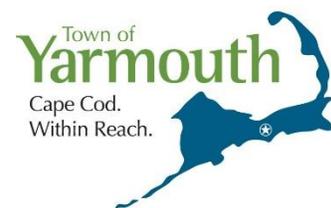


YARMOUTH BUSINESS PERMITTING GUIDE



**PREPARED BY THE
TOWN OF YARMOUTH
October 2019**



Welcome from the Yarmouth Board of Selectmen

Dear Business Owner,

Welcome to our community and thank you for investing in the Town of Yarmouth! Businesses like yours play an important role in our Town by providing quality jobs, powering our economy, and revitalizing existing properties.

We know that expanding or opening a business is a significant and potentially challenging undertaking. To help alleviate some of these challenges, Town Staff have developed this Online Business Permitting Guide to help you navigate the permitting process and put you in touch with key Town Staff. This Guide is best viewed online as there are a number of hyperlinks that will direct you to important and helpful information. We hope you find this Guide useful and remember that Town Staff is always available and happy to assist you.

The Yarmouth Board of Selectmen has long prioritized economic development and is eager to have your business up and running! Thank you again for your consideration and for your local investment in our community.



A handwritten signature in black ink, appearing to read "Michael Stone".

Michael Stone, Chairman
Yarmouth Board of Selectmen

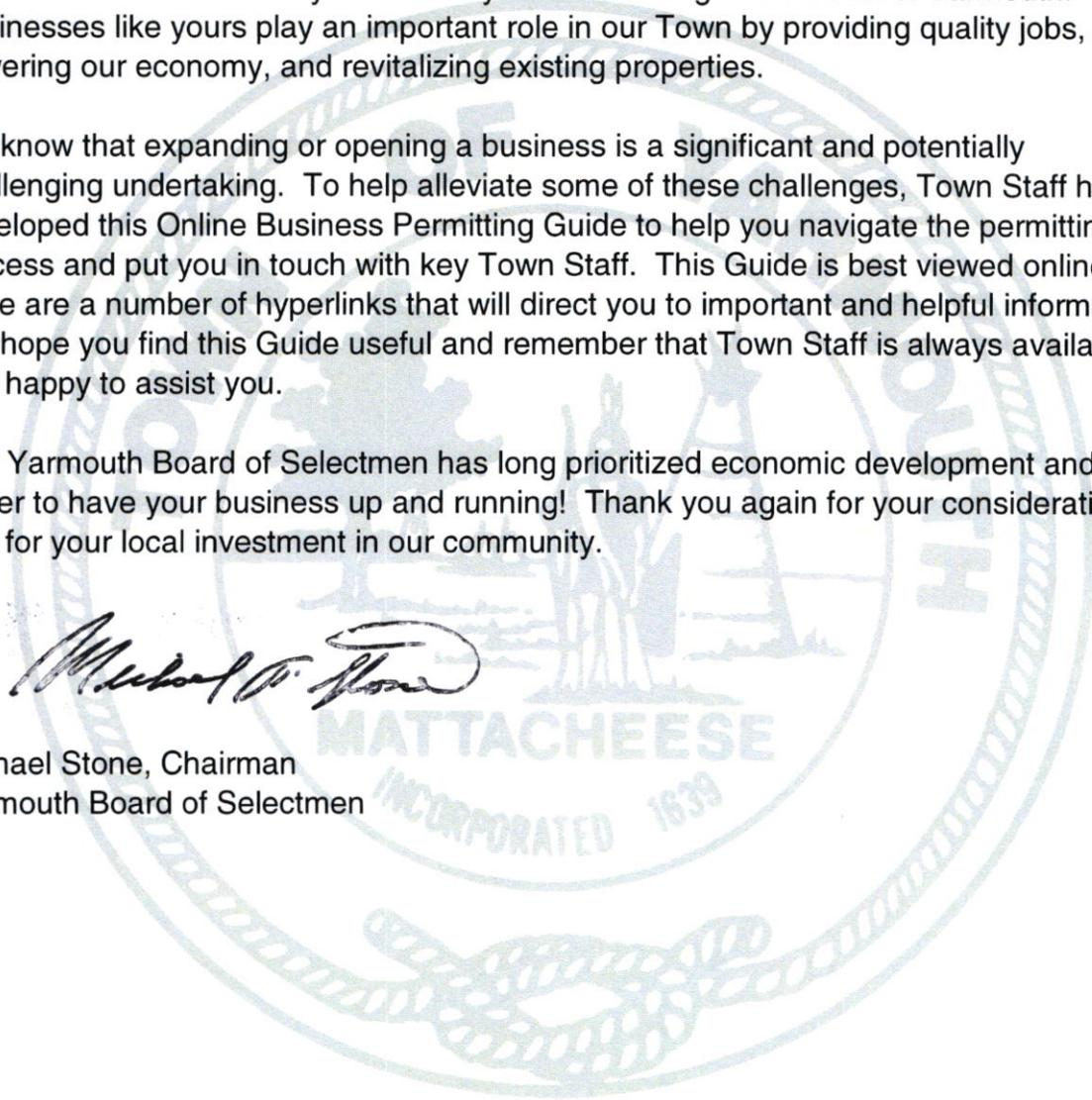


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INTRODUCTION

WHO IS THIS GUIDE FOR?

The Town of Yarmouth has created this Business Permitting Guide to help business owners navigate the municipal permitting and licensing process. This user-friendly guide enables the public to better understand the various permit processes and the key departments and contacts who can help them. This Guide is not meant to be an all-encompassing permitting guide or instruction manual. Rather, it is a general overview of the type of permitting required for most businesses. Those interested in large scale developments or redevelopment projects should contact the Building, Health and Community Development Departments.

PLACES TO GO AND PEOPLE TO KNOW

