

TOWN OF YARMOUTH
 COMMUNITY PRESERVATION COMMITTEE
 PUBLIC HEARING MINUTES
 SEPTEMBER 28, 2011
 FINAL

YARMOUTH TOWN CLERK
 11/28/2011 10:05 REC
RC

Present	Organization	Email
Gary Ellis	CPC Chairman (At-large member)	Pamnd1@comcast.net
Tom Roche	CPC Vice-chair (Planning Board)	bassriverlodge@comcast.net
Mary Ann Walsh	CPC Clerk (Yarm. Housing Authority)	Mawalsh37@verizon.net
Thomas Kelley	CPC member (At-large member)	N/A
Gloria Smith	CPC member (Historical Commission)	Gss133@verizon.net
Hugh March	CPC member (Conservation Comm.)	March30@capecod.net
Christine Marzigliano	Historical Society of Old Yarmouth	cmarzigliano@comcast.net
Sarah R. Horne	N/A	Forghorne115@verizon.net
Mary Jane Xenakis	N/A	Mjxen21@verizon.net
Michael Williams	Our First Home, Inc.	Changing.lives@hotmail.com
Bob Lawton	Yarm. Affordable Housing Trust	rclawton@verizon.net
Jim Hoar	Yarmouth Recreation	jpdmh@comcast.net
Sandra Blackman	N/A	N/A
Edward Blackman	N/A	N/A
Bill Harrison	First Congregational Church	Bill@HarrisonRE.com
Dick Boardman	Taylor Bray Farm Pres. Association	rboardman@aol.com
Rick Jones	Edward Gorey House	edwardgoreyhouse@verizon.net
Marie Duggan	N/A	N/A
Richard Sirelly	UMCSY	N/A
Jack Grebe	N/A	N/A
Joan Minyard	Self-patron	Jamin511@msn.com
Kathy Ellis	N/A	N/A
Brian Bragington-Smith	N/A	N/A
David Hoyt	SY United Methodist Church	Syarmouthumc@verizon.net
Al Harris	N/A	N/A
Jean Simpsons	N/A	N/A
Pearl B. Wolfson	Our First Home, Inc.	wolfsononcape@comcast.net
Barbara Dunbar	SY United Methodist Church	capedunbar@netscape.com
Kay Kaiser	N/A	N/A
Sue Daggett	Our First Home, Inc.	cazdaggett@aol.com
Joan Kenney	Garden Club of Hyannis	Joan_kenney@post.harvard.edu
Walter Chapin	Yarm. New Church Preser. Foundation	N/A
Jack Duggan	Taylor Bray Farm Pres. Association	bayviewcapecod@comcast.net
Tom Durkin	Yarm. Conservation Commission	durkintj@comcast.net
Judy Rodrigues	N/A	N/A
Elvio Rodrigues	N/A	N/A
Guido Rodrigues	N/A	N/A
Ray Beaton	First Congregational Church	Rbtn123@gmail.com
Kim Handy	N/A	N/A
Dan Costa	Tax payer	Dan222Amn@comcast.net

Present	Organization	Email
Bob Dubois	Yarmouth Chamber of Commerce	rdubois@yarmouthcapecod.com
David Dovell	SY United Methodist Church	Daviddovell1@gmail.com
Joan Carr	Conservation Commission	Joaniecarr@yahoo.com
Sara Porter	Yarm. New Church Preser. Foundation	sjparch@comcast.net
Susan Vaughn	Register Newspaper	svaughn@wickedlocal.com
Bob Palmer	N/A	N/A
Mary Waygan	Yarmouth Dept. of Comm. Development	mwaygan@yarmouth.ma.us
Jennifer Coutinho	Yarmouth Dept. of Comm. Development	jcoutinho@yarmouth.ma.us

LOCATION: Cultural Center of Cape Cod, 307 Old Main St., South Yarmouth, MA

Chairman Ellis opened the Community Preservation Committee (CPC) public hearing at 6:18 p.m. All CPC members except Dorcas McGurrin, Nate Small, and Jack Mulkeen were present.

PRESENTATIONS

Community Preservation Program: Chairman Ellis introduced the members and presented information on the Community Preservation Act, accomplishments to date, funding commitments, and the new projects approved at Annual Town Meeting 2011. He continued by explaining the projects underway in each of the four Community Preservation Act (CPA) categories. He noted that there is approximately \$4 million available for this grant round. Lastly, he explained the funding cycle and application process and stated that applications for the FY12 grant round are due by October 14, 2011. He stated that five past recipients would present on their projects, after which he introduced Mr. Duggan as the first presenter.

