



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492

Telephone (508) 398-2231 Ext. 1271, Fax (508) 398-2365

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Daniel M. Knapik

PUBLIC MEETING

Per Massachusetts General Law: All town and school boards, committee, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting. As required by Open Meeting Law and Mass. General Law, we are informing you that this meeting will be video and audio recorded, as well as rebroadcast. Anyone intending to video or audio tape this meeting is required to inform the Chair.

**Board of Selectmen Meeting
September 15, 2020 ~ 6:00 PM
Yarmouth Town Hall Hearing Room
1146 Rt. 28, South Yarmouth, MA 02664**

YARMOUTH TOWN CLERK

'20SEP11AM8:50 REC

Meeting Agenda (all times are approximate)

6:00 PM Introduction of New Police Hires and Promotion

6:05 PM Swearing In of Selectman Dan Horgan

6:20 PM Public Comments

The open meeting law discourages public bodies from discussing topics not listed on the agenda. The public should therefore not expect the Board to respond to questions or statements made during the Public Comment portion of the meeting.

6:35 PM Police Department: Community Outreach Update

6:50 PM License Hearing: The Cove - Automatic Amusement License Amendment
To add 10 electronic game machines.

**7:15 PM Show Cause Hearing: The Loft Restaurant, 183 Route 28,
Kevin Richards, Manager**
Noise Complaints from Outdoor Entertainment

7:45 PM Drive-In Site Utilization Committee (DISUC) Update
Review and discussion with the DISUC on existing special event operations and future use of the former drive-in site at 669 Route 28 for special events.

**8:15 PM Rivero Property – Conservation Restriction Documents
Review and Approval**

8:30 PM DPW Reorganization

8:45 PM Review Special Town Meeting Articles

9:00 PM Board and Committee Actions

1. Committee Resignation (1)
2. Committee Reappointment (1)
3. Upcoming Agenda Review
4. Individual Items

9:15 PM Town Administrator Items

1. Consent Agenda
2. Town Administrator Updates
 - a. COVID-19 Update
 - i. Libraries Re-opening
 - ii. Alcohol License Revenue Report – Draft Fee Schedule
3. Water Resources Planning

9:30 PM Adjourn

CONSENT AGENDA

BOARD OF SELECTMEN
September 15, 2020

APPROVED: _____

Approval:

- **Certificate of Appointment and Acceptance of Appointment of Trustees of the Town of Yarmouth Affordable Housing Trust**
- **Loyal Order of Moose, Yarmouth Lodge #2270, 769 Route 28, South Yarmouth:**
Waiving of Dump Fees for the Removal of 32 Mattresses and Box Springs Illegally Dumped in Parking Lot **VALUE: \$505.00**

Donation:

➤ **Police Department:**

Joanna & Spero Piantes from Cotuit in Memory of S. Mitrokostas	\$ 20.00

TOTAL:	\$ 20.00

YARMOUTH TOWN CLERK

'20SEP11AM8:50 REC

AGENDA PACKET
Board of Selectmen
September 15, 2020

- Yarmouth Police Department Introduction of New Hires and Promotion
- Yarmouth Police Department Policy and Procedures DRAFT, Community Relations Team
- Automatic Amusement License Amendment Application Package for The Cove
- Show Cause Hearing Package for The Loft Restaurant, 183 Route 28, Kevin Richards, Manager
- September 9, 2020 Memo from Jim Saben, Chairman, Drive-In Site Utilization Committee, regarding Drive-In Site Venue Operations (669 Route 28)
- September 10, 2020 Memo from Peter Q. Smith, Chairman, Community and Economic Development Committee, regarding Drive-In Site Special Alcohol License Request, with Attachment
- September 10, 2020 Letter from Mary J. Vilbon, Executive Director, Yarmouth Chamber of Commerce, regarding Innovation Arts & Entertainment's Temporary Alcohol License Request
- September 8, 2020 Memo from Kelly Grant, Conservation Administrator, regarding Conservation Restriction -555 Route 6A, Yarmouth Port (Rivero Property)
- September 8, 2020 Letter from Mark H. Robinson, Executive Director, The Compact of Cape Cod Conservation Trusts, Inc., with Conservation Restriction Documents
- DPW Organizational Chart
- Draft Special Town Meeting Articles Chart
- September 4, 2020 Memo from Gary Ellis, Chairman, Yarmouth Community Preservation Committee, regarding Articles for Special Town Meeting
- Committee Resignation – Recreation Commission (1)
- Committee Appointment – Recreation Commission (1)
- Board of Selectmen Projected 2020 Agenda Items
- September 9, 2020 Memo from Jane Cain, Library Director, regarding Limited Reopening of Yarmouth Town Libraries to the Public
- 2020-2021 Alcohol License Revenue Report
- Town of Barnstable Temporary Policy Change on Alcohol Fees and Inactive Licenses due to COVID-19, with Email from Richard Scali, Licensing Director, President of Municipal Licensing Corp.

AGENDA

ITEMS



Yarmouth Police Department

Excellence in Policing

Frank G. Frederickson
Chief of Police

Introduction Board of Selectmen ~ Tuesday, September 15th 6pm

1 PROMOTION:

Patrol Sergeant Michael Wells

4 NEW PATROL OFFICERS:

Kas-Wayne Samuels

Alexander Cutts

Brendan Smith

Austin Buttrick

2 NEW DISPATCHERS:

Sarah Chase

Alicia Iacovelli

Patrol Sergeant Michael Wells:

- Dennis Yarmouth Regional High School Graduate
- Graduate with a Bachelor's Degree from Fitchburg State College
- Currently pursuing his Master's Degree
- 2006 Full Time Patrol Officer Nantucket Police Department
- 2007 Weymouth Police Academy Graduate
- 2010 joined the Yarmouth Police Department as Patrol Officer
- Member of the CCLEC Swat Team
- 2016 Detective
- July 2020 Promoted to Patrol Sergeant

Patrol Officer Kas-Wayne Samuels:

- 2013 Graduate of Cape Cod Community College
- 2014-2017 Community Service Officer & Reserve for Provincetown Police Department
- 2017 Bachelor's Degree from Bridgewater State University
- 2017 Full Time Patrol Officer Provincetown Police Dept.
- January 6, 2020 joined the Yarmouth Police Department

Patrol Officer Alexander Cutts:

- 2007 Graduate from Avon High School
- 2012 Bachelor's Degree from Framingham State University
- 2015 Avon Police Department Reserve Officer
- 2016 Mass State Police Municipal Police Academy~New Braintree
- 2016 Full Time Patrol Officer Orleans Police Department
- March 9, 2020 joined the Yarmouth Police Department

Patrol Officer Brendan Smith:

- New Jersey Native, Graduated from Bridgewater Raritan High School
- 2019 Graduate from Mass Maritime Academy, Bachelor's Emergency Management & Homeland Security
- Worked for Mass Maritime Academy as a Training and Retention Officer
- April 27, 2020 joined the Yarmouth Police Department graduating from the Cape Cod Municipal Police Academy in July of 2020

Patrol Officer Austin Buttrick:

- 2016 Graduate of Monomoy Regional High School
- Followed by attending Cape Cod Community College
- 3 year Infantry Marine, 2nd Battalion/25th Marine Regiment including deployment to Afghanistan
- Currently a Marine Corps Reserve as an Infantry Rifleman
- July of 2020 Graduated from Cape Cod Municipal Police Academy
- August 17, 2020 joined the Yarmouth Police Department

Dispatcher Sarah Chase:

- 2016 Nauset High School Graduate
- Attended Cape Cod Community College
- Intern for the Orleans Police Department
- Currently enrolled Southern New Hampshire University for Bachelor's Degree in Criminal Justice
- February 18, 2020 joined the Yarmouth Police Department

Dispatcher Alicia Iacovelli:

- Barnstable High School Graduate
- Associates Degree Cape Cod Community College
- Substitute Teacher & Kindergarten Teacher's Assistant ~ Barnstable School District
- May 18, 2020 joined the Yarmouth Police Department



TOWN OF YARMOUTH

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1271, 1270 - Fax (508) 398-2365

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Daniel M. Knapik

August 27, 2020

The Register
Attn: Mary Joyce Waite

Please advertise the following as a Legal Ad in your newspaper on September 3, 2020.

**TOWN OF YARMOUTH
BOARD OF SELECTMEN HEARING
AMENDMENT TO AUTOMATIC AMUSEMENT LICENSE**

The Yarmouth Board of Selectmen, acting as the local licensing authority, has received an application from Michael Edwards, general manager of The Cove at Yarmouth, to amend his Automatic Amusement License to add an additional ten (10) electronic game machines to his current license for the arcade located at 183 Route 28, West Yarmouth.