Each Town Department has useful information on the Town of Yarmouth's [website](#) outlining what each department does, permits required, application forms, fee schedules and applicable regulations. A great deal of information on individual parcels can also be accessed through the [online records search](#) located on the Town Website. Although not a complete record, it is a good place to start for existing permit information and property records from the Building Department, Health Department, Conservation and Zoning Board of Appeals. Other Departments are being actively scanned for inclusion on the website.

Town Staff is available and happy to assist you through the process. As you prepare to open your business, there are several key Town Departments/Staff you may need to visit. The Building Department, Health Department and Community Development are helpful first stops.

BUILDING DEPARTMENT:

Mark Grylls, Director Inspectional Services/Building Commissioner/Zoning Enforcement

Town Hall – Lower Level

508-398-2231 x1260

MGrylls@yarmouth.ma.us

COMMUNITY DEVELOPMENT:

Karen Greene, Director

Town Hall – Upper Level

508-398-2231 x1278

KGreene@yarmouth.ma.us

Kathy Williams, Town Planner

Town Hall - Upper Level

508-398-2231 x1276

KWilliams@yarmouth.ma.us

Kyle Pedicini, Economic Development Coordinator

Town Hall – Upper Level

508-398-2231 x1653

KPedicini@yarmouth.ma.us

HEALTH:

Bruce Murphy, Director of Health

Town Hall – Lower Level

508-398-2231 x1241

BMurphy@yarmouth.ma.us

TOWN CLERK:

Phil Gaudet, Town Clerk

Town Hall – Upper Level

508-398-2231 x1216

PGaudet@yarmouth.ma.us

OLD KINGS HIGHWAY/HISTORIC:

Beth Vozella, OKH/Historic Administrator

Town Hall – Lower Level

508-398-2231 x1292

BVozella@yarmouth.ma.us

FIRE:

Kevin Huck, Captain Inspector

508-398-2212 x 3214

Fire Station #1 – 96 Old Main Street

KHuck@yarmouth.ma.us

WATER DEPARTMENT:

Gary Damiecki, Interim Water Super

508-771-7921 x 1405

Water Dept – 99 Buck Island Road

GDamiecki@yarmouth.ma.us

TOWN HALL OFFICE HOURS

Town Hall: Monday-Friday 8:30 AM to 4:30 PM

Building Department: Monday, Wednesday, Thursday 8:30 AM to 4:30 PM
Tuesday 8:30 AM to 7PM
Friday 8:30 AM to 2PM

Fire Inspections: By appointment

YARMOUTH CHAMBER OF COMMERCE: The [Yarmouth Chamber of Commerce](#) can also be helpful to businesses looking to set up shop in Yarmouth.

