form and substance to the Town of Yarmouth, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provision of M.G.L. c. 184, § 26 or 31-32.

FAMILY-RELATED ACCESSORY APARTMENT DWELLING UNIT – a secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, which is located within, attached to, or adjacent to a primary single-family dwelling unit.

**ZONING ARTICLE 2 - Signage:** To see if the Town will vote to modify the sign regulations by amending Section 303 – Signs, of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend Section 303.2 – Definitions, by adding new text to the Definition for Electronic Message Center as shown:

Electronic Message Center (EMC) - *A portion of a sign that uses changeable lights to display words, symbols, figures or images that can be altered or rearranged by remote or automatic means.*

2. Amend Section 303.2 – Definitions, by adding the following new Definition as shown:

***LED (Light-Emitting-Diode): An electronic device that emits light when an electrical current is passed through it.***

3. Amend Section 303.3.1 – Prohibited Signs, by replacing the text “messaging” with new text “***message***” and replacing the text “(except for time, date, temperature)” with new text “(unless specifically stated otherwise)” as shown:

303.3.1 Prohibited Signs. Pennants, balloons, aerially supported devices, electronic ***message*** centers (unless specifically stated otherwise), quills/feathers, or any other sign not specifically allowed, are prohibited in all districts.

4. Amend Section 303.3 – General Regulations, by adding the following new text after Paragraph 303.3.1 as shown, and renumbering the remaining paragraphs:

***303.3.2 Electronic message centers: Signs allowed to display electronic messages are limited to the following uses and sizes only. All electronic messages must be contained within the allowed sign area.***

1. ***To denote the time, date or temperature, maximum character height of 12 inches and area of twelve (12) square feet. The electronic message shall be static except messages can change as needed to denote accurate time, date and temperature.***
2. ***Community Information Boards (CIBs) may include electronic messages. The maximum area of the electronic message is twenty-eight (28) square feet. The electronic message can change as needed to provide updated community information, and may include screen changes and scrolling.***
3. ***Gas Station Pricing:***
  - a. ***Free-standing signs for gas stations may include electronic messages for up to two gas prices with a maximum character height of twelve (12) inches and a maximum combined area of ten (10) square feet.***
  - b. ***The electronic messages shall be static except messages can change as needed to provide updated gas prices.***

5. Amend Section Amend Section 303.3 – General Regulations, by amending the newly renumbered Paragraph 303.3.4 by deleting the text “*indicated date, time and/or temperature*” and adding new text as shown:

**303.3.4** Movement or Moving Parts. No sign shall move, contain any moving parts, or give the appearance of motion due to flashing or intermittent light, except portions of a sign which *include electronic message centers per Section 303.3.2*.

6. Amend Section 303.4.1.3 – Real Estate Signs, by replacing the text “303.5.6” in the fourth sentence with new text “**303.5.4**”.

7. Amend Section 303.5.4 – Free Standing Signs, by adding the following new text after Paragraph 303.5.4.4 as shown, and renumbering the remaining paragraphs:

**303.5.4.5**     **Drive-Through Menu Board:** *Food service businesses that have a drive-through window, may have one additional single sided freestanding drive-through menu board of a maximum size of sixty-six (66) square feet, a maximum face height or width of ten (10) feet, and no part of the sign more than twelve (12) feet above the average grade at the sign location. All advertising or lettering shall be contained within the face of the sign. This sign shall be directed to drive-through traffic where the order is to be placed and shall be screened from view from the street.*

8. Amend Section 303.13 – Relief, by replacing the text “303.3.9” with new text “**303.3.10**”.

**Requires 2/3rds Vote**

**ZONING ARTICLE 3 - Entertainment:** To see if the Town will vote to amend Section 202.5 – Use Regulation Table of the Zoning Bylaw to modify certain provisions, as follows, or take any other action relative thereto:

1. Amend Section 202.5 – Use Regulation Table, by modifying Use N3 Theatrical productions, including bands, orchestras & entertainers, by replacing the text “BA” with new text “**BA<sup>51</sup>**” in the B1 and B2 zoning districts.
2. Amend Section 202.5 – Use Regulation Table Footnotes, by adding new Footnote 51 as shown:

*51. Except “Yes” for Use N3 – Theatrical productions, including bands, orchestras & entertainers, if accessory to an allowed or otherwise permitted use, and an Entertainment License per MGL Chapter 140, Section 183A has been issued by the Board of Selectmen through application to the Town Administrator’s office. This exception excludes any form of Adult Entertainment.*

**Requires 2/3rds Vote**

**ZONING ARTICLE 4:** To see if the Town will vote to amend Section 401.1 – Camping and Recreational Equipment of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend Section 401.1.2 (Camping and Recreational Equipment), by adding new text at the end of this paragraph as shown:

401.1.2 If camping or recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot, except for loading and unloading. ***One (1) lawfully registered boat may be parked or stored on a Residential lot, regardless of location relating to the building, provided it does not create a traffic or fire safety issue and adequate on-site parking remains for the property.***

**Requires 2/3rds Vote**

**ZONING ARTICLE 5 – Miscellaneous Amendments:** To see if the Town will vote to amend various sections of the Zoning Bylaw to modify certain provisions, as follows, or take any other action relative thereto:

1. Amend the Zoning Bylaw by adding the following new Section 304 – STORMWATER MANAGEMENT, as shown:

**304. STORMWATER MANAGEMENT**

**304.1 All applicable projects shall comply with the Town of Yarmouth Stormwater Management Regulations.**

2. Amend Section 103.3.1 – Objectives, by adding the following new text after Paragraph 4 as shown, and renumbering the remaining paragraphs:

**5. Drainage serving the site must comply with Section 304 – Stormwater Management.**

3. Amend Section 301.4.1, by adding new text to the first paragraph as shown:

301.4.1 All required parking areas except those serving one and two family residences shall be paved with bituminous concrete or other suitable, hardened stable and durable material, unless exempted by the Site Plan Review Team for cases such as seasonal or periodic use where a proposed alternative surface will prevent dust, erosion or unsightly conditions. Drainage facilities for each parking area shall be designed and constructed to contain stormwater runoff on the premises **and comply with Section 304 – Stormwater Management**. No parking lot shall be illuminated in such a way that it causes glare for motorists, pedestrians or neighboring premises.

4. Amend Section 406.5.7 – Design and Operation Requirements, by adding new text at the end of Paragraph 4 as shown:

4. Drainage. All runoff from impervious surfaces shall be recharged on the site and diverted towards areas covered with vegetation for surface infiltration. Leaching basins shall be used only where other methods are not feasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants. Such traps shall be maintained (with records) on a regular basis. **Drainage serving the site must also comply with Section 304 – Stormwater Management.**

5. Amend Section 414.6.1.1 – Table of Maximum Building Height within the VCOD, by adding new text to reference note “**B**” in the column entitled, “VC2(A)” as shown:

1. Table of Maximum Building Height within the VCOD

	VC1(A)	VC2(A)(B)	VC3(A)	VC4(A)
0 – 50 feet from all lot lines	35 feet 3 stories	35 feet 3 stories	35 feet 3 stories	35 feet 3 stories
Beyond 50 feet from all lot lines	48 feet 4 stories	48 feet 4 stories	48 feet 4 stories	48 feet 4 stories

6. Amend Section 414.6.1.1 – Table of Maximum Building Height within the VCOD, by adding the following note after note (A) as shown:

**(B) Height limitations shall not apply to ancillary features, such as chimneys, spires, cupolas, antennas, pediments, cornices, mechanical equipment or screening for mechanical equipment, railings, or other similar structures not intended for human occupancy. These ancillary features shall have a maximum height of 4’ above the maximum building height allowed.**

7. Amend the Table of Contents, by replacing the text “417. *Temporary Moratorium On Marijuana Establishments Which Are Not Included In The Definition Of Medical Marijuana Treatment Centers*” with new text “417. **Deleted (ATM 05/04/19)**”.

8. Amend Section 417 – TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS WHICH ARE NOT INCLUDED IN THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTERS, by deleting it in its entirety and replacing with new text as shown:

**417 Deleted (ATM 05/04/19).**

9. Amend Section 500 – Definitions, by deleting the definition for TEMPORARY OUTDOOR RECREATION in its entirety and replacing with new text as shown:

**TEMPORARY OUTDOOR RECREATION – An outdoor municipal, cultural, educational, religious, social, charitable, or other program, occasion or activity including, but not limited to carnivals, festivals, special events, arts and craft fairs, car or boat shows, recreational activities, theatrical productions, or concerts, conducted on an intermittent basis. Temporary Outdoor Recreation does not apply to events that are considered accessory to an allowed use or business.**

**Requires 2/3rds Vote**

# CEDC Work Plan

(1/28/19)

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## Tourism Preservation Fund

- Oversee Tourism Preservation Fund
- Review and evaluate Special Event Program
- Develop plan for Physical Improvements
  - Develop Drive In site as a venue
  - Repair fencing and replace utility box wraps/signage
  - Invest in tangible improvements such as beautification team and streetscape upgrades
  - Roadway Banner Project Implementation
    - Purchase/Install/Maintenance

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## Other Goals

- Expand local, regional, and state partnerships to advance economic growth
- Monitor state economic development efforts which may be advantageous to Yarmouth
- Develop Business Assistance Guide to help attract and recruit new businesses that is available in hard and electronic copy for distribution on the Town and Chamber websites
- Evaluate marketing efforts as they relate to attracting residents, visitors and businesses
- Research various Redevelopment Authority models and determine whether one or more would be advantageous to Yarmouth
- Research and identify financial and other incentives to attract developers
- Develop sign regulations to permit installation of banners/holiday wreaths/etc.
- Expand opportunity for outdoor entertainment/music
- Develop checklist for Entertainment License
- Assist with Town streamlining the event process for event organizers
  - Examine town fees/town fee process

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

## Town of Yarmouth

### DRAFT MINUTES OF THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING OF January 14, 2019

The Yarmouth Community & Economic Development Committee held a Business Meeting at 10:00 a.m. on Monday, January 14, 2019 at the Yarmouth Town Hall, Hearing Room, located at 1146 Route 28, South Yarmouth, MA.

