

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:	Community & Economic Development Committee (CEDC)
Date of Meeting:	February 11, 2019
Time:	4:30 p.m.
Place:	Room A Yarmouth Town Hall 1146 Route 28 South Yarmouth, MA 02664

Agenda

1. FY20 Draft Zoning Articles
 - o Accessory Dwelling Units
 - o Entertainment
2. TRPF Budget Update/Votes
3. Town Fees for Special Events
4. Committee Member Updates
5. Staff Updates
 - o Physical Improvements
 - o Yankee Village Purchase
 - o Water Resource Advisory Committee
6. Minutes for Review
 - o January 28, 2019
7. Upcoming Meetings
 - o Monday, February 25, 2019
 - o Monday, March 11, 2019
8. Adjourn

YARMOUTH TOWN CLERK

'19FEB5PM2:37 REC

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.

From: Williams, Kathleen
Sent: Wednesday, February 6, 2019 11:02 AM
To: Greene, Karen <KGreene@yarmouth.ma.us>
Subject: Public Hearing for Zoning Amendments for 2019 Annual Town Meeting

Hello Karen,

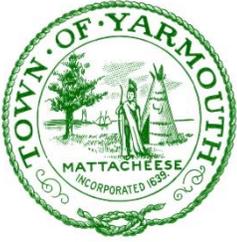
The Yarmouth Planning Board would like to invite the *Community & Economic Development Committee* to a Public Hearing on Wednesday February 20, 2019 at 5:30 PM to solicit input on proposed Zoning Bylaw amendments. The meeting will be held in the Hearing Room of Yarmouth Town Hall at 1146 Route 28 in South Yarmouth. It would be much appreciated if you could forward this e-mail to the CEDC members.

The Planning Board has been holding public meetings over the past several months to discuss various proposed changes to the Bylaw. The Board is currently considering five zoning amendments for adoption at the 2019 Annual Town Meeting (ATM). A summary of the proposed amendments and the latest drafts of the proposed Articles are attached and may also be viewed online at the Town of Yarmouth website at <http://www.yarmouth.ma.us/1732/Draft-Zoning-Articles-2019-ATM> Hard copies are also available in the Community Development office at Town Hall.

Residents are encourage to attend the meeting to offer their input, or provide written comments to the Planning Board c/o Kathy Williams, Town Planner, at kwilliams@yarmouth.ma.us

Thanks,
Kathy

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



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, t~~The 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 ~~80~~100% 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 “**BA⁵¹**” 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)**”.

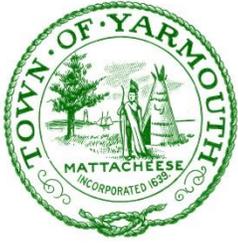
8. Amend Section 417 – TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS WHICH ARE NOT INCLUDED IN THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTERS, by deleting it in its entirety and replacing with new text as shown:

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



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492

Telephone (508) 398-2231, Ext. 1277, Fax (508) 398-2365

Department of
Community
Development

To: Yarmouth Planning Board
From: Peter Q. Smith, Chairman of the Yarmouth Community and Economic Development Committee
Date: February 11, 2019
Re: Support for Zoning Amendments for 2019 Annual Town Meeting

On February 11th 2019, the Community and Economic Development Committee (CEDC) met and, among other issues, reviewed and discussed a Summary of Zoning Amendments for 2019 Annual Town Meeting that was presented by Yarmouth's Town Planner Kathy Williams at the 1/28/19 CEDC meeting. At that meeting Ms. Williams described each of the four Articles and answered questions from CEDC Members. Planning Board members Mr. Norm Weare and Ms. Joanne Crowley were also in attendance, and provided valuable insights and explanations. After considerable discussion, particularly on Zoning Article #1 (Accessory Dwelling Units) and Zoning Article #3 (Entertainment), the Committee voted 7-0 to express support to the Planning Board for the Zoning Amendments.

Thank you for the opportunity to comment.