Taylor Bray Archeological Survey: Jack Duggan of the Taylor Bray Farm Preservation Association (TBFPA) presented on the archeological work conducted at Taylor Bray Farm now in its second year. They began collecting artifacts in the summer of 2010 under the floorboards of the old farmhouse and then they hired Craig Chartier, a professional archaeologist. Mr. Chartier produced a 70-page reconnaissance survey assessing the 372 year-old farm, which indicated that there was a high potential for encountering artifacts from prehistoric and historic periods. Efforts through April 2011 amassed thousands of artifacts mostly from the 19th century and there were Native American projectile points around 1,000 to 3,000 years old.

The TBFPA utilized a CPA grant in 2011 to conduct a full-scale archaeological survey of the farm consisting of a series of small test pits excavated on a five & ten meter grid pattern over large areas of the 23-acre property. Field-testing succeeded in identifying a very probable location for Richard Taylor's original 1640's home, recovering approximately 14,000 artifacts, evidence of Native American wetu footprints, and a 3,000 year old "Atlantic" stone projectile point. The TBFPA's archaeology program has benefited greatly from the support of CPA funds and this project has contributed to our town's history.

Municipal Affordable Housing Trust: Robert C. Lawton Jr., Affordable Housing Trust Vice-chair, introduced himself and stated that he has been on the board since 2007. The Trust is made up of five members – Bill Hinchey, Town Administrator and Chair; Bob Lawton, Vice-chair and At-large Member; Curtis Sears, Selectman; Tom Roche, Community Preservation Committee representative; and Sharon Ladley, Community Housing Committee representative.

The Town's Municipal Affordable Housing Trust can accept, purchase, sell, and lease properties. To date, the Trust has been able to preserve 19 safe and decent affordable units scattered throughout Town through various programs. One program called the Buy-down Program is set up whereby existing market priced homes are purchased, they make necessary home improvements, and then the homes are sold at an affordable price usually around \$150,000. At the time of the resale, a deed restriction is placed on the property to ensure affordability in perpetuity. They have sold 11 homes and hope to sell a minimum of four more.

The Trust also preserves affordable units that have come up for re-sale or have gone into foreclosure with expiring deed riders. The Trust has created one home on Old Cedar Lane and they are working on the creation of two homes on West Yarmouth Road. The Trust has also worked with a developer to create three rental units. In addition, they worked with the Cape Cod Commission to create a Cape Cod Regional Ready-Renter List which includes Barnstable, Yarmouth, Dennis, Harwich, and Chatham. This list is useful to the Town and landlords to access qualified tenants.

Currently, 3.3% of the units in Yarmouth are affordable and the State has mandated that Yarmouth should maintain an affordable housing stock 10% of its year-round housing units. If the Town can produce 62 units in one year or reach the 10% goal, then the Town will not be subject to unwanted Chapter 40B developments. Chapter 40B is a general law that allows developers to circumvent rules and regulations of the Town and some State rules. The Trust would like to reach the 10% goal in order to avoid unwanted developments.

The Trust will continue to focus on keeping families in Town and to assist people to attain safe and decent housing. In addition, the Trust will continue to work on the feasibility of developing land, leverage other funds, preserve affordability of existing homes, and assist people transitioning out of the Route 28 motels. To date, the Trust has received \$3 million in CPA funds and they have used it judiciously and wisely to create and retain housing.

Open Space Acquisitions: Vice-chair Roche explained that open space protection began with Land Bank. In 1998, the state enacted the Land Bank to acquire land to protect public drinking water supplies and conservation land, and to create walking and bicycle trails and recreational areas. The Act required approval of the voters in each of the Cape's 15 towns through a referendum that was on the ballot in November 1998. The referendum passed in every town on the Cape.

From 1998 to 2005, the Land Bank Committee worked hard to protect 136 acres of land. They also worked to redevelop blighted properties into natural open areas, such as Chase Brook Park on Route 28, which was the site of a former night club. They purchased land around Dennis Pond off Willow Street. In 2005, voter's adopted the CPA and withdrew from the Land Bank Program. The CPA will remain in effect until fiscal year 2020, which is when the Land Bank was originally set to expire. Under the CPA, we have purchased 12 acres of open space and 3 acres for recreation.