**Committee Members Present:** Peter Q. Smith, Norm Weare, Ken Smith, Mary Vilbon

**Staff:** Karen Greene, Director of Community Development; Kyle Pedicini, Economic Development Coordinator

**Guests:** Paul Cleary

The meeting was opened by Peter Smith at 4:35 pm

#### **1. Chamber of Commerce Presentation**

Mary Vilbon, Executive Director for the Yarmouth Chamber of Commerce, reviewed the recent presentation the Chamber gave to the Board of Selectmen regarding their marketing contract with the town. She explained that their contract stipulates that they promote the town of Yarmouth through marketing/public relations, visitor services, and event coordination. Some examples of their marketing/public relations efforts include: redesigning their website, social media interaction, and participating in traditional and email marketing. The development of a concierge guide and the management of the Sand Sculpture Trail are two examples of the Chamber providing visitor services. Event Coordination the Chamber has been involved in include the Annual Cleanup Day, the Trolley Taste of Yarmouth tour, and the Yarmouth Port Christmas stroll.

Karen Greene, Director of Community Development, informed the Committee that there will be a new Request for Proposals (RFP) sent out by the town in February soliciting new proposals from organizations to market the town.

#### **2. TRPF Budget Update/Votes**

Karen Greene, Director of Community Development, presented the Tourism Revenue Preservation Fund budget to the Committee. She explained that there is \$310,273.60 in unallocated funds for 2020 that can be apportioned into categories by the Committee. Committee members agreed to wait to vote on any budget items until more members were present.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

### **3. Committee Member Updates**

Norm Weare updated the Committee on the zoning articles that the Planning Board has prepared for upcoming Town Meeting. The zoning articles that are most relevant to the CEDC involve sign regulations and accessory dwelling units (ADUs). Committee members expressed an interest in discussing ADUs at their next meeting and asked town staff to invite Kathy Williams, Town Planner, to attend to answer questions.

### **4. Staff Updates**

Town staff updated the Committee on the upcoming Board of Selectmen meeting where the PACE legislation will be reviewed. The meeting will be on 1/15 and Chairman Peter Smith will attend to introduce the program and Wendy O'Malley from Mass Development. Ms. O'Malley will give a presentation on PACE and the goal of the meeting is to have the Board of Selectmen make a motion to have Yarmouth opt-in to the PACE program.

Town staff also gave an update on ongoing physical improvement projects. Staff is currently working to gather materials to request bids for the fencing project at five locations in town. After reviewing the list of fencing locations the Committee decided to also pursue replacing the fencing at the front section of the Yarmouth Port Common. The Committee had previously decided to hold off on the project due to an upcoming Route 6A project, but it was decided that the front section of the fence (facing 6A) should be replaced ASAP.

The Committee also discussed the topic of the new short-term rental tax bill and town staff briefly reviewed the FAQs sheet provided by DOR and CCIAOR on the topic.

Town staff also gave an update on the Water Resource Advisory Committee and it was explained that the Committee will be starting an educational outreach process in the upcoming months.

### **5. Minutes for Review**

The Committee reviewed draft minutes from their meeting on December 13, 2018.

**Vote:** On a motion from Ken Smith, seconded by Norm Weare, the Committee approved the minutes for December 13, 2018 by a vote of 4-0-0.

The Committee reviewed draft minutes from their meeting on December 14, 2018.

**Vote:** On a motion from Mary Vilbon, seconded by Ken Smith, the Committee approved the minutes for December 14, 2018 by a vote of 4-0-0.

### **6. Upcoming Meetings**

The next relevant meeting is the January 15<sup>th</sup>, 2019 Selectmen meeting where the PACE program will be reviewed. The next CEDC meeting will take place on January 28<sup>th</sup>, 2019.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

**7. Adjourn**

On a motion from Mary Vilbon, seconded by Stephen O'Neil, the Committee voted 4-0 to adjourn at 6:22 pm

**8. Documents provided:**

- a. Agenda for the meeting
- b. Draft TRPF Budget
- c. DoR Short Term Rentals FAQs
- d. CCIAOR Short Term Rentals FAQs
- e. Draft Minutes from CEDC meeting on December 13, 2018
- f. Draft Minutes from CEDC meeting on December 14, 2018

Respectfully Submitted,  
Kyle Pedicini, Community Development Office