Event	Total	Police				Fire			Health	DPW/Water	Licensing	Building	Field rental	Misc
		Police (total)	Police detail	Polic admin	equipment	Fire (total)	Fire detail	Fire admin						
2018 Irish Festival	\$ 6,520.00	\$ 3,740.00	\$ 3,740.00	\$ -	\$ -	\$ 2,165.00	\$ 2,165.00	\$ -	\$ -	\$ 420.00	\$ 195.00	\$ -	\$ -	\$ -
2018 Paw Palooza	\$ 6,448.65	\$ 660.00	\$ 660.00	\$ -	\$ -	\$ 2,529.36	\$ 2,529.36	\$ -	\$ -	\$ 110.36	\$ 55.00	\$ 335.00	\$ 1,125.00	\$ 1,633.93
2017 Paw Palooza	\$ 5,323.65	\$ 660.00	\$ 660.00	\$ -	\$ -	\$ 2,529.36	\$ 2,529.36	\$ -	\$ -	\$ 110.36	\$ 55.00	\$ 335.00	\$ -	\$ 1,633.93
2016 Paw Palooza	\$ 5,190.00	\$ 850.00	\$ 850.00	\$ -	\$ -	\$ 1,800.00	\$ 1,800.00	\$ -	\$ -	\$ 110.00	\$ 55.00	\$ -	\$ 1,125.00	\$ 1,250.00
2018 St Pattys Parade	\$ 8,783.00	\$ 8,783.00	\$ 8,783.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2017 St Pattys Parade	\$ 6,688.00	\$ 6,688.00	\$ 6,688.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2016 St Pattys Parade	\$ 6,638.00	\$ 6,638.00	\$ 6,638.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2018 TB Sheep Festival	\$ 55.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00	\$ -	\$ -	\$ 40.00	\$ -	\$ -
2017 TB Sheep Festival	\$ 55.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00	\$ -	\$ -	\$ 40.00	\$ -	\$ -
2016 TB Sheep Festival	\$ 55.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00	\$ -	\$ -	\$ 40.00	\$ -	\$ -
2018 TB Fall Festival	\$ 55.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00	\$ -	\$ -	\$ 40.00	\$ -	\$ -
2017 TB Fall Festival	\$ 55.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00	\$ -	\$ -	\$ 40.00	\$ -	\$ -
2016 TB Fall Festival	\$ 55.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15.00	\$ -	\$ -	\$ 40.00	\$ -	\$ -
2018 Seaside Festival	\$ 15,672.21	\$ 10,570.85	\$ 9,464.41	\$ 946.44	\$ 160.00	\$ 4,986.36	\$ 4,623.96	\$ 362.40	\$ -	\$ -	\$ 115.00	\$ -	\$ -	\$ -
2017 Seaside Festival	\$ 12,231.91	\$ 8,342.83	\$ 7,420.76	\$ 722.07	\$ 200.00	\$ 3,774.08	\$ 3,430.98	\$ 343.10	\$ -	\$ -	\$ 115.00	\$ -	\$ -	\$ -
2016 Seaside Festival	\$ 5,687.00	\$ 3,267.00	\$ 2,979.00	\$ 288.00	\$ -	\$ 2,305.00	\$ 2,305.00	\$ -	\$ -	\$ -	\$ 115.00	\$ -	\$ -	\$ -
2017 Sons of Erin 5k	\$ 750.00	\$ 750.00	\$ 750.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2016 Sons of Erin 5k	\$ 700.00	\$ 700.00	\$ 700.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2018 Average	\$ 6,255.64	\$ 3,958.98	\$ 4,397.48	\$ 189.29	\$ 26.67	\$ 1,613.45	\$ 1,331.19	\$ 60.40	\$ 5.00	\$ 88.39	\$ 60.83	\$ 69.17	\$ 187.50	\$ 272.32
2017 Average	\$ 4,183.93	\$ 2,740.14	\$ 2,586.46	\$ 120.35	\$ 33.33	\$ 1,050.57	\$ 993.39	\$ 57.18	\$ 5.00	\$ 18.39	\$ 28.33	\$ 69.17	\$ -	\$ 272.32
2016 Average	\$ 3,054.17	\$ 1,909.17	\$ 1,861.17	\$ 48.00	\$ -	\$ 684.17	\$ 684.17	\$ -	\$ 5.00	\$ 18.33	\$ 28.33	\$ 16.00	\$ 187.50	\$ 208.33
Total Average	\$ 4,497.91	\$ 2,869.43	\$ 2,740.73	\$ 108.70	\$ 20.00	\$ 1,116.06	\$ 1,076.87	\$ 39.19	\$ 5.00	\$ 41.71	\$ 39.17	\$ 50.56	\$ 125.00	\$ 250.99