Vice-chair Roche displayed a photograph of Alms House Road and noted that the Town received \$405,270 in State matching funds towards the acquisition. Prior to demolishing the house, the Yarmouth Fire Department had a rare opportunity to provide hands-on training to four Dennis-Yarmouth High School fire department interns. The interns conducted search and rescue and forced entry training. He also displayed photographs of 281 Route 28, and Pheasant Cove Circle. The last photograph was the Town's acceptance of a \$250,000 State LAND grant check from Ian Bowles, Secretary of State, towards the acquisition of the last parcel on Dennis Pond.

Englewood Sailing Center Recreation Project – Jim Hoar, Sailing Center Program Director, introduced himself and stated that he is the D-Y Sports Director and an educator. The Sailing Program began in 1982 and the Town purchased the Englewood property in 2005. The Sailing Program began with about 25 to 30 student and it has grown tremendously to about 800 students per summer. The often service many generations of families who have participated in the program throughout the years. In addition, they accept about 40 children per season to the Sailing program who would otherwise not be able to attend. They have a fleet of 17 Cape Cod Knockabouts, as well as, Laser racing boats and they offer 3 instructional classes per day. The building is used in conjunction with the sailing program. The building is historic and it was built around the late 20's/early 30's and it's in constant use. The program is an opportunity to teach kids about safety, learning, and it builds their self confidence.

He continued by playing a video on the Sailing Center program. The building was the original garage of the neighboring house owned by the Schirmer family and it is in need of significant renovations. The structure was moved to its present location at 24 New Hampshire Ave in the 1940's to accommodate Mr. Schirmer's daughter, Doris, who was a school teacher and competitive Knockabout racer in the summer. She spent her time at Englewood until her passing in 2004. Her desire was for the Town to own the property and to continue the Sailing program. Following the video, he thanked the CPC for acquiring the property six years ago and for their continued support of the Sailing Center program.

Cultural Center of Cape Cod – Bob Nash, Executive Director of the Cultural Center, thanked the CPC for their support with a grant in 2006 to rehabilitate the Cultural Center building. Since that time, they have served thousands of people. Last year, there were 700 uses of the building, ranging from art classes to Italian cooking, and the Center is the busiest place in Yarmouth. They have several events per day and more space is needed. There is a dilapidated building next to the Cultural Center, called the Owl Club. They are proposing to demolish the building to create an Educational Wing with a connector to the Cultural Center building. They have received \$400,000 in CPA funds for this project and they have raised \$150,000 in a capital campaign and donations. They also have applied to the Massachusetts Cultural Council for \$400,000 and they are a good candidate for the grant because the Council funded a feasibility study of the building two years ago. He then showed a video of the Cultural Center's past, present, and future.

PUBLIC COMMENTS

Chairman Ellis explained that they received two written public comments, the first from Mr. Rodrigues regarding an 18-acre parcel of land on Forest Road owned by the Yarmouth Housing Authority, and the second from Ms. Marzigliano regarding a parcel of land on White Rock Road owned by NSTAR (attached to these minutes). Chairman Ellis read the letters aloud, and at 7:49 p.m., he opened the hearing for public comments from the audience.

Mr. Costa stated that he is a resident of Yarmouth and a member of the Veteran's group who built the memorial at the Packet Landing Park [1377 Bridge Street, South Yarmouth]. He asked how much money is invested in the Cellar House project. Chairman Ellis replied that the septic system cost around \$100,000, which was necessary to install before the park was created. He explained that the Town put the project out to bid just prior to Annual Town Meeting 2011 and the apparent low bid was approximately \$700,000. There is around \$400,000 available from the April 2007 Town Meeting appropriation. Subsequently at the April 2011 Town Meeting, voter's denied an additional \$465,000 necessary to complete the project.

Mr. Costa stated that they only need bathrooms at the site. Mr. Ellis pointed out that CPA funds may only be used to construct a historic replica of the original 1730's Cellar House. At this time, the project is on hold and the Town may appoint a committee to work on the project in the future. He stated that people interested in the project should contact the Town for an update.

Mr. Rodrigues asked who was submitting an application for the property near Englewood Beach. Chairman Ellis replied that he couldn't answer that question because the CPC has not received an application yet.

Mr. Rodrigues stated that it's impossible to fill out the CPA application without a committee and that there is no advocacy for South Yarmouth. There is 18.68 acres of land that is going to be developed by the Yarmouth Housing Authority and it goes against the goals set by CPA. They are proposing a housing development on 18-acres of pristine forest and the Captain's Village is one of the densest areas in town. As he stated in his letter, \$2.7 million is not fair. Chairman Ellis replied that, as they discussed early, staff can assist them with completing a CPA application. The CPC cannot consider a project without an application.