Hearing will be held on Tuesday, September 15, 2020 in the Hearing Room at Town Hall, 1146 Route 28, South Yarmouth. The Board of Selectmen meeting begins at 6:00pm.

Written comments will be accepted until 4:30 pm, Friday, September 11, 2020 in the Selectmen's office at Town Hall. Verbal comments will be accepted at the hearing.

This hearing had been scheduled on August 11 but was rescheduled for September 15, 2020.

Please bill the applicant for the ad:

The Cove at Yarmouth
183 Route 28
West Yarmouth, Ma. 02673
508-771-3666
medwards@coveatyarmouth.com

**YARMOUTH LICENSE AMENDMENT
LEGAL NOTICE
TOWN OF YARMOUTH
BOARD OF SELECTMEN HEARING
AMENDMENT TO AUTOMATIC
AMUSEMENT LICENSE**

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This hearing had been scheduled on August 11 but was rescheduled for September 15, 2020.

AD#13909420
The Register 9/3/20



TOWN OF YARMOUTH LICENSE OFFICE

1146 Route 28, South Yarmouth, MA 02664
508-398-2231 ext. 1268 Fax (508) 398-0836

RECEIVED

MAR 30 2020

LICENCES & PERMITS
TOWN OF YARMOUTH

APPLICATION FOR ANNUAL AMUSEMENT LICENSE

Application Date: 3/26/2020

Business Name: THE COVE AT YARMOUTH

Phone: 508-771-3666

Address: 183 MAIN STREET RT. 28

P.O. Box: _____

Email Address: medwards@coveatyarmouth.com

Owner/Manager: MICHAEL J. EDWARDS

FID #: 09-269-9095

S.S.#: _____

If Inc. must provide FID#

If not Inc. must provide SS#

Under Chap. 152, Sec 25C, subsection 6, The Town of Yarmouth is now required to hold issuance or renewal of any license or permit to operate a business if a person or Co. does not have a certificate of worker's compensation insurance. As part of renewal or issuance you must attach a copy of your certificate if checked here: X

LICENSE/PERMIT

TOTAL DUE: \$105.00

Automatic Amusement: 21 \$ 80.00 per machine

Class I and II car License: \$ 105.00 per year

Amusement License: \$ 105.00 per year

Bowling License: \$ 55.00 1st lane, \$30.00 ea. add.

Transient Vendor License: \$ 30.00 per year

Pool Table License: \$ 55.00 1st table, \$30.00 ea. add.

Sale of Christmas Trees: \$ 55.00

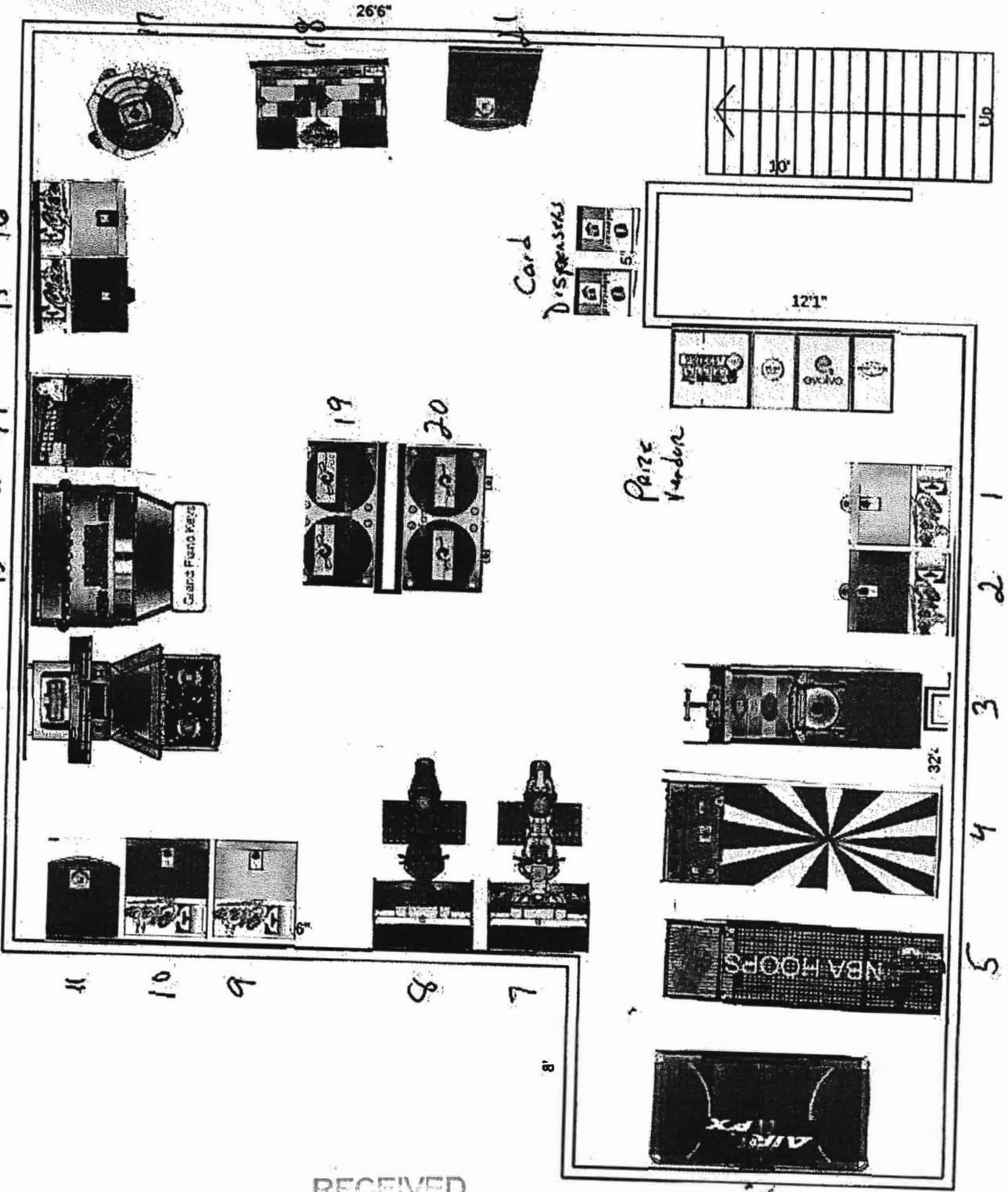
Misc. Permit or License: \$ 35.00

SIGNATURE: *Michael J. Edwards*

DATE: 3/26/2020

RSC MEZZANINE FLOOR
PLAN

12 15 36 14 15 16



RECEIVED

MAR 30 2020

LICENSES & PERMITS
TOWN OF YARMOUTH

The Cove at Yarmouth Game Room
183 Route 28



Initial Construction Control Document

To be submitted with the building permit application by a
Registered Design Professional
for work per the 9th edition of the
Massachusetts State Building Code, 780 CMR, Section 107.6.2

Project Title: Interior Renovation

Date: 4/30/2020

Property Address: 183 Main Street, West Yarmouth, MA 02673

Project: Check (x) one or both as applicable: New construction Existing Construction

Project description: The project consists of an interior-only modification to the existing building to include an accessible wheelchair lift accessing all 3 levels of the facility as noted on the drawings. Work scope is limited to reconfiguration of interior partitions and millwork to accommodate the new lift. There is no change to the egress travel distance or change of use associated with the new work.

I Kevin E Uniacke MA Registration Number: 20762 Expiration date: 8/31/2020, am a *registered design professional*, and hereby certify, to the best of my knowledge, information and belief, that I have prepared or directly supervised the preparation of all design plans, computations and specifications concerning:

Entire Project	<input checked="" type="checkbox"/> Architectural	Structural	Mechanical
Fire Protection	Electrical	Other:	

for the above named project and that such plans, computations and specifications meet the applicable provisions of the Massachusetts State Building Code, (780 CMR), and accepted engineering practices for the proposed project. I understand and agree that I (or my designee) shall perform the necessary professional services in accordance with the Professional Standard of Care, and be present on the construction site on a regular and periodic basis to:

1. Review, for conformance to this code and the design concept, shop drawings, samples and other submittals by the contractor in accordance with the requirements of the construction documents. Such review shall not diminish or relieve the Contractor of its submittal and other responsibilities.
2. Perform the duties for registered design professionals in 780 CMR Chapter 17, as applicable.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine if the work is being performed in a manner consistent with the approved construction documents and this code. The contractor shall be responsible for performing the work in accordance with contract documents and shall be exclusively responsible for its construction means, methods, sequences and procedures, and for construction safety.
4. The performance of the services shall not require any special testing or inspections unless specifically stated in the Code.