Pedicini, Kyle

From: Ryan Castle <rcastle@cciaor.com>
Sent: Friday, February 1, 2019 1:48 PM
To: Pedicini, Kyle; Greene, Karen; Peter Q. Smith (psmith@mycapecodbank.com)
Subject: Yarmouth Selectman Meeting
Attachments: Yarmouth Consent Agenda 1_29_19.pdf

Kyle,

Can we make sure this consent agenda from the Yarmouth Selectmen gets put into the packet for the committee meeting? I think in light of the discussion we had during the grant process it's worth noting that fees are not being waived based on the group's getting funding from the tourism grants. The selectmen are doing what we thought they were and using the fund to pad things they otherwise would pay for and this needs to be discussed at the full committee level.

--

Ryan Castle | Chief Executive Officer
Cape Cod & Islands Association of REALTORS & MLS
e . rcastle@cciaor.com p . (508) 957-4300 c. (843) 412-1682

.....

CONSENT AGENDA

BOARD OF SELECTMEN January 29, 2019

APPROVED: _____

Approval:

- Letter to BOS from Cape Cod St. Patrick's Parade Committee dated January 5, 2019 re: permission for the following:
 - To hold its 14th Annual Saint Patrick's Parade on March 9, 2019
 - Confirmation that the Board of Selectmen will march in the parade
 - Mr. Keogh was made aware that NO fees will be waived (as requested in their letter) since the Committee received a Tourism grant in the amount of \$25,000.00 from the CEDC
- Memo to BOS from YPD dated January 14, 2019 re: Donation Approval Request
- Memo to BOS from Cemetery Division dated January 23, 2019 re: Donations
- Memo to BOS from Recreation Division dated January 23, 2019 re: Donations

Donations:

- YPD
 - Visiting Angels Cape Cod Home Care, LLC \$250.00
- Cemetery Division
 - Robert Clasby \$100.00
- Recreation Division

Richard LeGrand	\$150.00	Terry Manning	\$150.00
Colleen Lofgren	\$150.00	Mary Goodwin	\$150.00
Jessica Brown	\$150.00	Joseph LaFrance	\$150.00
Elizabeth McCormick	\$150.00	James Robertson	\$150.00
Slavena Gancheva	\$150.00	Susan Paglino	\$150.00
Susan Paglino	\$150.00	John Curran	\$150.00
		Diane Pocius	<u>\$150.00</u>
TOTAL:			\$ 2,300.00



QTY - 6



QTY - 6



6724 Joy Rd. East Syracuse, NY 13507
Toll Free: 877.369.6332
Fax: 315.432.1948

Yarmouth, MA

EDIT #: 3 DATE: 1-24-19

SIZE: 28" x 60"

FABRIC: MAINSTREET

INKS: DIGITAL

POCKETS: STANDARD 3.25"

TAKE NOTHING FOR GRANTED,
PLEASE CHECK PROOF CAREFULLY.
Illustrations are a reasonable representation
of ink colors on banner fabrics. All monitors
display differently, therefore a free color match
sample is available upon request. We are not
responsible for any errors after approval.

APPROVAL SIGNATURE

4 Corners Area Banner Poles

Write a description for your map.

Legend

-  7-Eleven
-  CVS Pharmacy | Photo
-  Feature 1
-  Higgins Crowell Road, West Yarmouth



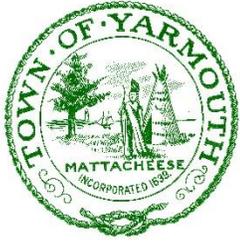
Chamber of Commerce Area

Write a description for your map.

Legend

-  Feature 1
-  Yarmouth Chamber of Commerce





TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1277, Fax (508) 398-2365

Department of
Community
Development

To: Board of Selectmen

From: Peter Q. Smith, Chairman, Community and Economic Development Committee

Date: February 11, 2019

RE: Roadway Banner Project

The Community and Economic Development Committee is in full support of the Town of Yarmouth implementing the Roadway Banner Project. The Roadway Banner project will consist of installing 11 civic banners on select utility poles in the Bass River Bridge and Chamber of Commerce areas. This project is an important component of the Town's Economic Development efforts, as it will add aesthetic value to the Route 28 corridor and promote civic pride.

We are here before you today to request your approval of project materials and banner designs. After your approval the Town will still need to seek the final approval from Eversource, the owner of the utility poles.

We look forward to your feedback and direction.