Mr. Rodrigues asked for an explanation on how the million dollars that the CPC funded to the Yarmouth Housing Authority for this project meets their goals. Chairman Ellis replied that their Community Preservation Plan is available on the handout table, after which he explained that the CPC tries to get the best bang for the buck, and they fund projects that benefits the greatest number of residents. The CPC takes each project on its own merits, not by location.

Ms. Marzigliano, President of the Historical Society of Old Yarmouth thanked Chairman Ellis for reading her letter and for the work going on at the Captain Bangs Hallet House. She stated that the CPC received an application last year for the acquisition of the NSTAR parcel and she asked for the procedure to get it on to this grant cycle. Chairman Ellis stated that the article was postponed at the April 2011 Town Meeting because NSTAR didn't want to meet with the Town. He noted that it's not a dead project and the Town will continue to pursue the acquisition.

Mr. Braginton-Smith stated that he came to the hearing because he was interested in what the CPC does. He said that the hearing and presentations were phenomenal. He stated that what has been done with CPA shows that there is vision, passion, and that the Town is going in the right direction.

Mr. Dubois, Executive Director of the Yarmouth Chamber of Commerce, stated that from a business perspective, and having worked with the Town for a number of years on revitalization commercial areas, that there are only a number of things the business community and the Town can do from a budgeting purpose. He noted that CPA funds have allowed us to complete projects that would never rise to the top of the priority pile. He stated that the CPC has done a tremendous job taking care of all parts of the community, and the videos shown tonight illustrate tremendous work on the south side of town. He agrees that this is one town rather than separate villages. He made particular note of the work done to preserve our historic assets with projects at the Yarmouth Port Common and Taylor Bray Farm. He encouraged the CPC to continue their great work and to continue adding value to the town. He also stated that he would like to be involved with the Packet Landing project.

ADJOURN


Chairman Ellis thanked everyone for attending the hearing and noted that the CPC puts a lot of time and research into every proposal and he is proud to be a member of the CPC. As there was no further business, Ms. Walsh moved to adjourn the hearing at 8:07 p.m. Mr. March seconded. Vote unanimous 6-0.

HANDOUTS AT THE HEARING (Located in the Department of Community Development)

1. Community Preservation 2011 Grant Application
2. The Benefits of Community Preservation Act Funds Brochure
3. Town of Yarmouth Community Preservation Plan
4. Department of Revenue CPA Allowable Spending Purposes
5. Town of Yarmouth Approved CPA Projects FY06-FY10
6. Presentation slides for the Community Preservation Public Hearing, Taylor Bray Farm Archeological Survey, and Open Space Acquisitions, and Affordable Housing Program.
7. CPA Grant Application Deadline and Three Ways to Obtain a 2011 CPA Grant Application
8. Affordable Housing Program – September 2011
9. Letter from Mr. Rodrigues regarding 18 acres of land on Forest Road designated for affordable housing, 9/15/11 (attached to these minutes)
10. Letter from Ms. Marzigliano regarding 10 acres of land on White Rock Road owned by NSTAR to be used for a transfer station, 9/23/11 (attached to these minutes)

Respectfully submitted,

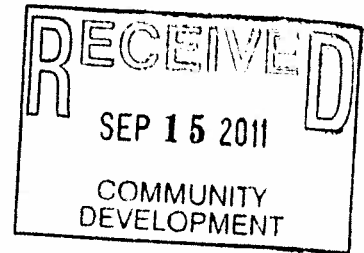
Jennifer Coutinho
Program Coordinator


Mary Ann Walsh, Clerk

CPA Hearing Comment 9/28/11

45 Nautical Lane
S. Yarmouth, MA 02664
September 14, 2011

Ms. Jennifer Coutinho
Community Preservation Coordinator
Town of Yarmouth
1146 Route 28
S. Yarmouth, MA 02664



Dear Ms. Coutinho:

Please have this letter read at your September 28 meeting.

The application form for proposing projects for the allocation of \$4 million in CPA funds is not geared to ordinary residents. Why is that? Since we pay into the CPA fund, we believe we have a right to submit this simple application: It is hereby requested that the parcel of land presently owned by the Yarmouth Housing Authority in South Yarmouth described as Parcel 2 containing 18.68 acres as shown on plan entitled "Plan of Land in South Yarmouth" duly recorded with Barnstable County Registry of Deeds in Plan Book 413 Page 56 be procured for open space. The background behind this application is summarized below.