When required by the building official, I shall submit field/progress reports together with pertinent comments, in a form acceptable to the building official.

Upon completion of the work, I shall submit to the building official a 'Final Construction Control Document'.

Phone number: 508-734-5236
Email: kevinuniacke@udaarchitects.com



Building Official Use Only		
Building Official Name:	Permit No.:	Date:



TOWN OF YARMOUTH

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 268 - Fax (508) 398-0836

RECEIVED

JUL 28 2020

LICENSING & PERMITS
TOWN OF YARMOUTH

Automatic Amusement License Amendment

July 13, 2020

APPLICATION FOR: The Cove at Yarmouth

NAME OF APPLICANT: Michael Edwards

Contact person: same 508-771-3666
medwards@thecoveatyarmouth.com

ADDRESS: 183 Route 28

Application is for an amendment to the current Automatic Amusement license at The Cove to add an additional 10 electronic game machines to the arcade for a total of 21.

NAME OF PROPERTY OWNER: The Cove at Yarmouth Resort

Date of Selectmen Hearing Tuesday, July 28, 2020.

Health Department Comments:

The health Department approves the additional 10 amusement game machines.
However they cannot be operated until approved by the Governor.
The machines are currently not allowed in phase 3 per the Governor.

Signature: _____

Date: _____

7/20/2020
Monday



TOWN OF YARMOUTH

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 268 - Fax (508) 398-0836

RECEIVED

JUL 20 2020

LICENSES & PERMITS
TOWN OF YARMOUTH

Automatic Amusement License Amendment

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APPLICATION FOR: The Cove at Yarmouth

NAME OF APPLICANT: Michael Edwards

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medwards@thecoveatyarmouth.com

ADDRESS: 183 Route 28

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NAME OF PROPERTY OWNER: The Cove at Yarmouth Resort

Date of Selectmen Hearing Tuesday, July 28, 2020.

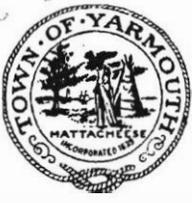
Fire Department Comments: Extension cords are not be used to power arcade games. Maintain 3' clearance in walkways.

Signature: Capt. Huck Date: 07/20/2020

Accessibility: Front door ramp: Yes No Alternate door ramp Yes No

Wheelchair accessible bathroom Male: Yes No Female Yes No

NEED COMPLETED FORM BY MONDAY, JULY 20 2020.



TOWN OF YARMOUTH

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 268 - Fax (508) 398-0836

Automatic Amusement License Amendment

RECEIVED

July 13, 2020

JUL 22 2020

APPLICATION FOR: The Cove at Yarmouth

LICENSES & PERMITS
TOWN OF YARMOUTH

NAME OF APPLICANT: Michael Edwards

Contact person: same 508-771-3666
medwards@thecoveatyarmouth.com

ADDRESS: 183 Route 28

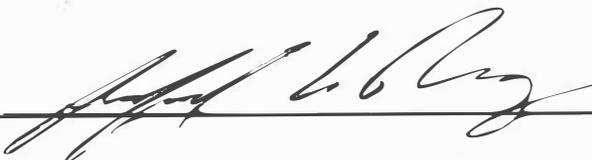
Application is for an amendment to the current Automatic Amusement license at The Cove to add an additional 10 electronic game machines to the arcade for a total of 21.

NAME OF PROPERTY OWNER: The Cove at Yarmouth Resort

Date of Selectmen Hearing Tuesday, July 28, 2020.

Building Department Comments:

*LIFT Requires Permit !! "Elevators"
OK TO ADD 10 GAME'S TO GAME ROOM*

Signature: 

Date: 7-22-20

Accessibility: Front door ramp: Yes No Alternate door ramp Yes No

Wheelchair accessible bathroom Male: Yes No Female Yes No

NEED COMPLETED FORM BY MONDAY, JULY 20 2020.

Inkley, Brad

From: Grylls, Mark
Sent: Wednesday, July 8, 2020 4:26 PM
To: 'Michael Edwards'; Inkley, Brad; Renaud, Philip; Huck, Kevin
Cc: Hill, Linda
Subject: RE: Cove at Yarmouth Application

Hi Linda,
The plans look fine for the addition of 10 machines in the arcade.
Mark

MARK GRYLLES
DIRECTOR OF INSPECTIONAL SERVICES / BUILDING COMMISSIONER
TOWN OF YARMOUTH
(508) 398-2231 x 1260

From: Michael Edwards [mailto:medwards@coveatyarmouth.com]
Sent: Tuesday, May 12, 2020 4:38 PM
To: Grylls, Mark <mgrylls@yarmouth.ma.us>; Inkley, Brad <binkley@yarmouth.ma.us>; Renaud, Philip <PRenaud@yarmouth.ma.us>; Huck, Kevin <KHuck@yarmouth.ma.us>
Cc: Hill, Linda <LHill@yarmouth.ma.us>
Subject: Cove at Yarmouth Application

Attention! This email originates outside of the organization. Do not open attachments or click links unless you are sure this email is from a known sender and you know the content is safe. Call the sender to verify if unsure. Otherwise delete this email.

Mark/Kevin,

Here are the revised plans per your comments.

Yours in Hospitality,

Michael J. Edwards, RRP
General Manager

The Cove at Yarmouth | 183 Main Street | West Yarmouth MA 02673
www.coveatyarmouth.com | P: 508-771-3666 x632 | 800-648-3666 | D: 774-810-7020

Fee: \$880.00

No.: LIC-15-0329-05

ALL NOISE TO BE CONTAINED WITHIN THE BUILDING
THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF YARMOUTH
Automatic Amusement License

This is to Certify that:

Name of the establishment: THE COVE AT YARMOUTH RESORT HOTEL COMDOMINIUM TRUST dba: THE COVE AT YARMOUTH RESORT HOTEL COMDOMINIUM TRUST
Manager: MICHAEL EDWARDS
Location: 183 ROUTE 28, WEST YARMOUTH, MA 02673

IS HEREBY GRANTED AN
AUTOMATIC AMUSEMENT DEVICE LICENSE

Number of Machines: 11

WHICH ARE KEPT ON THE FOLLOWING DESCRIBED PREMISES:
GAME ROOM IN HOTEL

No gaming allowed on machines. Machines will be regulated by MA State and YARMOUTH Police Departments. Any violations will be automatic revocation of all automatic amusement devices.

This License is granted in conformity with the Provisions of Chapter 140 of the General Laws as amended by Chapter 361, of the Acts of 1949 and expires, December 31, 2020 unless sooner suspended or revoked.

Issue Date: 1/1/2020

LICENSE granted by:

NOT TRANSFERRABLE

Michael P. Edwards

Michael P. Edwards

Mark P. Trust
LICENSING AUTHORITY

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

Fee: \$105.00

No.: LIC-17-0041-03

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF YARMOUTH

Amusement License

This is to Certify that:

Name of the establishment: THE COVE AT YARMOUTH RESORT HOTEL COMDOMINIUM

TRUST dba: THE COVE AT YARMOUTH RESORT HOTEL COMDOMINIUM TRUST

Manager: MICHAEL EDWARDS

Location: 183 ROUTE 28, WEST YARMOUTH, MA 02673

IS HEREBY GRANTED A LICENSE

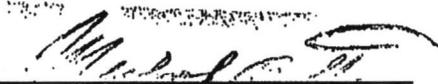
For the purpose of: OPERATING ELECTRONIC GAME MACHINES

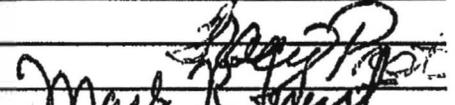
This license is granted in conformity with the Statues and ordinances relating thereto, and expires

December 31, 2020 unless sooner suspended or revoked.

Issue Date: 1/1/2020

LICENSE granted by:





LICENSING AUTHORITIES

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES



TOWN OF YARMOUTH

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1271, 1270 - Fax (508) 398-2365

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Daniel M. Knapik

August 27, 2020

The Register
Attn: Mary Joyce Waite

Please advertise the following as a Legal Ad in your newspaper on September 3, 2020.

**TOWN OF YARMOUTH
BOARD OF SELECTMEN
ENTERTAINMENT LICENSE SHOWCAUSE HEARING**

The Yarmouth Board of Selectmen, acting as the Local Licensing Authority, has scheduled a show cause hearing to determine if the Annual Weekday and Sunday Entertainment licenses held by Rourke's Top of The Cove LLC, dba The Loft, 183 Route 28, West Yarmouth, Kevin Richards, manager, should be modified, suspended or revoked under Chapter 140, Section 183A of the Massachusetts General Laws and the Yarmouth Code Rules and Regulations of the Yarmouth Licensing Authority.