Information attached:

- Roadway Banner Policy
- Roadway Banner Application
- Banner Mockup
- Banner Hardware Information
- Banner Location Aerial Map

POLICY TITLE:

ROADWAY BANNER SIGN POLICY

POLICY CODE AND NUMBER:

??

DATE:

Draft #8 – 9/21/18

This Policy, in conjunction with the Town of Yarmouth Zoning Bylaw provisions for Roadway Banners, provides a mechanism for the installation of Roadway Banners on utility or light poles within the public right-of-way to promote community spirit. The Town entity (Committee, Board, or Department) seeking Roadway Banners (herein called the “Applicant”) must fill out a Roadway Banner Application when applying for installation of Roadway Banners. All Roadway Banners must be approved by the Board of Selectmen. This policy shall be administered and enforced by the Building Department.

A. ROADWAY BANNER SIGNS

1. Location:

- a. Roadway Banners may be erected within public rights-of-way along roadways only with the approval of the Board of Selectmen. The Board of Selectmen reserves the right to limit the location and number of banners to avoid visual distraction, public safety concerns, overcrowding and overuse of banners.
- b. Roadway Banners shall be located so as not to block visual sight lines; or impede or adversely impact vehicular or pedestrian traffic or safety as determined by the Yarmouth Department of Public Works or Yarmouth Police Department.
- c. Prior to submission to the Selectmen of an application for a Roadway Banner an applicant must receive and provide evidence of necessary approvals/permits by any appropriate state or local agencies, private property owners, and/or utility companies.

2. Banner Specifications:

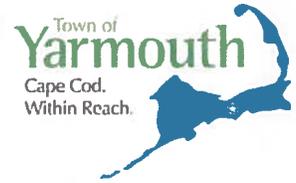
- a. Banners shall be vertical and have a maximum width of 2.5 feet and maximum length of 5 feet.
- b. Banners shall be installed using manufacturer approved rods and metal brackets, and designed for high wind situations.
- c. Only one banner is allowed per support pole.
- d. Banners shall not have attached flagging, pendants or moving/flapping parts, nor shall they be illuminated.
- e. Banner material shall be made of durable, sun and tear resistant material.
- f. Roadway Banners may not be used to advertise private businesses, or include any business names or logos. Upon approval of the Selectmen, the Roadway Banners may include an approved Town of Yarmouth logo, branding symbol, town name, or website address. Banners shall be two-sided.
- g. The Selectmen may impose additional conditions on any approval of a Roadway Banner.

3. Duration: Duration for which Roadway Banners may be displayed is at the discretion of the Board of Selectmen.

4. **Submission Requirements to Board of Selectmen:**
 - a. Completed Roadway Banner Application form that includes:
 - i. Information on banner design, size, and material.
 - ii. Information on banner hardware to be used.
 - iii. Dates and times banners will be installed, displayed and removed.
 - b. Aerial Map showing the specific location(s) of banners, including pole numbers.
 - c. Written approval to locate banners on utility or light poles from an appropriate State or local agency and/or utility company.
5. **Installation:** The Applicant is responsible for installation of the banners, rods and brackets and any traffic control measures required for their safe installation. The bottom of the banner must be at least 8 feet above the ground.
6. **Maintenance:** The Applicant is responsible for monitoring of the banners and hardware to ensure they remain in good condition and are safely installed, and are responsible for any corrective actions or maintenance of the banners. Banners in poor physical condition shall be replaced or removed by the Applicant.
7. **Removal:** The Applicant is responsible for the removal of all banners, rods and brackets at the end of the allowed duration, or if directed by the Town due to poor maintenance or condition or due to adverse weather conditions. Rods and brackets may remain if additional use is anticipated within four weeks.



Town of Yarmouth Roadway Banner Sign Application



Applicant Information

Applicant: Community + Economic Development Committee (CEDC) Date: 2/1/19
c/o Kyle Pedrini, Economic Development Coordinator

Affiliation or Group: CEDC

Mailing Address: 1146 Route 28
Street Address

S. Yarmouth MA 02664
City State ZIP Code

Phone: 508 398 2231 x1653 Email: KPedrini@yarmouth.ma.us

Banner Information

Purpose of Banners: To promote civic pride and to improve Rt. 28 aesthetics. # of Banners: 11

Banner Material Composition: Sunbrella material, 28" x 60"
Please attach a mockup of the banners, with sizes, design, and materials specified