In 2010, the Town procured a sum of \$755,000 to add 7.06 acres of open space off of Alms House Road in Yarmouthport. Even though the abutters to this area had 144 acres of open space, the Town Planners proposed adding an additional 7.06 acres of open space. The abutters near Alms House Road have their homes situated on lots averaging 2.44 acres (10 times the size of my lot). The Town Planners were glad to propose this procurement and it passed in the Annual Town Meeting.

When it comes to open space for the Village of South Yarmouth, the Department of Community Development has a completely different outlook. In 2011, Town Planners propose clearing 18.7 acres off Forest Road and building 100 units of affordable and elderly housing. Even though this is the only remaining open space in the neighborhood surrounding the Senior Center, they are proposing one of the densest housing projects anyone can devise. Most of the residents in this area live on 1/4 acre lots and are squeezed in like sardines but the Town Planners don't care. Their attitude is "if you think that is dense, wait until you see what we have in store for you." Basically, they are proposing housing 5 times the density allowed by the present zoning by-law. The present zoning in this area is R-40. Even though the Yarmouthport (Alms House) open space was increased from 144 acres to a whopping 151 acres they propose to decrease this South Yarmouth open space from 18.7 acres to zero. Zip!! When and how did the Town of Yarmouth lose its sense of fairness?

Once again, we must bring to your attention the huge inequity in the distribution of open space/ community preservation projects within Yarmouth that were funded by the Community Preservation Act (CPA). Below we have listed relevant open space and preservation projects funded through the CPA process over the past 6 years:

<u>Project Name</u>	<u>Village</u>	<u>Year Approved</u>	<u>Total Cost</u>
Alms House Road (7 acres open space)	Yarmouthport	2010	\$790,000
Dennis Pond (extend shoreline)	Yarmouthport	2005	\$503,000
Pheasant Cove Circle (open space)	Yarmouthport	2007	\$20,000
Taylor Bray Farmhouse (rehabilitate house)	Yarmouthport	2007	\$600,000
Englewood Beach (expand beach)	West Yarmouth	2005	\$815,000
		<u>Sub Total</u>	<u>\$2,728,000</u>
<u>Blueberry Patch</u> (preservation only)	<u>South Yarmouth</u>	2010	<u>\$8,680</u>

Although all Yarmouth residents contribute 3% of their property taxes into the CPA fund, it's quite apparent that the Village of South Yarmouth is getting almost nothing in return. One Village seems to be getting most of the preservation projects. We obviously live on the wrong side of the tracks (literally). All we get is the preservation of a small blueberry patch coupled with the destruction of 18.7 acres of woodland in South Yarmouth???

Sincerely,

Elvio Rodrigues

Elvio Rodrigues

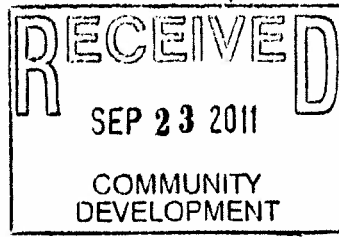
Judy Rodrigues

Judy Rodrigues

CPA Hearing Comment 9/28/11



**Historical Society
of Old Yarmouth**



Historical Society of Old Yarmouth
11 Strawberry Lane, P.O. Box 11
Yarmouth Port, Massachusetts 02675
Tel: (508) 362-3021
Website: www.hsoy.org

President
Christine Marzigliano
Vice President
Charles Adams
Recording Secretary
Duncan Oliver
Corresponding Secretary
Barbara Adams
Treasurer
Sally Jackson

September 7, 2011

Trustees
Leslie Altman
Joel Chaison
Maryann Chiras
Donna Cote
Suzanne Courcier
Caroline Ellis
Laurel Gabel
Priscilla Gregory
Gayle Leaversuch
Lidy LeGrand
Mike Lorenz
Ruth Lund
Finn Maguire
Roy Morton
Bill Ray
Ted Weissberger
Mike Whalen

Mr. William Hinchey, Town Administrator
Yarmouth Town Hall
1146 Route 28
South Yarmouth, MA 02664

Re: **Article 30 - NStar Property
White Rock Road, Yarmouth Port**

Council of Advisors
Stuart Baker
Theresa Barbo
Les Campbell
Joel Crowell
Robert DuBois
Jean Gardner
Thomas George
Deborah Gray
Richard Martin
Wilson Nolen
Lawrence F. Perera
Malcolm J. Perna
Sara Jane Porter
Nancy Thacher Reid
John G. Sears III
Stephen L. Snow

Dear Mr. Hinchey:

At the last Town Meeting in April 2011, the Historical Society of Old Yarmouth ("HSOY") had interest in two articles:

- Article 29 - CPA funds in the amount of \$80,972 to restore our museum, the Capt. Bangs Hallet House in Yarmouth Port
- Article 30 - Purchase of 10 acres of NStar land immediately adjacent to the HSOY property and Nature Trails

Article 29 was approved; however, Article 30 was postponed indefinitely. The history of this property is that it was originally owned by a hunting club and then to the Boy Scouts. It apparently does not have a conservation easement on it. The Town of Yarmouth had always asked for right of first refusal, but in 2008 was directly sold to NStar to be used for a transfer station (similar to the one on Route 6A in Orleans). NStar filed a Notice of Petition (exempting NStar from local zoning by-laws) and Public Hearing to be held on December 18, 2008 at DY High School. NStar only considered the ten acres of land purchased without realizing that the land to be developed was at the center of hundreds of acres of mostly conservation land (the Thacher Conservation land to the north, the Historical Society's Nature Trails to the west and Boy Scout property to the east and south). They were quite surprised when dozens of people showed up to testify against the development of the transformer station at this site.

**Capt. Bangs Hallet House
Kelley Chapel
Gorham Cobbler Shop
Guffs Gate House
HSOY Nature Trails**

The Town of Yarmouth and HSOY gained party status and filed their Petitions for Leave to Intervene. A schedule of questions and answers to be filed by the Department of Public Utilities, NStar, the Town of Yarmouth and HSOY ensued. The first step was for NStar to answer certain questions presented by DPU, which

included a response to the question regarding the current need for the transformer station. Their Petition was based upon a survey conducted about a decade before acquisition of this property and included projections of a significant amount of house building to take place in the first decade following 2000. This building boom never took place. On the eve of their first response to DPU, NStar withdrew their Petition and the litigation ceased. I enclose a map showing the NStar property and adjacent conservation and other open space.

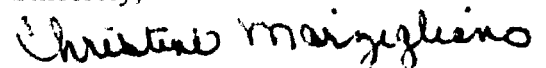
HSOY was most disappointed that Article 30 was not addressed in 2011 and Advocate that this issue be reintroduced for the 2012 Town Meeting.

At a recent neighborhood meeting with NStar regarding the non-conforming highway barriers installed along their right-of-way without any Town or Old King's Highway Committee approval, NStar rep. Dennis Galvam, Manager of Community Relations, indicated that NStar would be looking to install a transformer station along its right-of-way, but not at the White Rock Road site.

It is most important that this property remain open space with a conservation easement on it. There are trails that traverse HSOY property, the NStar property and the Boy Scout property for the enjoyment of hundreds of hikers each year. I would be most willing to give you a personal tour of the property with our NStar Committee members should you so desire.

Please feel free to contact me at home at (508) 744-7045 should you have any Questions or comments on this prospective CPA acquisition.