Mary Vilbon, Executive Director

(508) 778-1008 x11

424 Route 28, West Yarmouth

Director@yarmouthcapecod.com

LICENSING:

Linda Hill, Licensing Clerk

Town Hall – Upper Level

508-398-2231 x1268

LHill@yarmouth.ma.us

CONSERVATION:

Kelly Grant, Conserv. Administrator

Town Hall – Lower Level

508-398-2231 x1288

KGrant@yarmouth.ma.us

ZONING BOARD OF APPEALS:

Sandi Clark, ZBA Administrator

Town Hall – Lower Level

508-398-2231 x1285

SClark@yarmouth.ma.us

POLICE:

Michael Bryant, Police Lieutenant

508-775-0445 x 2122

Police Station – 1 Brad Erickson Way

MBryant@yarmouth.ma.us

BUSINESS CERTIFICATE

A [Business Certificate](#) is required for anyone conducting business in Yarmouth under any name or title other than their complete real name and for any corporation doing business in a name other than its corporate name.

Business Certificates are issued by the Town Clerk's office only after a [Zoning Review](#) has been conducted by the Building Department (see Zoning Section below). Business Certificates need to be renewed every four (4) years, and any discontinuance of a business, or changes to your business name or location will also require notification to the Town Clerk's office. The Town Clerk's office is also responsible for issuing Licenses for taxi and limousine services.

- **Clerk Website:** <https://ma-yarmouth2.civicplus.com/573/Business>

CONTACT: Phil Gaudet, Town Clerk 508-398-2231 x1216 PGaudet@yarmouth.ma.us

ZONING

ZONING BYLAW: Know what kind of business you would like to open? Have a location in mind of where you'd like to open that business? Or do you want to find out where your type of business can be located in Town? First stop is to check in with the Zoning Bylaw to be sure you can do what you want, where you want.

The [Zoning Bylaw](#) and [Zoning Map](#) help define what the residents want Yarmouth to look like by identifying where specific uses (your business) are allowed by-right, through issuance of a Special Permit or are prohibited and would require a Variance. The Bylaw also sets some site layout and design standards for projects that involve building construction and/or site work. In addition to the general underlying zoning districts which define residential, business and industrial areas in Town, Yarmouth has a number of unique [incentive-based overlay districts](#) that were established to promote redevelopment and reuse of business properties.

Information on allowed uses are included in the Use Table in the Zoning Bylaw (Section 202.5). If you need help figuring out what your business "use" is, make an appointment to review your project with the [Building Commissioner](#), who serves as Yarmouth's Zoning Enforcement Officer. The Building Commissioner can also provide further guidance on the permitting process for your project, along with identifying the other Town Departments you may need to visit.

PROJECT REVIEW: Projects involving new construction or modifications to commercial buildings and sites may need to go through a project review process prior to moving on with other permitting outlined in this Guide. Simple projects which do not require work to the exterior of the building or the site typically do not need to go through this review process, and can be confirmed with the Building Commissioner.

- 1. Design Review:** Design Review helps to maintain our community character by promoting good site and building design. Design Review is conducted by the Design Review Committee (DRC) for commercial projects south of Route 6 which involve site or exterior building modifications or new construction, and for all projects developing under the Route 28 Hotel/Motel Overlay District (HMOD1). The DRC advises the Planning Board on projects in the South Shore Drive Hotel/Motel Overlay District (HMOD2), and on projects submitted to the town under the ROAD and VCOD Bylaws (special overlay districts). The Design Review process for larger scale projects developing under the Village Centers Overlay District (VCOD) is slightly different and has a formal [VCOD Site Plan Review](#) process conducted by the Planning Board. Applicable commercial projects are reviewed based on their adherence to the [Yarmouth Architectural & Site Design Standards](#). More complicated projects developing under the special overlay districts may have additional design standards.

The DRC meets as needed, typically within 2-3 weeks of an application submission. The DRC issues no formal permits, but written comments are provided at the meeting to the applicant and are used by other permit granting authorities such as the Zoning Board of Appeals (ZBA) and the Planning Board.

Design Review is a no cost process administered out of the Planning Division. Applicants can also request an Informal Design Review or schedule a meeting with the Town Planner to get input on their project in the early stages of design.

- **DRC Website:** <http://www.yarmouth.ma.us/700/Design-Review-Committee>
- **VCOD SPR:** <http://www.yarmouth.ma.us/1171/Village-Centers-Overlay-District>

CONTACT: Kathy Williams, Town Planner 508-398-2231 x1276
KWilliams@yarmouth.ma.us

- 2. Site Plan Review Team:** Site Plan Review (SPR) is required for certain types of uses and for businesses that anticipate a change to the site or expansion of the building or involves new construction. The Site Plan Review Team is chaired by the Building Commissioner and consists of Staff from the regulatory agencies in the Town of Yarmouth. Site Plan Review provides a one-stop review of regulatory matters associated with a property and its proposed use. This is a quick, no cost process meant to assist businesses in understanding the requirements for their project. Although no permits are issued, written comments are provided at the meeting which are used by other permit granting authorities such as the ZBA, Planning Board or Building Department. For applicable projects, [Design Review](#) must precede SPR.