Installation Information

Install Date: May 2019 Removal Date: June 2024

Location of Proposed Banners*:

Location	Pole Number	Pole owner
Four Corners Area	37-239	EVERSOURCE
Four Corners Area	37-241	
Four Corners Area	37-242	
Four Corners Area	2405	

Four Corners Area	unknown	Eversource
Rt. 28/Higgins Crowell Road	37-79	
Rt. 28/Higgins Crowell Road	37-795	
Rt. 28/Higgins Crowell Road	37-81	
Rt. 28/Higgins Crowell Road	37-82	
Rt. 28/Higgins Crowell Road	206-1	
Rt. 28/Higgins Crowell Road	206-1A	

*Please attach an aerial map showing pole locations & identify who owns each pole

Agreement & Signature

I have carefully read the Town of Yarmouth's policy on banners and fully understand. I accept responsibility for compliance with all parts of the policy, including mounting, removal, and maintenance of the banners and hardware according to the policy and this application.

Name of Applicant: Kyle Pedicino

Applicant Signature:  Date: 2/1/19

Internal Use Only

Yarmouth Police Approval: _____ Date: _____

DPW Approval of Location: _____ Date: _____

Building Department Approval: _____ Date: _____

4 Corners Area Banner Poles

Write a description for your map.

Legend

-  7-Eleven
-  CVS Pharmacy | Photo
-  Feature 1
-  Higgins Crowell Road, West Yarmouth



Chamber of Commerce Area

Write a description for your map.