The hearing will be held on Tuesday, September 15, 2020 in the hearing room at Town Hall, 1146 Route 28, South Yarmouth. The Board of Selectmen meeting begins at 6:00pm.

Please bill the applicant for the ad:

Town of Yarmouth
Town Administrator
1146 Route 28
South Yarmouth, Ma. 02664
508-398-2231

**YARMOUTH/THE LOFT
LEGAL NOTICE
TOWN OF YARMOUTH
BOARD OF SELECTMEN
ENTERTAINMENT LICENSE
SHOWCAUSE HEARING**

The Yarmouth Board of Selectmen, acting as the Local Licensing Authority, has scheduled a show cause hearing to determine if the Annual Weekday and Sunday Entertainment licenses held by Rourke's Top of The Cove LLC, dba The Loft, 183 Route 28, West Yarmouth, Kevin Richards, manager, should be modified, suspended or revoked under Chapter 140, Section 183A of the Massachusetts General Laws and the Yarmouth Code Rules and Regulations of the Yarmouth Licensing Authority.

The hearing will be held on Tuesday, September 15, 2020 in the hearing room at Town Hall, 1146 Route 28, South Yarmouth. The Board of Selectmen meeting begins at 6:00pm.

AD#3909424
The Register 9/3/20



TOWN OF YARMOUTH

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BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Daniel Knapik

CERTIFIED MAIL: 7015 3010 0001 9468 3545

August 20, 2020

Mr. Kevin Richards
c/o The Cove Resort
183 Route 28
West Yarmouth, Ma. 02673

Dear Mr. Richards,

This letter is to notify you that the Yarmouth Board of Selectmen, acting as the Local Licensing Authority, has scheduled a Show Cause Hearing at their meeting on September 15, 2020 to determine if your Annual Weekday and Sunday Entertainment licenses should be modified, suspended or revoked under M.G.L. chapter 140, section 183A and Yarmouth Licensing Rules and Regulations.

The Town continues to receive complaints of excessive noise emanating from the outdoor entertainment area at The Loft Restaurant at The Cove Resort located at 183 Route 28, West Yarmouth, Ma.

The Board of Selectmen meeting will be held at Town Hall, 1146 Route 28, South Yarmouth, Ma. beginning at 6:00pm.

Respectfully,

Daniel Knapik
Town Administrator

cc: Michael Stone
Select Board Licensing Cl

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ Date of Delivery <u>8/24</u></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">Mr. Kevin Richards c/o The Cove Resort 183 Route 28 West Yarmouth, Ma. 02673</p> <p style="text-align: center;"> 9590 9402 3183 7166 2608 36</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7015 3010 0001 9468 3545</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (over \$500)</p>

Fee: \$105.00

No.: LIC-16-0464-04

ALL NOISE TO BE CONTAINED WITHIN THE BUILDING
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF Yarmouth, License For

WEEKDAY ENTERTAINMENT:
INNOLDERS, COMMON VICTUALLERS AND
OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS

In accordance with the provisions of Chapter 140, Sec 183A of the General Laws as amended by Chapter 299 of the Acts of 1926 and amended thereto, LICENSE is hereby granted to:

Name of the establishment: ROURKE'S TOP OF THE COVE, LLC dba: THE LOFT

Manager: KEVIN RICHARDS

Location: 183 ROUTE 28, WEST YARMOUTH, MA 02673

License granted for: Amplification System; Dancing by Patrons; Live Band - Number of Pieces: 4; Moving Picture Shows; Recorded Music; Theatrical Exhibition; TV;

Applicable Date(s) and/or Time(s):

5:00PM - 12:30AM MONDAY - SATURDAY OUTDOORS: ONLY BETWEEN MAY 1 AND

OCTOBER 31. 4:00-9:00PM. AMPLIFICATION BY MUSICIANS ONLY. NO MORE THAN 3 AT

Issue Date: 1/1/2020

LICENSE is granted to conduct the amusements as herein described in connection with his/her regular business of innholder, common victualler, or owner, manager or controller of a cafe, restaurant or other eating or drinking establishment, on the premises to:

Owner: The Cove At Ym Assoc Ltd Ptms

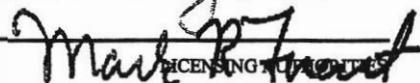
Expiration Date: 12/31/2020

Description of Premises: RESTAURANT AT THE COVE RESORT

This LICENSE is granted as subject to the provisions of the General Laws, Chapter One Hundred and Forty, Sections Twenty-Two inclusive, and of Chapter Two Hundred and Seventy-Two, Sections Twenty-Five to Twenty-Seven inclusive, and amendments thereto, and shall not be valid for a location other than herein described.

LICENSE granted by:





LICENSING OFFICER

(See conditions of this license on reverse side)

Conditions:

Outdoor entertainment as per Special Permit, Board of Appeals Decision #4691 dated May 11, 2017. Conditions of Special Permit:

1. Outdoor entertainment occurs only between May 1 and October 31 each year
2. Any amplification be provided by the musicians only
3. No more than 3 musicians at one time
4. Outdoor entertainment occurs only between the hours of 4:00pm and 9:00pm

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

LIC-16-0463-03

State Fee: \$ 50.00
Municipal Fee: \$ 15.00

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF YARMOUTH



RECEIVED

NOV 27 2019

LICENSING DEPARTMENT
TOWN OF YARMOUTH

LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is: ROURKE'S TOP OF THE COVE dba THE LOFT in or on the property at No. 183 Route 28, West Yarmouth, Ma. 02673 (address)

The Licensee or Authorized representative, Kevin Richards in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
01/01/2020-	11:30AM -	LIVE AND RECORDED MUSIC, AMPLIFICATION SYSTEM, UP TO 3 PIECE LIVE BAND, DANCING BY PATRONS AND
12/31/2020	1:00AM	ENTERTAINERS OR PERFORMERS, MOVIES, THEATRICAL EXHIBITION, TV.
	SUNDAYS	OUTDOORS: ONLY BETWEEN MAY 1 AND OCTOBER 31. HOURS: 4:00 – 9:00PM. AMPLIFICATION BY MUSICIANS ONLY. NO MORE THAN 3 AT A TIME

Hon. Michael Stone Mayor/ Chairman of Board of Selectman, Yarmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

We, the undersigned residents of Marigold Rd West Yarmouth, wish to register another noise complaint against the Loft Restaurant's outdoor facility at the Cove complex on Rte 28 directly across from our homes. We brought this matter to your attention last year, and were told at the time by the management team of the Loft that they would address this issue. They have not. Despite repeated attempts on our part to reach out and express our concerns, our words have fallen on deaf ears. We were assured through correspondence with Mr. Michael Edwards, the General Manager of the Cove complex, that he and Loft management had "discussed entertainment and they have made the following changes: new direction of amplification equipment and volume setting limits as the volume settings are different for each entertainers equipment. These strategic decisions that they presented to me will address and mitigate the ambient sound levels you have experienced in the past. We will be monitoring the music levels and continue to work with you to reach a mutual solution."

This is not the case. We have written to him to communicate our concerns since the Loft's opening on 6/25, and no changes have been made to solve this problem to our satisfaction. If anything, on some nights it sounds like an outdoor rock concert is going on down the street. Further communication with the Cove/Loft has proven fruitless, despite assurances on their part of wanting to be "good neighbors". As year round citizens of this neighborhood and West Yarmouth, we seek redress. Loft management has neither reached out to us or addressed any of their commitments to solve the noise problem to our satisfaction, rather, they have ignored us and continue to plague our neighborhood with unacceptable levels of noise.

Copies of our correspondence are attached.

Don Wehrke

Diab E. Velle

23 Marigold Rd

~~DIAB E VELLE~~

~~23 Marigold Rd~~

~~BARB GIBSON 24 WINDMILL WEST YARMOUTH NS~~

RECEIVED
JUL 24 2020

BY: _____

From: Dan Wehncke
Sent: Sunday, June 21, 2020 6:48 PM
To: medwards@coveatyarmouth.com
Subject: Music at the Loft

Dear Mr. Edwards,

Hi, I'm one of you neighbors living across the road from the Cove. We spoke several times about the live music being played outdoors at the Loft, and I left you a message letting you know that I and my neighbors here on Marigold Rd. would be getting in touch with you about the noise levels that result along our street.

I'm happy to see that you are indeed readying to reopen for a new summer season, and hope we can work out the noise issue to everyone's satisfaction.