Projects with complete SPR Application packages submitted to the Building Department by noon on Fridays will typically be placed on the agenda one week from the following Tuesday (11 days later).

- **SPR Website:** <https://www.yarmouth.ma.us/358/Site-Plan-Review>

CONTACT: Mark Grylls, Building Commissioner 508-398-2231 x1260
MGrylls@yarmouth.ma.us

ZONING RELIEF: If your use is allowed “by-right” meaning no zoning relief is required, the Building Commissioner can sign off on the Zoning Determination for Business Certificate form. However, if some relief is needed from certain zoning requirements or your specific business use, then a Special Permit or Variance may be required. Most Special Permit requests are reviewed by the Zoning Board of Appeals (ZBA), but under some unique situations (mostly for housing projects), the Planning Board may serve as the Special Permit Granting Authority. Variance requests are reviewed solely by the ZBA and are more difficult to obtain than a Special Permit due to state-legislated standards.

1. Zoning Board of Appeals (ZBA): Relief from the Board of Appeals is required for:

- Special Permits for specific uses as outlined in the Zoning Bylaw
- Development or redevelopment outside of the land use regulations of the Zoning Bylaw either through a Special Permit or Variance
- Appeals of certain administrative officials
- Comprehensive permits for affordable housing (Chapter 40B)

The ZBA typically meets twice a month to conduct Public Hearings on appeals. Public hearings are advertised and abutters notified by mail. Minor projects will take about two months to go through the ZBA process, while more complicated projects typically take longer. It is important to note that Special Permits lapse two years from the date of the decision if work is not substantially underway, and Variances lapse after one year.

- **ZBA Website:** <http://www.yarmouth.ma.us/260/Zoning-Board-of-Appeals>
- **Fees & Forms**

CONTACT: Sandi Clark, ZBA Office Administrator 508-398-2231 x1285
SClark@yarmouth.ma.us

2. Planning Board: Although most Special Permit relief is provided by the ZBA, some projects (mainly in the special overlay districts) receive relief from the Planning Board or are reviewed by the Planning Board for design aesthetics. Planning Board review includes:

- Special Permits in the Hotel/Motel Overlay Districts (HMOD1 & HMOD2)
- District Development Plan Review under the ROAD bylaw
- Site Plan Review in the VCOD
- Cluster subdivision/residential development
- Subdivisions and Approval Not Required Plans (ANR)

The Planning Board typically meets twice a month and follows a similar Public Hearing process as the ZBA on Special Permit appeals.

- **Planning Board (PB) Website:** <https://www.yarmouth.ma.us/382/Planning>

CONTACT: Kathy Williams, Town Planner at 508-398-2231 x1276
KWilliams@yarmouth.ma.us

BUILDING

In addition to enforcing the local Zoning Bylaw, the Building Department is responsible for enforcement of the MA State Building Code. Building permits and inspections are required for construction, reconstruction, alteration, repair, removal or demolition of a building or structure, including work done to gas, electrical, plumbing, and heating systems. Licensed contractors are required to complete work on commercial buildings and for specialty contractors such as plumbers and electricians.

The Building Department issues sign and building permits and will help direct applicants to other required approvals such as Fire, Health, Conservation, Zoning Board of Appeals, Old Kings Highway and Water Department approvals.

How do I obtain a building permit?

1. **Application:** Submit a Building Permit application to the Building Department. You can access the online permitting system “Acella” through the Town of Yarmouth’s homepage by clicking the [online services link](#) to begin an application. If you prefer, you can also apply in person at the Building Department during normal business hours.
2. **Steps:** After submittal of the application and plans, the Building Department will review the application for building code, zoning compliance and whether the required sign-offs from other Departments have been received. Once approved, a Building Permit will be issued in order to begin construction. Periodic inspections must be scheduled as elements of the project are completed. A final inspection and review is necessary to obtain a Certificate of Occupancy.
3. **Certificate of Occupancy:** For new homes, accessory structures, and changes of use to existing structures, a Certificate of Occupancy will be issued by the Building Department (which is required to occupy the building).
 - **Building Website:** <https://www.yarmouth.ma.us/123/Building>
 - **Fees:** [Fee Schedules](#)
 - **Forms:** <https://www.yarmouth.ma.us/DocumentCenter/Home/Index/16>
 - [Building permits](#)
 - [Electrical permits](#)
 - [Plumbing](#)
 - [Gas Permits](#)
 - [Sign Permits](#)