Legend

-  Feature 1
-  Yarmouth Chamber of Commerce





QTY - 6



QTY - 6



6724 Joy Rd. East Syracuse, NY 13507
 Toll Free: 877.369.6332
 Fax: 315.432.1948

Yarmouth, MA

EDIT #: **3** DATE: **1-24-19**

SIZE: **28" x 60"**

FABRIC: **MAINSTREET**

INKS: **DIGITAL**

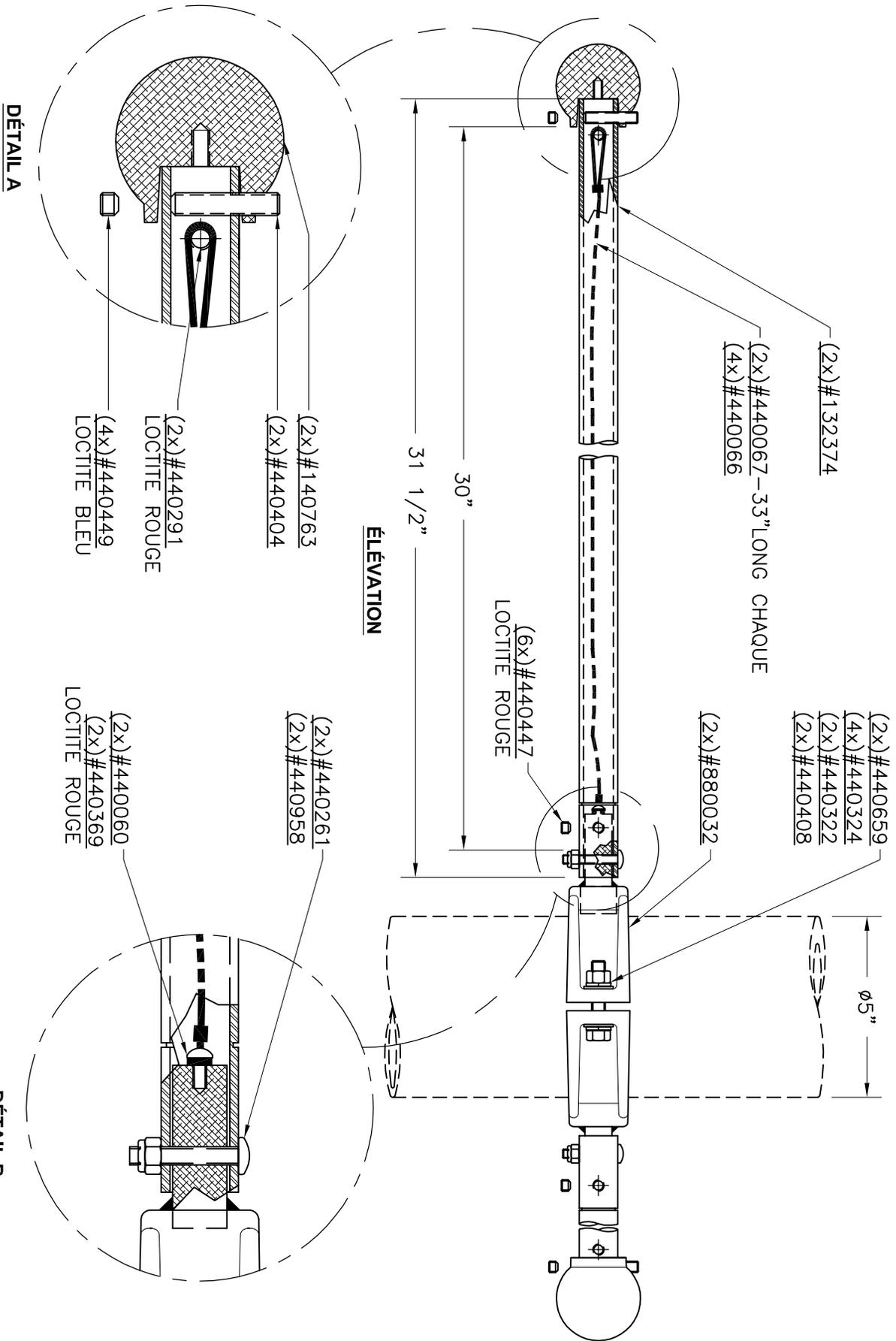
POCKETS: **STANDARD 3.25"**

**TAKE NOTHING FOR GRANTED,
 PLEASE CHECK PROOF CAREFULLY.**
 Illustrations are a reasonable representation
 of ink colors on banner fabrics. All monitors
 display differently, therefore a free color match
 sample is available upon request. We are not
 responsible for any errors after approval.

APPROVAL SIGNATURE

Revision	

Piece #:	880183	# Page:	1
Ech/Sc:	1=4	Designer:	L. VALDIVESO
Date:	25 AVRIL 2016	Note:	



DÉTAIL A

ÉLEVATION

DÉTAIL B

Banner Attachment License

At the request of the Town of Yarmouth (the "Town"), NSTAR Electric Company d/b/a Eversource Energy (the "Company") hereby grants permission to the Town to affix decorative banners, 28" x 60" in size on eleven (11) utility poles (one banner per pole), located on or along the following poles in Yarmouth, Massachusetts:

In the 'Four Corners Area':

- 37-242
- 37-241
- 240 S
- 37-239
- Unknown pole number (on the corner of Route 28 and North Main Street)

In the area around the Yarmouth Chamber of Commerce:

- 37-79S
- 37-79
- 206-1A
- 206-1
- 37-81
- 37-82

In consideration of such permission, the Town hereby releases, discharges, and, to the extent permitted by law, will defend and hold harmless the Company from all actions, suits, claims, damages, losses, costs and liability whatsoever that the Company may hereafter incur or suffer, whether sounding in tort or otherwise, and that arise out of, or result from any actions related to the affixing, maintenance, presence, or removal of such banners by the Town, or on its behalf, or by reason of the proximity of such postings to the facilities of other parties attached to such utility poles.

Such banner attachments shall be permitted from May 2019 until June 2024, and shall thereafter be removed from the utility poles and properly disposed by the Town. The Company makes no representation or warranty as to the suitability of the poles for such attachments, or the condition of the poles, or any attachments thereto. This permission shall in no way affect or diminish the Company's right and ability to use its poles in the normal course of its business.

Executed as a sealed instrument by duly authorized representatives as of the _____ day of _____ 2019.

NSTAR ELECTRIC COMPANY
d/b/a Eversource Energy

TOWN OF YARMOUTH

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664- 4451
Telephone (508) 398-2231 Ext. 1277, Fax (508) 398-2365

DEPARTMENT OF
COMMUNITY
DEVELOPMENT

TO: Selected Bidders

FROM: Department of Community Development

DATE: 18 February 2019

RE: Request for Price Quotes – Roadway Banner Installation at Various Locations

The Town of Yarmouth is seeking price quotations for hourly rates to install and remove roadway banners at various utility poles in town as shown on the banner pole locations sheet attached herein. Prevailing wages apply to this project for installation.

Written quotations must be provided e-mailed to kpedicini@yarmouth.ma.us no later than **4:00 p.m. on 11 March 2019**. Awarding bidder must sign the Standard Town Contract for services.