In last year's attempt to deal with this it was never resolved to our satisfaction, despite efforts on the part of Kevin and Kathy that didn't solve the problem. As a result, we don't have confidence in their understanding of what works and what doesn't. As we see it, the problem is the level of amplification and the direction the PA system is facing, due to the wind direction that essentially blows from south to north, carrying the noise from the basin where the PA sits across the road and into our neighborhood. A very simple solution, one that I proposed several times last summer, was to turn the PA around so it faces inward and lower the volume about halfway, instead of having it pointed at out at the road and at a fairly high volume.

This should solve this problem to everyone's satisfaction.

I'm addressing this to you as last year's attempts to fix this with Kevin and Kathy didn't work out well for those of us that live here. So I'm writing you in hopes that we can work with you on this solution. We thank you for your time and consideration, and hope you have a successful season ahead!

If you have any questions, I can be reached on my cell at [REDACTED]

Thanks,

Dan Wehncke and your neighbors on Marigold Rd.

Sent from my iPhone

From: Dan Wehncke
Sent: Thursday, June 25, 2020 7:34 PM
To: Michael Edwards
Subject: Re: Music at the Loft

Dear Mr Edwards,

If tonight's opening is any indication of what the summer is going to be like, we're going to have a problem. I'm sitting in my back bedroom with my windows open as it's 75 degrees out, and the drums and vocals are bouncing off houses here and are loud and annoying for the homes on this stretch of Marigold Rd. We can hear the vocals quite clearly as well. This isn't any different than last summer. I'm not sure if anything has changed on your end, but we're not going to go through this for another season. I'm sorry, and I'm sure your efforts are sincere, but this is unacceptable.

We hope you have another configuration for this. This one doesn't work.

Yours,

Dan Wehncke and the rest of your neighbors.

Sent from my iPhone

On Jun 24, 2020, at 2:24 PM, Michael Edwards <medwards@coveatyarmouth.com> wrote:

Hello Dan,

Sorry for my delayed response. As highly regarded businesses within the community, Kevin, Kathy, and I want to be a good neighbor to you, our neighbors, and the entire community.

In my conversations with Kevin and Kathy related to their reopening of The Loft Shack this coming Thursday, June 25th, we discussed entertainment and they have made the following changes: new entertainment location, new direction of amplification equipment and volume setting limits as the volume settings are different for each entertainers equipment.

These strategic decisions that they presented to me will address and mitigate the ambient sounds levels you have experienced in the past.

We will be monitoring the music levels and continue to work with you to reach a mutual solution.

Please reach out to anyone of us, should you have any further concerns.

Yours in Hospitality,

Michael J. Edwards, RRP
General Manager

From: Dan Wehncke
Sent: Sunday, June 28, 2020 6:27 PM
To: Michael Edwards
Subject: Re: Music at the Loft

Hi Mr. Edwards,

So I've been speaking with the folks in the neighborhood, and we're not happy with the efforts to reduce the noise on our street that's coming from the Loft. I stopped by Sunday evening to test the dB levels at the source, which were up there and maxed out around 90 dB. I also took pictures of the band placement which is still facing outward and sends the sound across the road and up our street. This isn't working for us.

If you had a neighbor in your area that had a four hour party every day from 5pm to 9pm, especially during summer when you want to leave your windows open to get some fresh air in your house, you'd be pretty upset with them. This is what we're dealing with. The Loft management knows this, we've been down this road last summer, to the point we made a formal complaint to the town of Yarmouth. At the end of that meeting I was assured that this would not be a problem for this season. As you've said in an email discussing the matter, " we discussed entertainment and they have made the following changes: new entertainment location, new direction of amplification equipment and volume setting limits as the volume settings are different for each entertainers equipment.

These strategic decisions that they presented to me will address and mitigate the ambient sounds levels you have experienced in the past.

We will be monitoring the music levels and continue to work with you to reach a mutual solution. "

From what I saw and heard Sunday, this isn't the case. I'm in my home now with the windows closed and the AC on (which isn't cheap to run) and I can still hear the noise coming through the house. Some of us don't have the option to close up windows and run AC. We'd like to have friends over for a backyard get together. We'd like to live our lives in peace.

I hope to hear from you soon as to solutions. As I stated in my first email to you, a simple fix would be to face the bands away from the street, and the volume lowered by half. Either that, or some sort of acoustic barrier that keeps the sound from drifting off your property and into our neighborhood. We look forward to a solution.

Yours,
Dan Wehncke
Cathy Barrie
Joe Batista

Sent from my iPhone

On Jun 26, 2020, at 2:09 PM, Michael Edwards <medwards@coveatyarmouth.com>
wrote:

been made to mitigate the noise. It's just as loud, and on weekends even louder. It seems that little effort has been made to address these issues.

We don't care if the Loft has music. We just don't want to have it forced on us, when all we want, especially on Sunday evenings, is time to enjoy our homes and lives. If the Loft can have music and do it in a responsible, neighborly manner, that's fine. But this was not the case last year, and it's not the case now.

Your neighbors on Marigold and Woodbine roads.

Sent from my iPhone

On Jul 6, 2020, at 6:03 PM, Dan Wehncke [REDACTED] wrote:

Mr. Edwards,

Let me first state that Sunday night was not anywhere near a 55-65 dB level. 55-65 dB is akin to a conversational level of sound. My dB meter maxed out at 90dB at the source the previous Sunday. That's near rock concert levels. If anything, it was louder this past Sunday. I was a master control engineer for several years with WGBH in Boston and at Group W/CBS in Stamford before that, in addition to being a vocalist/blues harp musician most of my life.

My reasons for corresponding with you is due to our frustration with dealing with Kevin and Kathy, as we feel they don't have our concerns in mind when they make their decisions. I spoke with them for nearly two months last year, to no avail. We find their ideas of what constitutes acceptable noise levels to be at odds with what we in the neighborhood have to deal with. Even at 65dBs, it can be very annoying over a four hour period if garbled sound is coming from your driveway or backyard. There is a simple solution for all of this, as we have suggested last summer and now this one: place the musicians facing inward and lower the volume. Your complex creates a reflective bowl for sound, this, coupled with the prevailing winds which blow south to north, garbles the sound and carries it directly onto our street, as well as Woodbine Ave as I have discovered while speaking with neighbors there.

Was anyone in this neighborhood consulted about noise before planning to have outdoor music at the venue?

In this day and age, one musician with a laptop and a standard PA can create the sound of a seven piece band, as was demonstrated on the Loft's opening night. It's not a matter of how many band members there are, but how many dBs they create.

We have no confidence in Kevin and Kathy to address this. We tried, fruitlessly, to reach a happy situation last summer. Commitments were made and never followed through on. Why should we trust their word now?

We don't want to go through this again. And the current "efforts" to alleviate the problem sound to us like more lip service, as we try to enjoy our homes and yards while loud, garbled noise is emanating from the Loft five nights a week. We really don't want to have issues with being able to live our lives in relative peace. We have tried to work with Kevin and Kathy, but here we are as a result.

Dan Wehncke
Cathy Barrie
Barbara Gooch
Joe Batista
Dimitrios Karakatsanis

Sent from my iPhone

On Jul 6, 2020, at 5:14 PM, Michael Edwards
<medwards@coveatyarmouth.com> wrote:

[REDACTED]

From: Dan Wehncke
Sent: Monday, July 6, 2020 6:03 PM
To: Michael Edwards
Subject: Re: Music at the Loft

Mr. Edwards,

Let me first state that Sunday night was not anywhere near a 55-65 dB level. 55-65 dB is akin to a conversational level of sound. My dB meter maxed out at 90dB at the source the previous Sunday. That's near rock concert levels. If anything, it was louder this past Sunday. I was a master control engineer for several years with WGBH in Boston and at Group W/CBS in Stamford before that, in addition to being a vocalist/blues harp musician most of my life.

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Dan Wehncke
Cathy Barrie
Barbara Gooch
Joe Batista
Dimitrios Karakatsanis

Sent from my iPhone

On Jul 6, 2020, at 5:14 PM, Michael Edwards <medwards@coveatyarmouth.com> wrote:

Hello Dan,

Please be assured that you have not been ignored. I personally haven't been able to monitor the weekend sound levels, however I am in communication with Kevin and Kathy. I shared with them your email from 6/28 and they have been monitoring sounds levels for each entertainer with a decibel meter. They stated to me this afternoon that when monitoring late last week they ranged from 55 – 65 db. I will again share this email with them.

Is there a reason behind you not conversing with them directly as they are the license holder not The Cove at Yarmouth?