CONTACT: Mark Grylls, Building Commissioner at 508-398-2231 ext. 1260
MGrylls@yarmouth.ma.us

FIRE

Input and permitting from the Fire Department is required to newly occupy an existing space and may be required depending upon your business use and whether you are remodeling or constructing a new building. The Fire Department works closely with the Building Department to meet Massachusetts building and fire codes.

The Fire Department issues permits under the MA Comprehensive Fire Safety Code and are involved in above ground/underground storage tanks, hot work/welding permits, lockboxes (knox boxes), fire alarm systems, carbon monoxide alarms, sprinkler inspections, and closing down existing fire protection systems.

- **Fire Website:** <http://www.yarmouth.ma.us/126/Fire-Department>
- **Fire Code Permits:** <http://www.yarmouth.ma.us/1311/Permit-Descriptions-Amounts>

CONTACT: Kevin Huck, Captain Inspector 508-398-2212 ext. 3214
KHuck@yarmouth.ma.us or Lt. Scott Smith at SSmith@yarmouth.ma.us

HEALTH

The Health Department issues permits/licenses for a variety of State and local Health Codes and performs inspections that regulate a variety of businesses including restaurants and other food service establishments, retail food sales or processing, lodging establishments, and housing rental certificates. Other businesses subject to various Health regulations, include recreational camps, tanning establishments, sewage or refuse collection and transportation, septic disposal installer, and tobacco sales.

The Health Department also regulates hazardous materials used or produced by your business with particular focus on properties located in the [Aquifer Protection District](#) (APD) – a designated protection area around our drinking water wells. Storage of hazardous materials in excess of 20 gallons in the APD would require approval from the Board of Health and Zoning Board of Appeals. Adequate containment/storage and other restrictions may apply depending upon your specific business.

Although the Town is currently working on a municipal sewer system, the majority of the Town of Yarmouth utilizes septic systems for waste disposal. Business owners should confirm that the existing septic system servicing their business can handle the wastewater flows from their proposed business. Otherwise, septic system upgrades or a new system may be necessary and would need to be permitted through the Health Department. Projects located within the protective [Zone II](#) of our drinking water wells are subject to additional regulation which may result in septic system restrictions or other development limitations. Projects with wastewater flows in excess of 10,000 gallons per day are permitted through the Massachusetts Department of Environmental Protection (MassDEP).

Variances from the Health regulations are conducted by the Board of Health through a Public Hearing.

- **Health Website:** <https://www.yarmouth.ma.us/127/Health>
- **Fees/Applications:** <https://www.yarmouth.ma.us/429/Downloadable-FormsApplications>
- **Health Regulations:** <https://www.yarmouth.ma.us/422/Regulations>

CONTACT: Bruce Murphy, Director of Health 508-398-2231 x1241 BMurphy@yarmouth.ma.us

LICENSING

The Licensing Department is responsible for processing Licenses for Liquor (i.e. pouring establishments and package stores), Entertainment (i.e. concerts, dancing, exhibitions, and public shows) and Amusements (i.e. arcades, mini-golf, bowling, and pool tables), as well as new and used auto sales.

Liquor, Entertainment, Amusement, and Class I and II (new and used) Auto Dealer Licenses are issued by the Board of Selectmen and require a Public Hearing which includes advertising and abutter notification requirements. To accommodate these requirements, applications should be submitted a minimum of 60 days prior to the hearing.

- **Licensing Website:** <https://www.yarmouth.ma.us/723/Licensing>
- **Fees:** [fee schedule](#)

CONTACT: Linda Hill, Licensing Clerk 508-398-2231 x1268 LHill@yarmouth.ma.us

CONSERVATION

The Conservation Division administers State and local wetlands protection and stormwater regulations to safeguard Yarmouth's natural resources. The Conservation Division supports the [Conservation Commission](#) who regulates all work that occurs within or adjacent to wetland resource areas, such as vegetated wetlands, marshlands, streams, ponds, dunes or beaches, 100-year floodplains and riverfront areas. The Conservation Commission also may review stormwater components of projects that disturb one acre or more of land.