Sincerely,



Christine Marzigliano, President

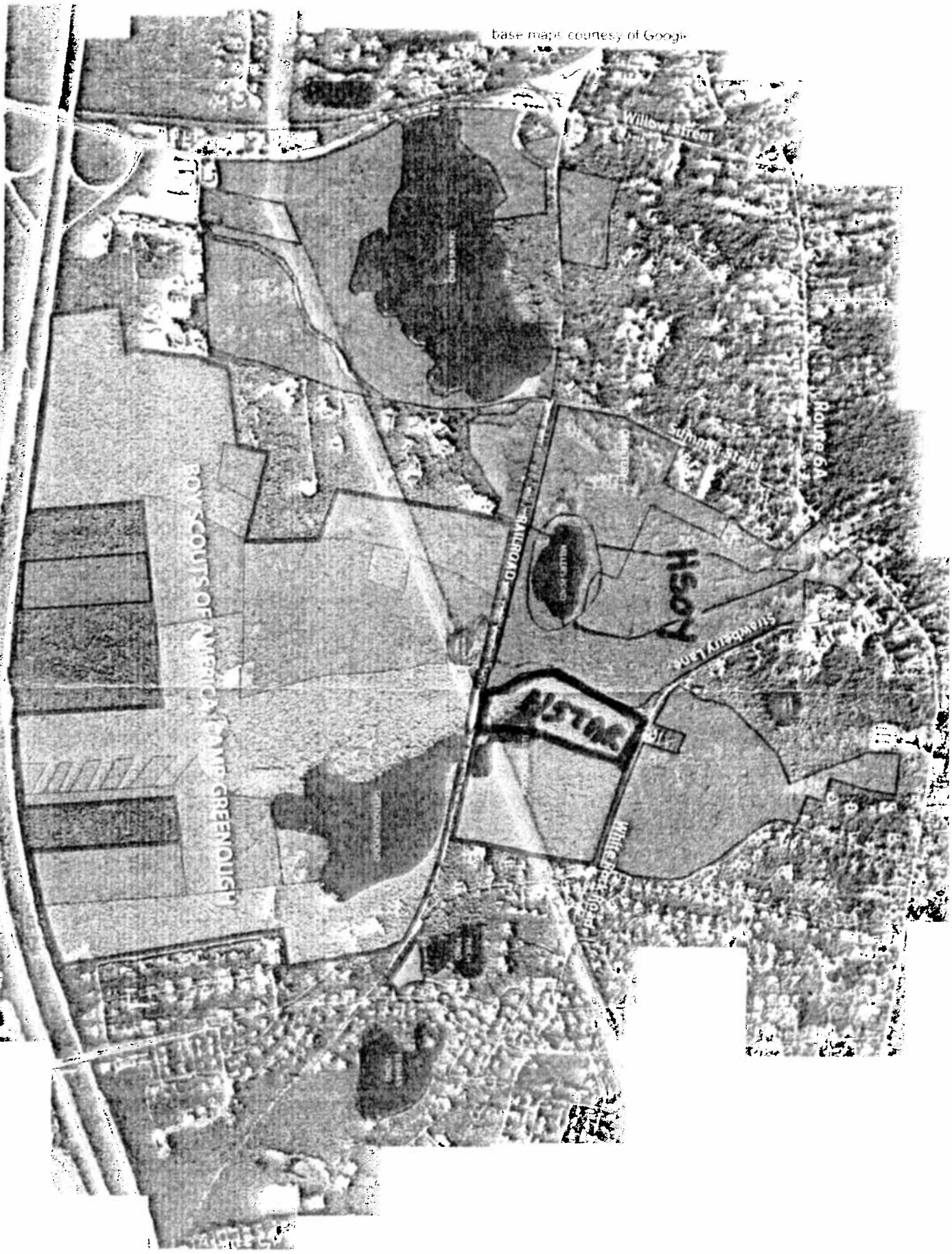
base map courtesy of Google



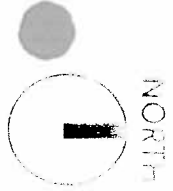
Currently Protected, Non-BSA

Boys Scouts Of America, Greenough Camp Land

Currently Protected, BSA



NSTAR PROPOSAL FOR ELECTRICAL SUBSTATION



29-

30-

Community Preservation Commission

...Town will vote to transfer and appropriate the sum of \$80,972 from the Community Preservation Act Undesignated Fund Balance to rehabilitate and restore the historic Captain Bang Hallet Museum located on 11 Strawberry Lane in Yarmouth Port.

Selectmen Recommend
Finance Committee Recommend (Community Preservation Committee)

ARTICLE 30: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise for conservation, open space and passive recreation purposes, for the general public, consistent with the provisions of Massachusetts General Laws, ch. 40, §8C, 310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the land situated in the Town of Yarmouth, Massachusetts, consisting of a vacant parcel of land located on White Rock Road, and described as follows: 10.46 acres, more or less, together with all rights and easements and subject to rights and easements of record, which is identified on Assessor's Map 114, Lot 5.2, and shown on Land Court Plan 14093A, sheet 2; described in a deed recorded on July 24, 2008 at the Barnstable Land Court Registry as document 1,094,707; and to appropriate a sum of money, including closing costs and grant funding application, and grant compliance, including all expenses and costs incidental and related thereto, from the Community Preservation Act Open Space Reserve and Community Preservation Act Undesignated Fund Balance, or any other sum, for said acquisition pursuant to the provisions of ch. 149, §29B of the Acts of 2004, as amended by ch. 352, §§129-133 of the Acts of 2004; the so-called Community Preservation Act; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public or private sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, ch. 152A, §11; and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; to authorize the Board of Selectmen to grant to the Yarmouth Conservation Trust, or other governmental agency or non-profit organization, for no consideration, a perpetual Conservation Restriction pursuant to the provisions of General Laws, ch. 184, §31 through §33, limiting the use of the property to the purposes for which it was acquired to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding to be returned to the Community Preservation Act Fund, or to take any other action relative thereto. 2/3 Vote

Selectmen Recommend from the Floor
Finance Committee Recommend from the Floor (Community Preservation Committee)

ARTICLE 31: To see if the Town will vote to update references to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) in Section 201.4 by deleting the first sentence and substituting the following new language:

The Floodplain Zones are designated on maps filed with the Town Clerk entitled "FIRM FLOOD INSURANCE RATE MAP BARNSTABLE COUNTY, MASSACHUSETTS ALL JURISDICTIONS" Town of Yarmouth, panels 0557, 0559, 0567, 0569, 0576, 0577, 0578, 0579, 0583, 0586, 0587, 0588, 0589, 0591, 0782, as currently amended. 2/3 Vote

Selectmen Recommend
Finance Committee Recommend from the Floor (Planning Board)

ARTICLE 32: To see if the Town will vote to amend the provisions Zoning Bylaw section 404, Motels, to include Route 28 properties previously excluded from the Motel Bylaw by:

- Revising the Zoning Map to include the following parcels to the Hotel/Motel-Overlay District I (HMODI):
 - Map 32, Parcels 65, 66, 68, 69, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 119, 120, 121, 122, 123, 135, 136, 154, 155, 169, 170, 171, 189, 190, 191;
 - Map 60, Parcels 121, 122, 129, 130, 131, 132, 133, 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 171, 172, 195, 196, 197; and
 - Map 61, Parcels 22, 23, 24, 25, 28, 29, 31, 57, 58, 59, 60, 74, 75, 76, 77, 78, 79, 80, 81, 82.

2. Deleting Zoning Bylaw section 404.1.2, Applicability in the HMODI, in its entirety and replacing it with the following new text:

...nal, political, economic, or social history, or architectural significance, or association with a person or in the context of a group of buildings.

2. Revise §92-3. Procedures, as follows:

- By increasing the number of days to date seven (7) to ten (10), as follows: §92-3. C. The Commission within ten (1) shall determine the significance of said building, in accordance with the definition of "significant building" in §92-3. B. The Building Commissioner, the Town Clerk and shall give notice thereof to the applicant. The commission shall maintain on said significant building or structure, visible from the nearest street, a sign or structure application within thirty (30) days of the hearing in a local newspaper and also within seven (7) days of said notice to the applicant.
- By adding the word "structure" to §92-3. E. The Commission shall hold a public hearing or structure application within thirty (30) days of the hearing in a local newspaper and also within seven (7) days of said notice to the applicant. The commission shall maintain on said significant building or structure, visible from the nearest street, a sign or structure application within thirty (30) days of the hearing in a local newspaper and also within seven (7) days of said notice to the applicant.
- By revising §92-3. E with the insertion of §92-3. B. The Commission shall notify the applicant and the Town Clerk within ten (10) business days if the Commission determines that the structure would not be detrimental to the heritage or resources of the town. The Building Commissioner, upon the demolition of such structure, shall issue the demolition order and regulations, issue the demolition order and regulations, issue the demolition order and regulations, issue the demolition order and regulations.
- By revising §92-3. F with the insertion of §92-3. E. The Commission shall notify the applicant and the Town Clerk within ten (10) business days if the Commission determines that the structure would be detrimental to the heritage or resources of the town, and no later than one hundred eighty (180) days after the Commission.
- By revising §92-3. G (2) with the replacement of "eighty (80)", adding the phrase "as evidenced by the words "or structure," as follows: §92-3. G (2) The Commission is satisfied (180) days the owner has made continuing, evidenced by monthly progress reports to be late, or restore the subject building or structure unsuccessful.

3. Revise §92-4. Emergency demolitions, as follows:

- Insert the words "or structure", as follows: Nothing in this chapter shall restrict the Building Commissioner from ordering the demolition of a significant building or structure if the demolition is necessary to prevent danger to the safety of the public which cannot be averted by other means.
- Add a second paragraph to §92-4, as follows: In such event, the Building Commissioner shall issue the demolition order in writing within five (5) days of the decision.

4. Revise §92-5 Violations and Penalties, as follows:

- Add the wording "per day until the violation is corrected" to §92.5. A, as follows: §92.5 A. Whoever violates any provision of this chapter shall be liable to a fine of not more than three hundred dollars if the violation has not been cleared by the Building Commissioner.

Selectmen Recommend
Finance Committee Recommend from the Floor

ARTICLE 33: To see if the Town will vote to raise and appropriate a sum of \$210,300 to fund the Fourth Annual Town Meeting 2006 under Chapter 33B of the Acts of 2006 of the locally approved Annual Town Meeting 2006 under Finance Committee Recommend

ARTICLE 34: To see if the Town will vote to raise and appropriate a sum of \$210,300 to fund the Fourth Annual Town Meeting 2006 under Chapter 33B of the Acts of 2006 of the locally approved Annual Town Meeting 2006 under Finance Committee Recommend