

# TOWN OF YARMOUTH

OFFICE OF THE TOWN CLERK  
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Jane E. Hibbert, CMC/CMMC

## ANNUAL TOWN MEETING MATTACHEESE MIDDLE SCHOOL "0" QUORUM

APRIL 1, 2013

**ARTICLE 29:** To see if the Town will vote to amend the Zoning Bylaw to allow for Extended Stay Hotels to accommodate transient hotel guest stays of longer than 30-calendar days, as follows:

1. Amend Section 202.5 - Use Regulation Table, by deleting row A7 in its entirety and replacing with the following new text:

202.5 Use Regulation Table	Res.	RS-40	B1 <sup>21</sup>	B2 <sup>21</sup>	B3 <sup>21</sup>	MU	APD	AED	MOD	HMOD1	HMOD2	VC1	VC2	VC3	VC4
A7 Hotel or motel	no	no	no	yes <sup>42</sup>	no	no	PB	no	no	yes <sup>42</sup>	yes <sup>42</sup>	yes <sup>42</sup>	yes <sup>42</sup>	yes <sup>42</sup>	yes <sup>42</sup>

2. Amend Section 202.5 – Use Regulation Table, by adding Footnote #42 as follows:

42. Including Extended Stay Hotels.

3. Amend Section 404 – Motels, by adding the following new section 404.3 – Extended Stay Hotels:

### **404.3 Extended Stay Hotels:**

- 404.3.1 **Purpose:** The purpose of this bylaw is to permit the development of extended stay hotels to safely accommodate longer stays for hotel guests in accordance with minimum operational standards.
- 404.3.2 **Design Review and Site Plan Review:** Formal Design Review is required and adherence to the Yarmouth Architectural and Site Design Standards are mandatory. Formal Site Plan Review is required.
- 404.3.3 **HMOD1 & HMOD2:** Full redevelopment and replacement of an existing motel/hotel on a property meeting the Applicability criteria under 404.1 – Motels in the Hotel/Motel Overlay District 1 (HMOD1), or under 404.2 – Motels in the Hotel/Motel Overlay District 2 (HMOD2), into an Extended Stay Motel, may be developed under Section 404 - Motels, if they also meet all of the criteria contained in section 404.3 for Extended Stay Hotels.
- 404.3.4 **Building Height:** Height of Extended Stay Hotels shall adhere to Section 203.4.2 – Table of Maximum Building Height, or if applicable, section 404.1 or 404.2.

404.3.5 Dimensional Requirements: Dimensional Requirements for Extended Stay Hotels shall be the same as for motels/hotels and shall adhere to Section 203.5 – Table of Dimensional Requirements, or if applicable, section 404.1 or 404.2.

404.3.6 Parking and Loading Requirements: Parking and Loading requirements for Extended Stay Hotels shall adhere to Section 301 - Parking and Loading Requirements.

404.3.7 Signs: Signs for extended stay hotels shall adhere to section 303 - Signs.

404.3.8 Operational Standards for Extended Stay Hotels: Extended stay hotels shall have the following features:

1. All extended stay units shall be a minimum of 300 square feet (sf) of gross floor area for up to 2 persons per unit. An additional 70 sf of gross floor area is required for each additional person.
2. Two or more bedroom units shall have a fully-equipped kitchen, to include sink, microwave, minimum 14 cubic foot (cf) refrigerator/freezer combination, stove (oven/cooktop combination) with hood and dishwasher. All other extended stay units to have an efficiency kitchen to include at a minimum a sink, microwave, minimum 10 cf refrigerator/freezer and a permanently installed 2-burner cooktop with hood. All kitchens to include counter top, cupboards, cookware, dishes and flatware.
3. For any building which contains extended stay units, the entire structure shall have a fire suppression system meeting NFPA-13.
4. Each guest room shall be accessed through a center interior hallway and shall not provide direct primary egress to the exterior of the building.
5. Staff or management shall be on property twenty-four (24) hours a day. Any on-site property manager unit shall meet the definition of a dwelling unit per the building code, health code and all other applicable codes. For Extended Stay Hotels with less than 100 guest units, one year-round on-site property manager dwelling unit may be allowed. For 100 guest rooms or more, two on-site property manager units may be allowed.
6. Extended stay hotels shall have a lobby or public gathering area.
7. A heated/air-conditioned indoor laundry area shall be available on-site exclusively for guest use, and shall include a minimum of two washers and two dryers.
8. All extended stay hotel guests must be able to demonstrate that they maintain a principal place of residence elsewhere.
9. Extended Stay Hotels shall keep records of guests including name, permanent address and length of stay. All documentation to be provided upon request.
10. To be considered an Extended Stay hotel, one hundred percent (100%) of all guest rooms shall meet the operational standards established herein.
11. Extended Stay Hotels shall be permitted to have continuous occupancy of up to ninety (90) calendar days. No entity, corporation or person may occupy or book a unit or units for more than ninety (90) continuous calendar days, without prior approval of the Building Commissioner. Such approval shall only be granted when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested.

