



## TOWN OF YARMOUTH PLANNING BOARD

### APPLICATION FOR SPECIAL PERMIT HEARING

The following Rules and Regulations are hereby adopted by the Yarmouth Planning Board and shall govern the submission of all applications for Special Permit to the board and the conduct of all hearings held thereon. These Rules and Regulations are adopted in accordance with M. G. L. Chapter 40A §9. In the event of a conflict between any of these Rules and Regulations, the provisions of any bylaw or statute, as the case may be, shall prevail. The invalidity of any section or provision of these Rules and Regulations shall not invalidate any other section or provision hereof.

1. All Appeals or applications for Special Permit to the Planning Board shall be submitted on the forms provided by the Board for such applications.
2. Two (2) original applications (attached) typewritten or hand printed (no photocopies), must be completed and signed by the Petitioner and the Property Owner prior to filing the application with the Planning Board.
3. A formal Site Plan Review hearing must be completed prior to filing the application with the Planning Board.
4. On the application, in the space provided for “Project”: after the word “**property**”, summarize what it is the applicant proposes to do; this is the information used for the legal advertisement in the newspaper. The hearing could be illegal if this information is incorrect or incomplete.
5. All applications for Special Permits must be accompanied by **9 Certified Plot Plans** not more than **2 years old** (**15 Certified Plot Plans** if the project is a commercial project within the **Aquifer Protection District**). Applications for Cluster Subdivisions or Planned Residential Developments, Per Bylaw section 402, must submit all plans normally required for a Definitive Subdivision, as outlined in the Planning Board's Rules and Regulations Governing the Subdivision of Land, which include an **original and 15 copies of the subdivision drawing and 15 copies of the street profile**. The petitioner shall file with the application sufficient plans and drawings so that the Board can address all of the criteria. Plans must be prepared by a Registered Land Surveyor or qualified Professional Engineer and shall show; the locus; the parcel or parcels of land involved; the existing or proposed building or buildings; the proposed additions or alterations of existing buildings with all dimensions set forth; the location of the septic; the existing or proposed frontage, front, side, rear line distances; all perimeter dimensions (existing and proposed), location and width of abutting, and on-site, street and drives, parking, existing topography; a grading plan, areas of proposed and retained vegetation, distinction between upland and wetland.

In the case of application in conjunction with Bylaw section 404, Motels, where relief from the Yarmouth Architectural and Site Design Standards is sought, the Board also requires **9 copies of all architectural elevations and renderings, scaled floor plans and certified plot plans showing existing and proposed conditions**. If the applicant has attended Design Review, the comment sheet must be submitted with the application.

The Board may, at its discretion, waive these requirements or request additional material considered necessary for its review of the application. Extra copies of the plans will be disposed of after the hearing unless otherwise requested.

6. For all applications for Special Permits, the applicant shall provide the current Assessor's Map and Lot Number for the property which is subject of the petition, and accompanied by a list, by the current Assessor's map & lot Number, of the abutters (see assessors Certification for Abutters List attached).

7. All applications for Special Permits must be accompanied by a filing fee of \$200.00, plus postage costs of \$5.00 per abutter. Postage charges will be determined by multiplying the number of abutters times \$5.00, which is the current cost for two required mailings. Applicants shall pay the actual cost for the required legal advertisements.

8. Hearings (max. 4) shall be held by the Board on the first and third Wednesday of each month at 5:30 p. m. or at the call of the Chairman or Acting Chairman in the Yarmouth Town Offices 1146 Route 28 South Yarmouth, or at such other place as the Chairman or Acting Chairman may from time to time designate.

9. Hearings shall be held in accordance with M. G. L. Chapter 39, §23A-23C and shall be open to the public except at such times as the Board, by majority vote, shall vote to go into Executive Session in accordance with provisions of M. G. L. Chapter 39, §23A.