From: Dan Wehncke
Sent: Sunday, July 12, 2020 7:14 PM
To: Michael Edwards
Subject: Re: Music at the Loft





Mr. Edwards, these were taken on my dB meter last night, Sunday 7/12. The first is how loud it gets at the end of my driveway. The second is of the band at the Loft a little earlier, during one of their quiet songs. As you can see, conditions can make things very loud in our neighborhood, depending on several factors. I understand that Kevin came around on a Wednesday evening last week to take a level during a solo act and took a reading from my driveway and didn't speak to me. The only reason I know this is one of the folks in the neighborhood let me know. Typically Wednesday nights are quiet, amplified acoustic acts that tend to be much quieter. We have no problem with that. But that's not the case on a lot of the nights, especially Saturdays and Sundays.

We've never been given a reason as to why the bands can't be moved to face inwards and the volume lowered. The current band placement is very similar to where it was last summer. No big changes have

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XX	PUBLIC SAFETY AND GOOD ORDER
Chapter 140	LICENSES
Section 183A	CONCERTS, DANCES, EXHIBITIONS, PUBLIC SHOWS, ETC.; LICENSE; APPLICATION; SUSPENSION OR REVOCATION; RULES AND REGULATIONS

Section 183A. No inn holder, common victualler, keeper of a tavern, or person owning, managing, or controlling any club, restaurant or other establishment required to be licensed under section twelve of chapter one hundred and thirty-eight or under section two, twenty-one A or twenty-one E of chapter one hundred and forty, and no person owning, managing, or controlling any concert, dance, exhibition, cabaret or public show of any description to be conducted on any premises required to be licensed under the sections described above, shall, as a part of its usual business, offer to view, set up, set on foot, maintain or carry on a concert, dance exhibition, cabaret or public show of any description, unless and until a license therefor has been issued by the licensing authorities.

The application for such license shall be in writing and shall state the type of concert, dance, exhibition, cabaret or public show sought to be licensed and shall state whether such public show will include: (a) dancing by patrons, (b) dancing by entertainers or performers, (c) recorded or live music, (d) the use of an amplification system, (e) a theatrical exhibition, play, or moving picture show, (f) a floor show of any description, (g) a light show of any description, or (h) any other dynamic audio or visual show, whether live or recorded.

The application shall also state whether as part of the concert, dance exhibition, cabaret or public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

Upon request of the licensing authorities, the applicant shall furnish further additional information concerning the type of concert, dance exhibition, cabaret, or public show sought to be licensed, the conditions of the premises, and the actions to be taken in order to prevent danger to the public safety, health or order. Once a license has been granted to an applicant, the licensee

shall continue to provide such information to the licensing authorities upon their request with regard to any particular concert, dance, exhibition, cabaret, or public show or with regard to the conduct of the premises in general.

Within forty-five days following receipt of an application for a license under this section, the licensing authorities may (a) grant a license or, (b) shall provide the opportunity for a hearing on the application by written notice to the applicant given seven days prior to the hearing date.

Within thirty days next following the final date of such opportunity for a hearing the licensing authorities shall, (a) grant the license or, (b) deliver to the applicant a written notice denying the license and stating in writing the reasons for such denial. No application having been denied as aforesaid and no similar application thereto may be filed within one year of said denial except in the discretion of the licensing authorities.

The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards; (b) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

The licensing authorities may modify, suspend or revoke a license granted pursuant to the provisions of this section after providing an opportunity for a hearing preceded by a written notice to the licensee ten days prior to the hearing date. The licensing authorities may not modify, suspend or revoke such license unless they find that the license, taken alone or in combination with other licensed activities on the premises, has adversely affected the public health, safety or order as stated in the preceding paragraph. In any case in which the licensing authorities modify, suspend or revoke a license, they shall notify the licensee in writing of such action and said written notice shall be accompanied by a statement of reasons.

In order to preserve and protect the public health, safety, and order as aforesaid, the licensing authorities may place conditions upon the license and promulgate rules and regulations for such licenses. The licensing authorities may modify, suspend or revoke a license pursuant to this section for any violation of their rules and regulations or for any violation of law and may petition the superior court department of the trial court to enjoin any violation of this section.

The licensing authorities of any city or town may adopt a rule requiring licensees under this section to prohibit minors from attending any concert, dance, exhibition, cabaret or public show of any description in which or at which any person appears in a manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or in which or at which any female person appears in a manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

A license issued under this section, unless sooner revoked, shall expire on December thirty-first of each year. The fee for any such license or for any renewal thereof shall not exceed one hundred dollars.

The provisions of this section shall be applicable seven days per week; provided, however, that no license under this section shall be granted to permit such activities, except an athletic game or sport, on Sundays or before 1 o'clock in the afternoon, without the written approval of the commissioner of the division of professional licensure, made in accordance with the provisions of this section, upon written application to said commissioner accompanied by a fee of not more than \$5, or in the case of an annual license by a fee of not more than \$100.



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1276, Fax (508) 398-2365

Community
Development

MEMORANDUM

To: Board of Selectmen

From: Jim Saben, Drive-In Site Utilization Committee Chairman

Date: September 9, 2020

Subject: Drive-In Site Venue Operations (669 Route 28)

This Memo provides a status update on the current use of the former drive-in property at 669 Route 28 by Innovation Arts & Entertainment (iAE) for drive-in movies and live entertainment for the summer/fall of 2020. Both the Board of Selectmen (BOS) and the Drive-In Site Utilization Committee (DISUC) have heard some concerns from the neighbors regarding these events. To evaluate further, the DISUC has conducted an investigation into the current operations and identified what is being done to address the neighborhood concerns.

On August 27, 2020, the DISUC met with Adam Epstein of iAE at the Yarmouth Drive-In to review his company's operations at the site. The DISUC reviewed the significant investment which has been put into this venture which includes three state of the art LED screens, portable stage, free WiFi, contactless concessions and ticket sales, significant marketing of the events and Yarmouth, ample staffing to regulate crowds/parking, and the creation of individual pods to enhance the experience while providing for safety during COVID-19. In addition, many of the DISUC members have also visited the site during a live event and/or drove through the adjacent neighborhoods during an event.

The event programming at the property is a mixture of drive-in movies and live performances with 28 movies having been shown earlier in the season before moving to live shows. This shift was a result of the drive-in movies being low grossing and unable to cover operating expenses. These live shows have been "family-friendly" with many families of varying age groups attending these events. Although there are other drive-in movie venues out there, this site has offered a unique opportunity for live performances during the unprecedented COVID-19 pandemic.

Implementation of events at the drive-in site has been a learning experience, providing invaluable information on how this property can be used as an event space that will draw people to Yarmouth while evolving and changing procedures and systems to work with our community

and neighbors. Adam Epstein and his staff have shown themselves to be proactive problem solvers who have the expertise and knowledge to resolve issues when they arise. Examples of efforts to mitigate neighborhood concerns include:

- Changes to the LED screen backgrounds to reduce light pollution.
- Reducing sound transmission through a variety of sound dampening measures to keep the sound on the stage and not projecting outward. Some new or imminent changes in the works include building a 2' tall sound deflecting wall along the edge of the stage using sound proofing panels, and incorporating a drum enclosure isolation booth with ceiling to keep the drum sound localized to the stage.
- Significant reduction in honking of car horns (as a mode of audience appreciation for the performers) by educating the audience not to do so and to respect the neighborhood, using notifications on their website prior to coming to an event and regularly showing these notifications on the LED screens during and after performances.

These efforts have resulted in significant decreases in noise and sound in the surrounding neighborhoods and are examples of how iAE is working closely with the neighbors to identify issues and develop solutions. However, we have still been receiving noise complaints about the live performances from one neighborhood to the west of the site.

iAE's strong marketing of the site has helped created a buzz about Yarmouth. Using their website, ticket sales and on-site WIFI, they are able to collect data on the people purchasing tickets and how often they return, noting a high percentage of repeat customers. They have had over 250,000 unique visitors to their website and over 18,000 people signed up for the Free Cape Club. The live events have regularly drawn a high percentage of people from off Cape, especially the Boston area. These outcomes are consistent with the Town's vision for the site which has always been to draw people to Yarmouth for these events, in the hope that these visitors will also build a vacation or weekend getaway around the event to boost our tourist economy by staying in our hotels, eating at our restaurants and partaking of our other business and entertainment opportunities. However, further consideration of uses at the site post COVID-19 will need to be evaluated to balance multiple users and events at the site while taking into consideration neighborhood concerns.