New businesses that are moving into existing facilities and are not modifying the site or expanding a building, are likely not impacted by these regulations. However, any site work or expansions near wetland resource areas, or site work that disturbs an acre or more of land, may require some type of review by the Conservation Division or permitting through a Public Hearing with the Conservation Commission. The Conservation Administrator can help to determine whether your specific project meets any of the permitting thresholds.

- **Conservation Website:** <http://www.yarmouth.ma.us/325/Conservation>
- **Fees:** [Conservation Fee Schedule](#)
- **Forms:**
 - [Notice of Intent \(NOI\)](#)
 - [Requests for Determination \(for minor projects\)](#)

CONTACT: Kelly Grant, Conservation Admin 508-398-2231 x1288 KGrant@yarmouth.ma.us

HISTORIC

OLD KINGS HIGHWAY REGIONAL HISTORIC DISTRICT

Review by the Old Kings Highway Regional Historic District Committee may come into play if you are making changes to the exterior of your building/structure or the site (including signs, solar panels and fences), which are located within the Old King's Highway Historic District (OKH). The OKH District encompasses all properties north of the Mid-Cape Highway (Route 6). Development projects are regulated by the Old King's Highway Historic District Committee who is charged with maintaining the character and colonial charm of the area.

New construction, additions, exterior building changes (including paint colors), sheds and signs require a [Certificate of Appropriateness](#). Proposed activities not visible from a way or public place may qualify for approval via a [Certificate of Exemption](#). Demolition or removal of a building or part thereof will require a [Certificate of Demolition or Removal](#).

You should also check in with the OKH staff if you are replacing roofing, siding, windows or doors using the same materials ("like for like") for confirmation that no OKH permitting will be required.

- **OKH Website:** <https://www.yarmouth.ma.us/375/Old-Kings-Highway-Historic-District>

HISTORICAL COMMISSION

The Historical Commission reviews applications for demolitions and partial demolitions of properties that are more than 75 years old and located outside of the Old King's Highway Historic District. The Commission also reviews any proposed demolition of buildings that are listed on the National Register of Historic Places or in the Bass River Historic District. The Commission has the ability to place a demolition delay of 180 days on historically significant buildings.

- **Historical Commission Website:** <https://www.yarmouth.ma.us/363/Historical-Commission>

OKH & HISTORIC CONTACT: Beth Vozella, Historic Office Administrator 508.398.2231 x1292 BVozella@yarmouth.ma.us

OTHER RESOURCES

YARMOUTH ECONOMIC INCENTIVE PROGRAMS

The Town of Yarmouth has unique economic incentive programs that may offer financial benefits to new businesses.

- [Property Assessed Clean Energy \(PACE\)](#): Property Assessed Clean Energy (PACE) for commercial buildings is a new mechanism to finance energy improvements, such as energy-efficiency projects, renewables, and gas line extensions, on commercial and industrial properties.
- [South Yarmouth Opportunity Zone](#): The recently passed U.S. Tax Cut and Jobs Act of 2017 created the Opportunity Zone Program to provide incentives for investment. An Opportunity Zone is a designated geographic area, in which individuals can gain favorable tax treatment on their capital gains, by investing those (through a privately-created Opportunity Fund) into economic activities in the area. An Opportunity Zone has been designated in South Yarmouth which stretches from Parker's River to Bass River.

STATE INCENTIVE PROGRAMS

- [Economic Development Incentive Program](#) (EDIP) is a tax incentive program designed to foster job creation and stimulate business growth throughout Massachusetts. Participating companies may receive state and tax incentives in exchange for job creation, manufacturing job retention and private investment commitments.
- [Massachusetts Office of Business Development](#) (MOBD) is a state agency committed to helping companies create and retain jobs, as well as promote private investment in the Commonwealth. They facilitate simplified, timely access to a host of governmental and private resources and incentive programs that will help businesses grow faster and stronger in Massachusetts.
- [Massachusetts Investment Tax Credit](#) (ITC) offers a three-percent credit for qualifying businesses against their Massachusetts corporate excise tax. The credit is to be used for the purchase and lease of qualified tangible property used in the course of doing business.

CONTACT: Kyle Pedicini, Economic Development Coordinator 508-398-2231 x1653
KPedicini@yarmouth.ma.us

Below are Frequently Asked Questions (FAQs) for a variety of typical businesses. We offer these for general reference and responses will vary depending upon the specifics of your project. We recommend a review of your project with Town Staff to outline the specific permitting path for your project.