10. The Board may, in a particular case, waive strict compliance with the requirements of these Rules and Regulations when, in the judgment of the Board, such action is in the public interest and not inconsistent with the Zoning Enabling Act or the Zoning Bylaws of the Town of Yarmouth.

### **CONDITIONS**

The Planning Board approval shall not be granted unless the applicant demonstrates that no undue nuisance, hazard, or congestion will be created and that there will be no substantial harm to the established or future character of the neighborhood, or of the town. In addition, on approval of a Special Permit under Bylaw section 404, the Planning Board must find that the project meets the purpose and objectives of the Yarmouth Architectural and Site Design Standards.



TOWN OF YARMOUTH  
PLANNING BOARD

APPLICATION FOR SPECIAL PERMIT HEARING

Staff Use Only:

Planning Board Appeal#: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

- 2 copies of this application and \$200, plus postage for mailings to abutters (at \$5.00 per address). The applicant must pay actual cost for the required legal advertising.
- Certified Plan Submitted (15 copies for §402 applications, 9 copies for §404 applications)
- Architectural Plan(s) and Landscape Plan(s) Submitted, 9 copies, for §404 applications only)
- Certified Abutters List Submitted (abutters to abutters within 300 feet of locus)
- Site Plan Review Comment Sheet Submitted  Design Review Comment Sheet Submitted

**Owner-Applicant** (Please Print):

\_\_\_\_\_

\_\_\_\_\_

and is the (check one):  Owner  Tenant  Prospective Buyer  Other Interested Party

**Property:** This application relates to the property located at: \_\_\_\_\_  
\_\_\_\_\_ which is also shown on the new Assessor's Map:

as Parcel(s): \_\_\_\_\_ Zoning District: \_\_\_\_\_

**Project description:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RELIEF REQUESTED:** The applicant seeks the following relief from the Planning Board:

SPECIAL PERMIT under Yarmouth Zoning Bylaw, § \_\_\_\_\_ for a use authorized upon Special Permit in the "Use Regulation Schedule", §202.5, as Use Code \_\_\_\_\_ (use space below if needed).

Section: \_\_\_\_\_ Relief sought: \_\_\_\_\_

Section: \_\_\_\_\_ Relief sought: \_\_\_\_\_

Section: \_\_\_\_\_ Relief sought: \_\_\_\_\_

**ADDITIONAL INFORMATION:** Please use the space below to provide any additional information which you feel should be included in your application:

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# FACT SHEET

(Please Print)

Owner of Property (if other than applicant) \_\_\_\_\_  
(Full Name)

( Address)

(Telephone Number)

How long has the owner had title to the above property: \_\_\_\_\_ Book: \_\_\_\_\_ Page: \_\_\_\_\_  
(Give title reference)

Use Classification: Existing: \_\_\_\_\_ §202.5 # \_\_\_\_\_  
Proposed: \_\_\_\_\_ §202.5 # \_\_\_\_\_

Is the property vacant: \_\_\_\_\_ How long has it been vacant: \_\_\_\_\_

Lot Information Size/Area: \_\_\_\_\_ Plan Book and Page #: \_\_\_\_\_ / \_\_\_\_\_ Lot# \_\_\_\_\_

Is this property within the **Aquifer Protection Overlay District**:  Yes  No

Have you completed the required formal site plan review?  Yes  No

**Other Department(s) Reviewing Project:** Indicate the other Town Departments which are/ have/ or will review this project, and indicate the status of their review process: \_\_\_\_\_  
\_\_\_\_\_

**Repetitive Petition:** Is this a re-application: \_\_\_\_\_ If yes, do you have Planning Board Approval? \_\_\_\_\_

**Prior Relief:** If the property in question has been the subject of prior application to the Planning Board, indicate the date and Appeal number(s) and other available information, **include a copy of the decision(s) with this application:** \_\_\_\_\_  
\_\_\_\_\_

**Building Commissioner Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Applicant's /Attorney /Agent Signature

\_\_\_\_\_  
Owner's Signature

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Building Commissioner Signature