1. Project Requirements

Contractor is responsible for the following:

- 1.1. Installation of 28" x 60" banners made of Sunbrella material on eleven (11) utility poles in town. Installation will take place on the utility poles along Route 28 near the Bass River Bridge and along Route 28 at the intersection of Higgins Crowell Road and Route 28.
- 1.2. Banners and banner hardware will be provided to Contractors by the town.
- 1.3. Banners must be installed using an industry recommended spring loaded bracket system.
- 1.4. The bottom of the banners must be at least eight (8) feet off the ground.
- 1.5. Removal of banners when requested by the town of Yarmouth. Banners will be removed prior to inclement weather such as hurricanes or tropical storms.
- 1.6. Notify the Town at least two days prior to banner installation and removal.

2. Rule for Award:

- 2.1. One Contract will be awarded to the responsive and responsible bidder offering the lowest total price for each fencing location that does not exceed the Town's appropriation.

3. Work Schedule

- 3.1. The Contractor shall commence work within five (5) working days of receiving a signed contract from the Town.
- 3.2. Banners must be installed within thirty (30) days from contract execution or when the contract amount has been expended.
- 3.3. The Contractor shall notify the Town of Yarmouth Department of Community Development 48 hours in advance of when they will be working on the removal and installation of roadway banners.

4. Contract price and payment

- 4.1. Minimum wage rates for sign erector of \$56.06 shall be paid on this project as established by the Commissioner of Labor and Industries pursuant to the provisions of Massachusetts General Prevailing Wage Laws Chapter 149, Sections 26 to 27D inclusive, as amended.
- 4.2. The quotation should provide an hourly rate for the installation and removal of roadway banners.
- 4.3. Project is contingent upon availability of Town funds.

5. Contractor Requirements

- 5.1. Project is contingent upon availability of Town funds. Contractor must have a minimum of 3 years of experience in the sign installation and removal business. Please include a description of technical qualifications and service experience. You must include proof of insurance for Workers Compensation, general liability and motor vehicle liability. A payment bond is required for at least 50% of the contract if you are using sub-contractors. If you are not using sub-contractors you do not need a payment bond.

6. Town's Rights

- 6.1. The Town of Yarmouth reserves the right to cancel this bid or reject in whole or in part any and all bids, if the Town of Yarmouth determines that cancellation or rejection serves the best interest of the Town of Yarmouth.

7. One Year Correction Period

- 7.1. If within one year after the date of Completion any Work is found to be defective, the contractor shall promptly, without cost to the owner, either correct such defective work or remove it from the site and replace it with non-defective work.

Please contact Kyle Pedicini in the Department of Community Development should you have any questions or require additional information. He can be reached at 508-398-2231 ext. 1653 or kpedicini@yarmouth.ma.us.

Attachments:

- 2019 Prevailing Wage Rate – for town-wide projects
- Banner location maps
- Banner specs
- Banner hardware specs

CEDC Goal	Status	Notes
Tourism Preservation Fund		
<ul style="list-style-type: none"> Oversee Tourism Preservation Fund 	Continuous	
<ul style="list-style-type: none"> Review and evaluate Special Event Program 	In progress	<ul style="list-style-type: none"> Should Special Events funding be cut back? Should there be a rigid budget for Special Events?
<ul style="list-style-type: none"> Develop plan for Physical Improvements <ul style="list-style-type: none"> 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 	In progress	<ul style="list-style-type: none"> Physical improvement list has been identified <ul style="list-style-type: none"> Must prioritize list by projects that can be completed in 12 months/24months
Other Goals		
<ul style="list-style-type: none"> Expand local, regional, and state partnerships to advance economic growth 	Continuous	
<ul style="list-style-type: none"> Monitor state economic development efforts which may be advantageous to Yarm 	Continuous	<ul style="list-style-type: none"> PACE Program
<ul style="list-style-type: none"> Evaluate marketing efforts as they relate to attracting residents, visitors and businesses 	Continuous	
<ul style="list-style-type: none"> Research various Redevelopment Authority models and determine whether one or more would be advantageous to Yarmouth 	Continuous	
<ul style="list-style-type: none"> Research and identify financial and other incentives to attract developers 	Continuous	
<ul style="list-style-type: none"> Monitor the activity of the Yarmouth Planning Board and Yarmouth Zoning Board of Appeals as it relates to Economic Development 	Continuous	<ul style="list-style-type: none"> Monitor the activity of the Yarmouth Planning Board and Yarmouth Zoning Board of Appeals as it relates to Economic Development
<ul style="list-style-type: none"> Monitor the activity of the Water Resource Advisory Committee and Yarmouth wastewater planning efforts 	Continuous	
<ul style="list-style-type: none"> 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 	In progress	<ul style="list-style-type: none"> Chamber of Commerce working with town staff to develop Yarmouth Business Profile Town staff developing Business & Permitting Guide
<ul style="list-style-type: none"> Assist with Town streamlining the event process for event organizers <ul style="list-style-type: none"> Examine town fees/town fee process 	In progress	<ul style="list-style-type: none"> Future agenda item to discuss topic and send memo to BoS
<ul style="list-style-type: none"> Develop sign regulations to permit installation of banners/holiday wreaths/etc. 	Completed	<ul style="list-style-type: none"> Accomplished by passing Zoning Article #2 at 2017 Town Meeting
<ul style="list-style-type: none"> Expand opportunity for outdoor entertainment/music 	Completed	<ul style="list-style-type: none"> Zoning Article #3 on 2019 Town Meeting