FAQs - Opening a Retail Store or Office

Required permits/approvals:

- **Business Certificate** (Town Clerk)
- **Zoning Review** and **Sign Permit** (Building)
- **Use & Occupancy Permit** (Building) – even if no construction work

Other permits/approvals that may be required: Other Permits, Licenses or Approvals will be dependent upon your specific project and the answers to the questions outlined below.

Is your proposed location zoned for retail or office?

If not, you will need to file for relief, most likely from the Zoning Board of Appeals (ZBA). The Building Commissioner can help you identify any relief that may be necessary and determine whether or not Design Review and/or Site Plan Review will be required. Please see the [Zoning](#) section of this guide for further information.

What are the parking requirements for your establishment?

Please refer to section 301.5 of the [Zoning Bylaw](#) for a table of parking requirements for a Restaurant. The Building Commissioner can help with determining the number of allowed occupants.

Is the existing septic system acceptable for your use?

Check with the [Health](#) Department to be sure you have adequate septic capacity for your proposed business, otherwise modifications or improvements may be necessary.

Are you located in the Aquifer Protection District (APD) or the Zone II of a drinking water well?

Projects located within the protective [Zone II](#) of drinking water wells are subject to additional regulation which may result in septic system restrictions or other development limitations. Storage of hazardous materials in excess of household quantities (20 gallons) in the APD would require approval from the Board of Health and the Zoning Board of Appeals.

Will you be installing a new sign or awning with lettering?

New signs will require a Sign Permit. Section 303 of the [Zoning Bylaw](#) will help your sign designer identify any limitations regarding signage. The Building Commissioner can help clarify any sections of the bylaw and provide the proper application for the sign(s).

Are you in a Historic District?

If you are located within the Old Kings Highway Historic District (OKH), you will need design approval from Old Kings Highway Historic District Commission for signs, awnings or any exterior changes to the building. See the [Historic](#) section.

Will you be selling food or tobacco products?

Permitting and inspection through the Health Department will be required for retail sales of food products. Contact the Health Department directly for information related to Tobacco Product Sales Permits, which are limited in number. See the [Health](#) section.

Will you be remodeling or constructing?

Remodeling and construction will require Building, Plumbing & Gas, and Wiring permits and inspections per state code. These are obtained [online](#) or at the Building Department. Fire Permits and inspections will also be required for some types of businesses. See the [Building](#) and [Fire](#) sections.

Will you be doing site work near wetland areas or in the flood zone?

Site work near any wetland resource areas or in the flood zone may also require permitting. See the [Conservation](#) section of this guide for further information.

Do you need a license?

Depending on the nature of your business, you may need a license administered through the Licensing Department. Some examples include, but not are limited to: new or used car sales, electronic game machines, mobile vendors and Christmas tree sales. See the [Licensing](#) section.

TOWN CONTACTS:

Building Commissioner: Mark Grylls 508-398-2231 ext. 1260 mgrylls@yarmouth.ma.us

Director of Health: Bruce Murphy 508-398-2231 x 1241 bmurphy@yarmouth.ma.us

Licensing Clerk: Linda Hill 508-398-2231 x 1268 lhill@yarmouth.ma.us

Town Clerk: Phil Gaudet 508-398-2231 x 1216 pgaudet@yarmouth.ma.us

Conservation Administrator: Kelly Grant 508-398-2231 x 1288 kgrant@yarmouth.ma.us

OKH/Historical Administrator: Beth Vozella 508-398-2231 x 1292 bvozella@yarmouth.ma.us

FAQs - Opening a Restaurant

Required Permits/Approvals:

- **Business Certificate** (Town Clerk)
- **Zoning Review and Sign Permit** (Building)
- **Food Establishment Permit** (Health)
- **Common Victualer License** (Health)
- **Food Service Certifications (i.e. Serve Safe Food Handling, Heimlich, Allergen & Menu Review for Consumer Advisories – Health)**
- **Use & Occupancy Permit** (Building) – even if no construction



Other Permits/Approvals that may be required:

- **Alcoholic Beverage License** (Licensing)
- **Entertainment License and/or Special License** (Licensing)
- **Building:** If construction is involved building permits will be required
- **Other Permits, Licenses or Approvals will be dependent upon your specific project and the answers to the questions outlined below.**

Is your proposed location zoned for food establishments?

If not, you will need to file for relief, most likely from the Zoning Board of Appeals (ZBA). The Building Commissioner can help you identify any relief that may be necessary and determine whether or not Design Review and/or Site Plan Review will be required. Please see the [Zoning](#) section of this guide for further information.