For the Event Space to be a long term profitable venture for its users, we understand that diverse revenue streams will be needed, including sponsorships and alcohol sales, both of which have been allowed at the site in the past. At the August 27th site visit, Mr. Epstein indicated he would like the opportunity to show how alcohol sales could be sold safely at the site and is proposing to request a Special Alcohol License for two weekends in October. The DISUC met on September 8, 2020 to review this concept and voted unanimously to support this Special Alcohol License on an experimental basis, subject to safe delivery and alcohol service provisions being in place as recommended by the Health Department. We were also informed by the event sponsors that since movies have proven to be less profitable, having more revenue streams such as alcohol sales at appropriate events can help subsidize the less profitable events that might offer more variety of events to a more diverse vacation population.

Board of Selectmen
Drive-In Site Venue Operations
September 9, 2020

At this time, we have a unique opportunity to take advantage of a seasoned event promoter to vet various ways to make the site a successful event venue while taking into consideration impacts to the surrounding area. The DISUC is pleased with the efforts undertaken to date to address neighborhood concerns and appreciate Mr. Epstein willingness to adapt and improve his operations. We acknowledge that this year's use of the site was quickly prepared and implemented, under the circumstances of the Covid-19 constraints and orders, and we will expect future seasons to have better planning opportunities in order to minimize adverse concerns and optimize the use of this site.

As we look forward to future year's potential uses of the site, for single or multiple users, the experience we are gaining during this unique season will be valuable to our ability to make appropriate recommendations for the development and use of this special place in our Town.



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1277, Fax (508) 398-2365

Department of
Community
Development

TO: Board of Selectmen

FROM: Peter Q. Smith, Chairman PQS
Community and Economic Development Committee

SUBJECT: Drive-In Site Special Alcohol License Request

DATE: September 10, 2020

The Community and Economic Development Committee (CEDC) is in support of the request by Innovation Arts and Entertainment (IAE) for a Special Alcohol License for beer and wine at the Drive-In site for October 15-19 and October 22-25.

IAE's operation of the Drive-In site this summer has supported Yarmouth's tourism industry during the challenging times of COVID-19. This is evident by the attached Drive-In Site metrics, which show that 95% of tickets sold in August were to people outside of Yarmouth. The Town's business community has benefitted from these additional visitors to Town, which we see as a huge positive for our community.

With this in mind, the committee feels it is important for the Town to support events at the Drive-In site. In order to sustain a first-class operation such as IAE's that can draw people from afar to visit Yarmouth, the Town should consider permitting on-site alcohol sales in order to make these attractive events financially feasible. This practice would also be consistent with past events on the site, such as the Irish Festival and Country Festival.

Thank you for the opportunity to comment on this topic.

Location

All Users
+0.00% Users

Jul 30, 2020 - Sep 3, 2020
Compare to: Jul 1, 2020 - Jul 29, 2020

Map Overlay

Summary

Jul 30, 2020 - Sep 3, 2020 Jul 1, 2020 - Jul 29, 2020



City	Acquisition		Behavior				Conversions	eCommerce
	Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration		
	89.28% ▲ 197,768 vs 104,483	80.04% ▲ 186,531 vs 103,604	78.80% ▲ 284,353 vs 159,032	75.51% ▼ 1.74% vs 7.12%	9.77% ▲ 5.31 vs 4.83	5.88% ▼ 00:01:29 vs 00:01:34		
1. Boston								
Jul 30, 2020 - Sep 3, 2020	38,403 (17.91%)	32,875 (17.62%)	50,572 (17.78%)	2.28%	6.04	00:01:53		
Jul 1, 2020 - Jul 29, 2020	16,897 (14.61%)	14,412 (13.91%)	22,472 (14.13%)	7.12%	5.17	00:01:43		
% Change	127.28%	128.11%	125.04%	-68.03%	16.82%	10.05%		
2. New York								
Jul 30, 2020 - Sep 3, 2020	13,807 (6.44%)	11,632 (6.24%)	17,950 (6.31%)	1.79%	5.96	00:01:49		
Jul 1, 2020 - Jul 29, 2020	6,525 (5.64%)	5,510 (5.32%)	8,351 (5.25%)	6.62%	5.16	00:01:38		
% Change	111.60%	111.11%	114.94%	-72.91%	15.57%	10.53%		
3. Yarmouth								
Jul 30, 2020 - Sep 3, 2020	11,055 (5.16%)	8,770 (4.70%)	16,604 (5.84%)	1.24%	6.49	00:01:52		
Jul 1, 2020 - Jul 29, 2020	12,356 (10.68%)	10,793 (10.42%)	20,129 (12.66%)	8.70%	5.15	00:01:52		
% Change	-10.53%	-18.74%	-17.51%	-85.74%	25.99%	-0.21%		
4. Barnstable								
Jul 30, 2020 - Sep 3, 2020	8,280 (3.86%)	6,873 (3.68%)	11,767 (4.14%)	1.46%	5.81	00:01:31		
Jul 1, 2020 - Jul 29, 2020	7,207 (6.23%)	6,496 (6.27%)	10,897 (6.85%)	9.31%	5.11	00:01:37		
% Change	14.89%	5.80%	7.98%	-84.29%	13.77%	-5.44%		
5. Dennis								
Jul 30, 2020 - Sep 3, 2020	6,676 (3.11%)	5,351 (2.87%)	9,596 (3.37%)	1.41%	6.07	00:01:34		
Jul 1, 2020 - Jul 29, 2020	4,553 (3.94%)	3,790 (3.66%)	6,691 (4.21%)	6.46%	5.26	00:01:51		
% Change	46.63%	41.19%	43.42%	-78.21%	15.24%	-14.82%		
6. Providence								
Jul 30, 2020 - Sep 3, 2020	5,371 (2.51%)	4,450 (2.39%)	7,312 (2.57%)	2.68%	6.30	00:01:57		
Jul 1, 2020 - Jul 29, 2020	2,899 (2.51%)	2,516 (2.43%)	3,856 (2.42%)	7.31%	5.49	00:01:50		

7. Plymouth						
Jul 30, 2020 - Sep 3, 2020	3,332 (1.55%)	2,917 (1.56%)	4,504 (1.58%)	1.78%	5.29	00:01:22
Jul 1, 2020 - Jul 29, 2020	2,279 (1.97%)	2,107 (2.03%)	3,145 (1.98%)	8.62%	4.56	00:01:26
% Change	46.20%	38.44%	43.21%	-79.39%	15.96%	-5.55%
8. Brewster						
Jul 30, 2020 - Sep 3, 2020	3,248 (1.51%)	2,782 (1.49%)	4,598 (1.62%)	2.00%	5.68	00:01:28
Jul 1, 2020 - Jul 29, 2020	1,952 (1.69%)	1,764 (1.70%)	2,723 (1.71%)	7.49%	5.23	00:01:44
% Change	66.39%	57.71%	68.86%	-73.29%	8.70%	-15.49%
9. (not set)						
Jul 30, 2020 - Sep 3, 2020	3,224 (1.50%)	3,117 (1.67%)	3,382 (1.19%)	1.57%	3.49	00:00:29
Jul 1, 2020 - Jul 29, 2020	2,096 (1.81%)	2,035 (1.96%)	2,193 (1.38%)	16.14%	2.76	00:00:23
% Change	53.82%	53.17%	54.22%	-90.29%	26.67%	22.90%
10. Falmouth						
Jul 30, 2020 - Sep 3, 2020	3,166 (1.48%)	2,711 (1.45%)	4,405 (1.55%)	2.25%	5.46	00:01:27
Jul 1, 2020 - Jul 29, 2020	2,237 (1.93%)	2,055 (1.98%)	3,179 (2.00%)	8.34%	4.94	00:01:26
% Change	41.53%	31.92%	38.57%	-73.04%	10.49%	1.86%

Rows 1 - 10 of 5205



PO Box 479, S.Yarmouth, MA 02664

Office 508-778-1008

Fax 508-778-5114

director@yarmouthcapecod.com

yarmouthcapecod.com

Town of Yarmouth
C/O Board of Select Board
1146 Route 28
South Yarmouth, MA 02664

September 10, 2020

Dear Yarmouth Select Board Members:

The Yarmouth Chamber of Commerce is writing this letter to request your consideration for a temporary Alcohol License for Innovation Arts & Entertainment (iAE).

iAE has proven to be committed to develop a healthy relationship with the Yarmouth community. From our knowledge they have been accommodating and willing to work with the Town staff, neighbors and businesses to address any and all concerns on an ongoing basis.

In the spring of 2020, iAE proposed to the Town of Yarmouth a very creative business model to operate a drive-in at the old Drive-In Site on Route 28 in West Yarmouth. The company created fifty-two (52) jobs at the location with a combination of residents and industry professionals.

