

TOWN OF YARMOUTH

OFFICE OF THE TOWN CLERK

1146 ROUTE 28, SOUTH YARMOUTH, MA 02664
TELEPHONE 508-398-2231 Ext. 1212 FAX 508-760-4842

BARNSTABLE, SS

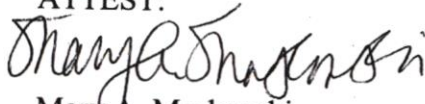
TO THE CONSTABLES IN THE TOWN OF YARMOUTH IN THE COUNTY OF
BARNSTABLE:

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to post in at least eight (8) public places in the Town of Yarmouth (the "Town"), being no less than one (1) in each of the eight precincts within the Town, copies of the attached amendments to the Town's Zoning Bylaw. The following amendments were voted under Articles 11, 12, 13, 14, 15, 16, and 17 of the Warrant for the Special Town Meeting held on November 2, 2021. A copy of the Attorney General's Approval is also included.

Pursuant to M.G.L. Chapter 40, Section 32, any claim of invalidity by reason of any defect in the procedure of adoption or amendment of the aforementioned bylaws may only be made within ninety (90) days of the date of the posting of this notice. Copies of the bylaws are available for review and examination in the Office of the Town Clerk, Town Hall, 1146 Route 28, South Yarmouth, MA 02664.

ATTEST:


Mary A. Maslowski
Town Clerk

POSTED: Quinn 3/15/2022 4:00pm

CONSTABLE: TC

TC



TOWN OF YARMOUTH

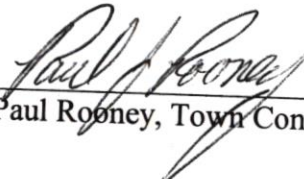
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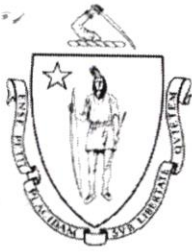
RETURN OF SERVICE

I have served the within warrant as therein directed by posting attested copies thereof as follows:

Precinct 1 - Yarmouth Port Post Office	<u>3/11/22 @ 2:45 PM</u>
Precinct 2 - Bass River Golf Course	<u>3/11/22 @ 2:20 PM</u>
Precinct 3 - Town Hall	<u>3/11/22 @ 3:35 PM</u>
Precinct 4 - Yarmouth Senior Center	<u>3/11/22 @ 2:50 PM</u>
Precinct 5 - Fire Station - Buck Island Rd.	<u>3/11/22 @ 3:05 PM</u>
Precinct 6 - Hyannis Park Comfort Station	<u>3/11/22 @ 3:10 PM</u>
Precinct 7 - Walgreen's Rte 6A	<u>3/11/22 @ 2:35 PM</u>
Precinct 8 - South Yarmouth Post Office	<u>3/11/22 @ 3:30 PM</u>
Precinct 8 - West Yarmouth Post Office	<u>3/11/22 @ 3:20 PM</u>

being one public place in each of the eight precincts within the Town, including the three United States Post Office locations.

 3/11/2022
Paul Rooney, Town Constable



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL



February 18, 2022

Mary A. Maslowski, Town Clerk
Town of Yarmouth
1146 Route 28 – Town Hall
Yarmouth, MA 02664

**Re: Yarmouth Special Town Meeting of November 21, 2021 -- Case # 10432
Warrant Articles # 11, 12, 13, 14, 15, 16, and 17 (Zoning)**

Dear Ms. Maslowski:

Articles 11, 12, 13, 14, 15, 16 and 17 - We approve Articles 11, 12, 13, 14, 15, 16 and 17, and the map amendments voted under Article 16, from the November 21, 2021 Yarmouth Special Town Meeting. We will send the approved map to you by regular mail. Our comments regarding Article 11 are provided below.

Article 11 - Under Article 11 the Town vote to amend the Town’s zoning by-laws by making changes to the zoning provisions regarding the Town’s flood zone and flood areas. Article 11’s amendments are part of a federal requirement for communities that choose to participate in the National Flood Insurance Program (NFIP). The changes adopted under Article 11 ensure that the Town’s zoning by-laws contain the necessary and proper language for compliance with the NFIP.

The new changes voted under Article 11 appear to follow the “Massachusetts 2020 Model Floodplain Bylaw” provided by the Massachusetts Department of Conservation and Recreation Flood Hazard Management Program (DCR Flood Hazard Management Program).¹ The DCR Flood Hazard Management Program is the state coordinating office for the NFIP and, according to their website, they have provided the Model Floodplain Bylaw to Massachusetts communities “to assure that their local bylaws...contain the necessary and proper language for compliance with the” NFIP.² For this reason, we approve Article 11. The Town should consult with Town Counsel and the DCR Flood Hazard Management Program with any questions regarding the application of the amendments adopted under Article 11.

¹ See <https://www.mass.gov/guides/floodplain-management/#-2020-massachusetts-mo>.

² See <https://www.mass.gov/doc/october-2020-qa-presentation-with-notes/download>

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Jonathan M. Silverstein