What are the parking requirements for your establishment?

Please refer to section 301.5 of the [Zoning Bylaw](#) for a table of parking requirements for a Restaurant. The Building Commissioner can help with determining the number of allowed occupants.

Is the existing septic system acceptable for your use?

Check with the Health Department to be sure you have adequate septic capacity and design for your proposed business (including any outdoor seating areas), otherwise modifications or improvements may be necessary. Restaurant septic systems also require specific design components such as grease traps. See the [Health](#) section.

Are you located in the Aquifer Protection District (APD) or the Zone II of a drinking water well?

Projects located within the protective [Zone II](#) of drinking water wells are subject to additional regulation which may result in septic system restrictions or other development limitations. Storage of hazardous materials in excess of household quantities (20 gallons) in the APD would require approval from the Board of Health and the Zoning Board of Appeals.

What is a Food Establishment Permit?

Any business preparing, distributing or selling food or goods for consumption, such as a catering business, restaurant, diner, or food distributor, must obtain a Food Establishment Permit through the Health Department.

Do you need a Common Victualer License?

Every food service establishment in the Town of Yarmouth with capabilities for cooking, preparing and serving food *with seating* is required to have a Common Victualer License, which is issued on an annual or seasonal basis through the Health Department.

Will your restaurant serve alcohol?

To serve alcohol at your restaurant, you will need will need an Alcohol Beverages License approved by the Board of Selectmen and the Massachusetts Alcoholic Beverages Control Commission (ABCC). An application to the Yarmouth [Licensing Department](#) and ABCC is required and a public hearing will be scheduled with the Board of Selectmen. The process will take a minimum of two months and Yarmouth's [Liquor and Entertainment Rules and Regulations](#) can be found on the town's website.

Are you planning on providing Live / Non-Live Entertainment?

You will need to apply for an Entertainment License from the Yarmouth Board of Selectmen. An application to the [Licensing Department](#) is required and a public hearing will then be scheduled with the Board of Selectmen.

Do you need a license?

Depending on the nature of your business, you may also need a license administered through the Licensing Department. Some relevant examples include, but not are limited to: pool tables, electronic game machines and mobile food vendors. See the [Licensing](#) section.

Are you moving into a space that was not a restaurant before?

The [Building Department](#) can identify the state code requirements including codes related to restaurant grade equipment (i.e. stoves and exhaust hoods).

How many bathrooms will you need?

The Plumbing Inspector in the Building Department determines the correct number of plumbing fixtures (i.e. toilets) as required by State code.

Will you be remodeling or constructing?

Remodeling and construction will require Building, Plumbing & Gas, and Wiring permits and inspections per state code. These are obtained [online](#) or at the Building Department. Fire Permits and inspections will also be required for some types of businesses. See the [Building](#) and [Fire](#) sections.

Will you be doing site work near wetland areas or in the flood zone?

Site work near any wetland resource areas or in the flood zone may also require permitting. See the [Conservation](#) section of this guide for further information.

Will you be installing a new sign or awning with lettering?

New signs will require a Sign Permit. Section 303 of the [Zoning Bylaw](#) will help your sign designer identify any limitations regarding signage. The Building Commissioner can help clarify any sections of the bylaw and provide the proper application for the sign(s).

Are you in a Historic District?

If you are located within the Old Kings Highway Historic District (OKH), you will need design approval from Old Kings Highway Historic District Commission for signs, awnings or any exterior changes to the building. See the [Historic](#) section.

Additional Restaurant Resources:

For information regarding restaurant operations in Yarmouth (such as Food Serve Safe and TIPS training courses) please visit [Yarmouth Restaurant Association's website](#).

Town Contacts:

Building Commissioner: Mark Grylls 508-398-2231 ext. 1260 mgrylls@yarmouth.ma.us

Director of Health: Bruce Murphy 508-398-2231 x 1241 bmurphy@yarmouth.ma.us

Licensing Clerk: Linda Hill 508-398-2231 x 1268 lhill@yarmouth.ma.us

Town Clerk: Phil Gaudet 508-398-2231 x 1216 pgaudet@yarmouth.ma.us

Conservation Administrator: Kelly Grant 508-398-2231 x 1288 kgrant@yarmouth.ma.us

OKH/Historical Administrator: Beth Vozella 508-398-2231 x 1292 bvozella@yarmouth.ma.us