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

Town of Yarmouth

MINUTES OF THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING OF January 28, 2019

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

Committee Members Present: Peter Q. Smith (arrived at 4:50 pm), Norm Weare, Stephen O'Neil, Mary Vilbon, Jack McCormack

Staff: Kathy Williams, Town Planner; Kyle Pedicini, Economic Development Coordinator

Guests: Joanne Crowley, Planning Board

The meeting was opened by Jack McCormack at 4:36 pm

1. 2019 Draft Zoning Articles

Kathy Williams, Town Planner, presented the draft 2019 Zoning Articles to the Committee. She explained that the Planning Board looked at ways to amend the existing Accessory Dwelling Unit (ADU) Bylaw to create more housing opportunities while taking into consideration other factors such as the need for year round housing and the potential impacts on wastewater. The Planning Board has proposed to loosen some ADU restrictions in order to promote the creation of ADUs. Examples of these changes include eliminating the affordable housing deed restriction and fair marketing requirements as well as increasing the income eligibility for affordable units from 80% of the local Area Median Income to 100%. Another important change in the proposed amended Bylaw is to make it easier to create family related apartments by expanding the definition of family-related to include other long-term family-like relationships that are caregiving or parental in nature.

Committee members expressed support of the proposed changes but decided to wait on writing a memo on the topic until more members were present. It was also noted that members were in support of the proposed entertainment Bylaw change that expanded opportunities for outdoor entertainment.

2. CEDC 2019 Work Plan

Chairman Smith reviewed the proposed 2019 CEDC Work Plan. The Committee discussed past priorities and whether or not they were still applicable. Most past goals were seen as still relevant, especially those regarding the CEDC's administration of the

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

Tourism Revenue Preservation Fund. The Committee also discussed the importance of monitoring state economic development efforts that may be advantageous to Yarmouth, and it was noted that the PACE program was a good example of this goal. Two past goals that have been accomplished were developing sign regulations to permit banners and expand opportunity for outdoor entertainment/music. These goals were accomplished by passing applicable zoning articles at Town Meeting. Additional goals identified by the CEDC were to monitor the activity of the Planning Board and Zoning Board of Appeals, and to monitor all wastewater planning efforts in Yarmouth.

3. Staff Updates

Town staff explained that the first few Tourism Grant contracts have been sent out to the grantees for their review and signature. The CEDC was also updated on recent press releases published by the town which included one regarding the Yankee Village PARC grant. Town staff will update the Committee on various physical improvement projects at the next meeting.

4. Minutes for Review

The Committee reviewed draft minutes from their meeting on January 14, 2019.

Vote: On a motion from Norm Weare, seconded by Stephen O'Neil, the Committee approved the minutes for January 14, 2019 by a vote of 4-0-1. (Jack McCormack abstained)

5. Adjourn

On a motion from Stephen O'Neil, seconded by Norm Weare, the Committee voted 5-0 to adjourn at 6:04 pm

6. Documents provided:

- a. Agenda for the meeting
- b. 2019 Draft Zoning Articles
- c. Draft CEDC 2019 Work Plan
- d. Draft Minutes from CEDC meeting on January 14, 2019

Respectfully Submitted,
Kyle Pedicini, Community Development Office