

SEASONAL EMPLOYEE HOUSING at Motels/Hotels – A currently licensed motel or hotel property, a portion of which is utilized to provide temporary seasonal housing for employees or staff, 18 years or older, who are seasonally employed by a business located within the borders of Yarmouth for more than 24 hours per week. All Seasonal Employee Housing at Motels/Hotels shall be conducted in accordance with the definitions, requirements and provisions of Section 404.5 – Seasonal Employee Housing at Motels/Hotels.

EXPLANATION: *This Article was developed in collaboration with the Yarmouth Community Partnership, a subcommittee of the Yarmouth Chamber of Commerce, to help address the temporary housing needs of seasonal workers, mainly J1 student and H-2B visa workers needed to support our tourism economy. Currently, our Zoning Bylaw allows for motels/hotels to use up to 15% of their rooms to house their own seasonal employees (April 1st thru October 31st), along with a list of provisions they need to meet including having an on-site proctor, access to cooking facilities, and an annual permit issued by the Building Department. This Article would expand the pool of seasonal employees who can stay within the designated 15% of a hotel/motel rooms from just employees of the hotel/motel owner to employees from other Yarmouth businesses.*

Board of Selectmen Recommends (5-0)
Planning Board Recommends (4-0-1)

(Yarmouth Planning Board)

2/3 Vote Required

ARTICLE #29: POLYSTYRENE REDUCTION BYLAW (By Petition): To see if the Town will vote to approve:

**TOWN OF YARMOUTH POLYSTYRENE REDUCTION BYLAW
Proposed 11.13.19, Revised 12/7/2021**

1. Purpose and Intent

The use and disposal of polystyrene products are proven to have significant negative impacts on marine and land environments of our coastal community, including but not limited to:

1. Contributing to the harm of marine and terrestrial wildlife through ingestion and entanglement;
2. Pollution and degradation of the terrestrial and coastal environments;
3. Human risk through exposure to harmful carcinogens used in the manufacture of polystyrene products; and
4. Disposal burdens for solid waste collection and recycling facilities.

Therefore, the Town of Yarmouth seeks to protect its natural resources and the wellbeing of its residents by prohibiting food or retail establishments from distributing single-use disposable polystyrene containers through a phase out period.

2. Definitions

Single-Use Polystyrene Disposable Containers: single-use disposable products for serving or transporting food or beverages, including but not limited to, take out foods and/or partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers.

Polystyrene: expanded and extruded forms of thermoplastic, petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.

Expanded Polystyrene (EPS): polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid form.

Food Establishments: any operations, including but not limited to, restaurants, schools, charitable associations, food trucks, farmer’s markets, concession stands, and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw.

Retail Establishments: any commercial business facility that sells goods directly to consumers, including but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food service establishments.

Public Venues: operations such as meeting halls, Town offices, public facilities and recreation areas.

3. Applicability

Single-use polystyrene disposable containers shall not be used or distributed as disposable food service containers by food establishments and/or retail establishments within the Town of Yarmouth effective June 1, 2023.

4. Exemptions

The following are exempt and not subject to the provisions of this article:

1. Polystyrene and EPS packing peanut and foam packaging used to transport goods from a manufacturer
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products used in packaging from the manufacturer for the purposes of transport
3. Packaging used for the protection of raw foods, including but not limited to, produce or meat/fish products
4. Polystyrene and EPS insulated foam freezer containers enclosed in durable rigid plastic

5. Enforcement; violations and penalties.

A. This bylaw may be enforced by any enforcement officer or by agents of the Board of Health.

B. This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D, and the appropriate chapter of the General Bylaws of the Town of Yarmouth. If noncriminal disposition is elected by the Board of Selectmen in its enforcement policies, then any establishment which violates any provision of this bylaw shall be subject to the following penalties.

- (1) First offense: fine of \$50.
- (2) Second offense: fine of \$100.
- (3) Third and subsequent offense: fine of \$200.

C. Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense.

D. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any food and/or retail establishment failing to comply with this bylaw, such failure being defined as three or more violations within a 12 month period.

EXPLANATION: *As the use and disposal of polystyrene products are proven to have significant negative impacts on marine and land environments of our coastal community, including but not limited to: (1) Contributing to the harm of marine and terrestrial wildlife through ingestion and entanglement; (2) Pollution and degradation of the terrestrial and coastal environments; (3) Human risk through exposure to harmful carcinogens used in the manufacture of polystyrene products; and (4) Disposal burdens for solid waste collection and recycling facilities. Therefore, the Town of Yarmouth seeks to protect its natural resources and the wellbeing of its residents by prohibiting food or retail establishments from distributing single-use disposable polystyrene containers through a phase out period.*

Submitted by Petitioner

Board of Selectmen Will Recommend from the Floor
Finance Committee Does Not Recommend (4-0) (Petitioner)

ARTICLE #30: Zoning Map Amendment – 17 Berry Avenue, West Yarmouth (By Petition):

To see if the Town will vote to amend the Zoning Map for a certain parcel as follows, or take any other action relative thereto:

- 1. Amend the Zoning Map, by rezoning the following parcel from R25 Residential, to B2 Business, HMOD1 Hotel/Motel Overlay District 1, and ROAD Revitalization Overlay Architectural District: Map 30, Parcel 222

2/3 Vote Required

Submitted by Petition

Board of Selectmen Does Not Recommend (5-0)
Planning Board Does Not Recommend (4-1) (Petitioner)