4. Amend Section 500 – Definitions, by deleting the definition for Transient in its entirety and replacing with the following new text as shown:

**TRANSIENT, at MOTELS OR HOTELS** – For purposes of the limitations of motel or hotel use, Transient occupancy shall be limited to the temporary and short term occupancy, ordinarily and customarily associated with motel and hotel use. Transient occupants must have, and be able to demonstrate that they maintain, a principal place of residence elsewhere. Transient occupancy shall generally refer to continuous occupancy of not more than thirty (30) days, and an aggregate of not more than ninety (90) days within any six (6) month period. Use of a guest unit as a residence, or dwelling unit, shall not be considered transient. **This definition does not apply to On-Site Property Managers at Motels/Hotels.**

5. Amend Section 500 – Definitions, by adding the following new definitions:

**TRANSIENT, at EXTENDED STAY HOTELS** – For purposes of the limitations of an Extended Stay Hotel, occupancy shall be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. Extended Stay Hotels shall be permitted to have continuous occupancy of up to ninety (90) calendar days. No entity, corporation or person may occupy or book a unit or units for more than ninety (90) continuous calendar days, without prior approval of the Building Commissioner. Such approval shall only be granted when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Transient occupants must have, and be able to demonstrate that they maintain, a principal place of residence elsewhere. Use of an extended stay hotel guest unit as a residence, or dwelling unit, shall not be considered transient. This definition does not apply to On-Site Property Managers at Extended Stay Hotels and does not apply to motels or hotels not meeting the definition of Extended Stay Hotel.

**EXTENDED STAY HOTEL** - Any building or group of buildings that contain six (6) or more guest rooms intended to be occupied on a transient basis having one or more rooms including separate bathroom, kitchen, living and sleeping areas in each unit. All guest rooms in an Extended Stay Hotel shall meet the operational standards established in section 404.3.8 (Operational Standards for Extended Stay Hotels). The definition of extended stay hotel shall not include dwelling units and are not meant for permanent occupancy, with the exception of On-Site Property Managers at Extended Stay Hotels.

**ON-SITE PROPERTY MANAGER AT EXTENDED STAY HOTELS** - An employee residing year-round at a licensed extended stay hotel for the purpose of management, maintenance and security of the property.

Acting on Article 29.

On motion made by Brad Goodwin and duly seconded, the Board of Selectmen recommend the Finance Committee defers to the Planning Board and the Planning Board recommends, to move Article 29 as printed in the warrant.

The vote on Article 29 carries requisite 2/3 majority.

9:44 PM

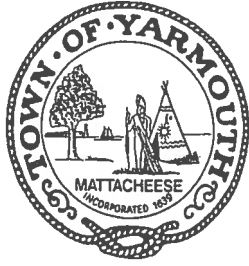
A True Copy Attest:

  
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Jane E. Hibbert, CMC/CMMC

Town Clerk

Town of Yarmouth

Pages 1-3



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## ANNUAL TOWN MEETING MATTACHEESE MIDDLE SCHOOL "0" QUORUM

APRIL 1, 2013

**ARTICLE 31:** To see if the Town will vote to amend the Zoning Bylaw to require Special Permits for Seasonal Employee Housing at Motels/Hotels and year-round On-Site Property Managers at Motels/Hotels with specific operational standards, as follows:

1. Amend Section 202.5 - Use Regulation Table, by deleting rows A7 and A11 in their entirety and replacing with the following new text; and add a row for A11A – Seasonal Employee Housing at Motels/Hotels, as follows:

202.5 Use Regulation Table	Res.	RS-40	B1 <sup>21</sup>	B2 <sup>21</sup>	B3 <sup>21</sup>	MU	APD	AED	MOD	HMOD1	HMOD2	VC1	VC2	VC3	VC4
A7 Hotel or motel	no	no	no	yes <sup>42,43</sup>	no	no	PB	no	no	yes <sup>42,43</sup>	yes <sup>42,43</sup>	yes <sup>42,43</sup>	yes <sup>42,43</sup>	yes <sup>42,43</sup>	yes <sup>42,43</sup>
A11 Employee Housing at non Motels/ Hotels	no	no	no	yes	no	no	no	no	BA	no	no	yes	yes	yes	yes
A11A Seasonal Employee Housing at Motels/Hotels	no	no	no	BA	no	no	no	no	BA	BA	BA	BA	BA	BA	BA

2. Amend Section 202.5 – Use Regulation Table, by adding Footnote #43 as follows:

43. Except “BA” for On-Site Property Managers at Motels/Hotels in accordance with the provisions of Section 404.4, On-Site Property Managers at Motels/Hotels.

3. Amend Section 404 – Motels, by adding the following new section 404.4 – On-site Property Managers at Motels/Hotels:

### **404.4 On-Site Property Managers at Motels/Hotels:**

**404.4.1 Purpose:** The purpose of this bylaw is to allow Motel or Hotel owners to provide year-round on-site residence(s) for property manager(s) for the purpose of managing, maintaining and securing the property.

**404.4.2 Applicability:** The Zoning Board of Appeals may grant a Special Permit for On-Site Property Manager units at currently licensed Motels or Hotels in accordance with the provisions outlined herein.

**404.4.3 Operational Standards for On-Site Property Managers at Motels and Hotels:** Accommodations for on-site property manager units shall have the following features:

1. For Hotels or Motels with less than 100 guest units, one on-site property manager may be allowed. For Hotels or Motels with 100 or more guest units, two on-site property managers may be allowed. In addition, one owner occupied unit may be allowed per property, if the unit meets all the operational criteria outlined for On-Site Property Managers.
  2. Immediate family members of the on-site manager are allowed to reside in the on-site managers unit, depending on the size of the unit.
  3. On-site property manager unit shall be a minimum of 300 square feet (sf) of gross floor area for up to 2 persons per unit. An additional 70 sf of gross floor area is required for each additional person. Each property manager unit shall include a kitchen or kitchenette with refrigerator/freezer combination, microwave and stove (cooktop/oven combination) with hood.
  4. On-site property manager units shall meet the definition of a dwelling unit per the building code and all other applicable codes.
  5. Creation of a dwelling unit or renovations would have to comply with the current edition of the Existing Building Code. Applicant to provide the Building Commissioner a narrative from a registered design professional indicating which level of alteration they have designed the project under.
  6. On-site property manager unit shall meet all the Board of Health and State of Massachusetts regulations regarding building and fire codes, health codes, water supply and wastewater disposal.
4. Amend Section 404 - Motels by adding the following new Section 404.5– Seasonal Employee Housing at Motels/Hotels:

**404.5 Seasonal Employee Housing at Motels/Hotels**

- 404.5.1 Purpose: The purpose of this bylaw is to provide standards to ensure safe and adequate housing for temporary seasonal employees at motels/hotels.
- 404.5.2 Applicability: The Zoning Board of Appeals may grant a Special Permit for Seasonal Employee Housing units at currently licensed motels/hotels in accordance with the provisions outlined herein.
- 404.5.3 Operational Standards for Seasonal Employee Housing at Motel/Hotels: Accommodations for Seasonal Employee Housing at Motels/Hotels shall have the following features:
1. Seasonal employee housing shall be for no more than seven months between April 1st and October 31st annually.
  2. Seasonal employees shall be housed in motel/hotel rooms only. Seasonal employees may not be housed in camp sites, tents, RVs, mobile homes or campers located on the motel/hotel property.
  3. Seasonal employee housing shall meet all the Board of Health and State of Massachusetts regulations regarding building and fire codes, health codes, water supply and wastewater disposal.
  4. Maximum occupancy rate of each unit to be determined per the Health Codes.
  5. Seasonal Employee housing shall be used solely by employees and shall not include family members of employees, or other non-employees.
  6. The employer shall designate an on-site proctor for each property utilized as employee housing. The on-site proctor shall ensure that all seasonal employees are apprised of the rules and code of behavior prior to occupancy. The name and contact information for the

on-site proctor shall be submitted to the Yarmouth Police Department.

7. All employees shall have access to cooking facilities, which shall include at a minimum a microwave, sink, cooktop and refrigerator /freezer.
  8. No more than 15% of any hotel or motel rooms at a single parcel may be used for employee housing. Each room used for employee housing shall be identified on a locus map of the site and submitted to the ZBA, Board of Health and Yarmouth Police Department.
  9. All employees must be able to demonstrate that they maintain a principal place of residence elsewhere.
  10. The property owner shall keep records of all employees utilizing employee housing, including name, permanent address and length of stay. All documentation to be provided upon request.
  11. Approval shall be valid for one year only for the initial Special Permit issued to an applicant. For subsequent applications, approval may be valid for up to two years at the discretion of the Zoning Board of Appeals. Violations of the conditions of the Special Permit may result in the Special Permit being revoked.
5. Amend Section 500 – Definitions, by deleting the definition for Employee Housing in its entirety and replacing with the following new text as shown:

**EMPLOYEE HOUSING at non Motels/Hotels** – Property owned by an employer which is utilized to provide housing (dormitory, apartment, single/multi family or otherwise) for employees or staff. **Unacceptable forms of employee housing include camp sites, tents, RVs, mobile homes or campers. This definition does not apply to employee housing at motels/hotels.** The employer shall designate an on-site proctor for each property so utilized.

6. Amend Section 500 – Definitions, by deleting the definition for Transient in its entirety and replacing with the following new text as shown:

**TRANSIENT, at MOTELS OR HOTELS** – For purposes of the limitations of motel or hotel use, Transient occupancy shall be limited to the temporary and short term occupancy, ordinarily and customarily associated with motel and hotel use. Transient occupants must have, and be able to demonstrate that they maintain, a principal place of residence elsewhere. Transient occupancy shall generally refer to continuous occupancy of not more than thirty (30) days, and an aggregate of not more than ninety (90) days within any six (6) month period. Use of a guest unit as a residence, or dwelling unit, shall not be considered transient. **This definition does not apply to on-site property managers at Motels/Hotels.**

7. Amend Section 500 – Definitions, by adding the following new definitions:

**SEASONAL EMPLOYEE HOUSING at Motels/Hotels**– A currently licensed motel or hotel property owned by an employer which is utilized to provide seasonal housing for his or her employees or staff, or employees or staff of tenants of the property owner. The employer shall designate an on-site proctor for each property so utilized. Seasonal employee housing shall be for no more than seven months between April 1<sup>st</sup> and October 31<sup>st</sup> annually.

**ON-SITE PROPERTY MANAGER AT MOTELS/HOTELS** - An employee residing year-round at a licensed hotel or motel for the purpose of management, maintenance and security of the property.

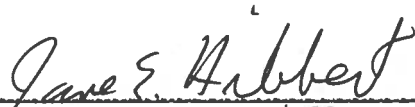
Acting on Article 31.

On motion made by Christopher Vincent and duly seconded, the Board of Selectmen recommend, Finance Committee defers to the Planning Board and the Planning Board recommend, to move Article 31 as printed in the warrant.

The vote on Article 31 carries unanimously.

9:50 PM

True Copy Attest:



Jane E. Hibbert, CMC/CMMC  
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Pages 1-4