The marketing data of the Yarmouth Drive-In clearly shows that the site attracts individuals of all ages to Yarmouth from across the Cape and off Cape including the south shore, Connecticut, New York, and New Jersey. Some of these attendees have contacted or visited the Yarmouth Chamber of Commerce and mentioned they are staying in Yarmouth and are surely spending money at our restaurants, attractions, and retail shops while catching a show.

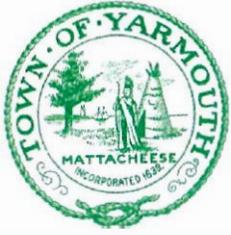
Like any other business during an unprecedented time, iAE has worked to adapt and revisit their business plan so they could continue to operate a financially viable operation. By allowing iAE's trained staff the opportunity to provide alcohol with a temporary Alcohol License, it will potentially increase their revenue and allow them to be financial soluble.

We thank you in advance for your consideration and encourage you to approve the request.

Sincerely,

Mary J. Vilbon

Mary J. Vilbon
Executive Director



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1288, Fax (508) 398-2365

Conservation
Office

MEMO

To: Board of Selectmen
Fr: Kelly Grant, Conservation Administrator *KAG*
Re: Conservation Restriction - 555 Route 6A Yarmouth Port (Rivero Property)
Date: September 8, 2020

At their September 3, 2020 meeting, the Yarmouth Conservation Commission reviewed the proposed Conservation Restriction (CR) to be granted by the Native Land Conservancy to the Yarmouth Conservation Trust for a 10.816 acre parcel of land at the Simpkins Bog between Union Street and Route 6A.

The property serves as the headwaters of the Whites Brook estuary and also abuts the Town wellfield on Union Street. Its preservation will serve to protect the water quality of both these important natural resources.

The Commission were in unanimous support of the Conservation Restriction, recognizing its importance for protecting water quality, the ecological and scenic features of the property, and the public benefit which results from its preservation.



THE COMPACT
OF CAPE COD CONSERVATION TRUSTS, INC.

8 September 2020

Mr. Daniel Knapik
Town Administrator
Town of Yarmouth
1146 Route 28
South Yarmouth, MA 02664

Dear Daniel:

Please find attached a conservation restriction (CR) for a 10.18-acre parcel part of the old Simpkins Bog on Union Street. We seek the Selectmen's vote to approve the CR pursuant to M.G.L. 184, ss. 31-33. The CR has been previously reviewed by State EOEEA officials and I will forward it to them for final approval after Selectmen review and approval. I advise the Yarmouth Conservation Trust (YCT) on this donation.

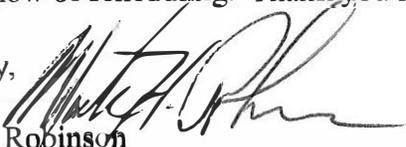
The Yarmouth Conservation Trust will be the holder of the CR and accepted that role at a meeting held on 2 September 2020. Their signatures appear on page 15 of the CR, enclosed here. The Town of Yarmouth Conservation Commission also reviewed and recommended that the Selectmen approve this CR at the Conservation Commission's meeting 3 September 2020. The Yarmouth Planning Board approved the division plan on 2 September 2020.

The property contains many features of conservation value. Some of these other features of conservation value include that

- 50% of the property is within a Zone 2 Area of Wellhead Contribution, protecting the Town's drinking water supply;
- 75% is BioMap2 Critical Natural Landscape as mapped by MA Natural Heritage & Endangered Species Program (NHESP);
- the land is adjacent to approximately 30 acres of Town of Yarmouth Water Department land to the south; and
- provides the headwaters of Whites Brook, part of the Chase Garden Creek estuary.

I would be happy to attend your meeting to answer any questions you may have, if necessary. Please let me know of **scheduling**. Thank you for your kind consideration of this matter.

Sincerely,


Mark H. Robinson
Executive Director

cc: Native Land Conservancy; Yarmouth Conservation Trust; Yarmouth Cons. Commission

GRANTOR: Native Land Conservancy, Inc.

GRANTEE: Yarmouth Conservation Trust

ADDRESS OF PREMISES: Union Street, Yarmouth, Massachusetts 02675

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds Book ___; Page ____.

(Pending)

FOR PLAN OF RECORD SEE: Barnstable County Registry of Deeds Plan Book ___, Page ____.

(Pending)

CONSERVATION RESTRICTION

NATIVE LAND CONSERVANCY, INC., being the sole owner and a Massachusetts charitable corporation with a mailing address of P.O. Box 974, Mashpee, Massachusetts 02649, its successors and assigns holding any interest in the Premises as hereinafter defined, ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to Sharon K. Donegan, Donald F. Henderson, Elizabeth G. Manning, Richard F. Martin, and Christine Marzigliano, as **Trustees of the YARMOUTH CONSERVATION TRUST**, under a deed of trust dated March 3, 1986, recorded with the Barnstable County Registry of Deeds in Book 5031 Page 44, as amended, and with the Barnstable Registry District of the Land Court as Document No. 633,110 on Certificate No. 180006, with a mailing address at P.O. Box 376, Yarmouth Port, Massachusetts 02675, its permitted successors and assigns ("Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in the Town of Yarmouth, County of Barnstable, Commonwealth of Massachusetts, containing the entirety of a 10.816-acre parcel ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached sketch plans in Exhibit B and Exhibit C, both of which are incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("conservation values").

Conservation Land Tax Credit: “CLTC” Program. The Premises was acquired utilizing, in part, the Conservation Land Tax Credit Program authorized under the Chapter 509 Acts of 2008 Sections 1-4 as amended by Chapter 409 Acts of 2010 Sections 4-13 of the Massachusetts General Court.

The conservation values include the following:

- **Water Quality Protection.** The Premises falls 50% within a DEP Zone 2 Wellhead Protection Area, an area of contribution to a public water supply, and is just north and adjacent to approximately 30 acres of Town Water Department land. Permanent protection of the Premises will aid in preserving the water quality of this public water supply area. Ensuring that the Premises remains undeveloped in perpetuity will assist in maintaining drinking water quality in the vicinity of the corner of Main Street (Route 6A) and Union Street and in the Town of Yarmouth.
- **Open Space Protection.** The Premises contributes to the protection of the natural character of the Route 6A (Main Street) in Yarmouth Port, along the historic Old King’s Highway Regional Historic District, and is north of and adjacent to approximately 30 acres of Town Water Department land. Just across Route 6A (Main Street) is over 200 acres of open space held in conservation restriction by the Bass River Rod and Gun Club. The Premises was part of a cranberry farm, active until 1959 and contains what is known as “Simpkins Bog.” The bog area is overgrown with wetland plants, and the surrounding natural habitat is mostly native deciduous and evergreen trees.
- **Soils.** The Premises contains about 50% Prime Farmland soils of Local and Statewide Importance, and about 30% Prime Forest Land soils. Permanent protection of the Premises with this Conservation Restriction will ensure that this significant open space remains undisturbed in perpetuity.
- **Protection of Wildlife Habitat.** Approximately 90% of the Premises consists of BioMap2 Critical Natural Landscape, as defined by the Massachusetts Natural Heritage and Endangered Species Program (“NHESP”) as essential to maintaining biodiversity and wildlife habitats. And, the Mass Audubon MAPPR (“Mapping and Priority Parcels for Resilience”) Tool designates the entirety of the Premises as a Medium Priority Parcel for habitat protection.
- **Protection of Wetlands.** The Premises includes MA DEP mapped wetlands identified as Shrub Swamp wetlands. The permanent protection of the Premises will aid in maintaining the integrity of these state-recognized important wetland resources.
- **Public Access.** Public access to the Premises will be permitted at the Grantor’s discretion. The Premises will be available for passive outdoor recreation, education, cultural practices, and nature study.
- **Statewide Land Conservation Plan.** A portion of the Premises falls within the Statewide Land Conservation Plan mapped area, indicating that permanent protection of the Premises aligns with the Commonwealth’s goals for preserving open space.

- Historical. The General Court of Massachusetts established the Old Kings Highway Regional Historical District on the northern shore of Barnstable County through Chapter 740 of the Acts of 1973, the area of which follows Main Street in Yarmouth Port, along state Route 6A. The Premises falls 100% within this historical district. In addition, the Premises contains wetlands and abandoned farmland that may contain artifacts of human history. Permanent protection of the Premises with this Conservation Restriction will preserve these attributes in perpetuity.
- Cultural Values. Locale and features of the Premises are consistent with the purposes of the Native Land Conservancy, to protect former traditional cultural properties, which include the flora and fauna that have a unique historical meaning and value to the Native American community. Importance is given to manage biological, cultural, and historic resources that are typically present on traditional cultural landscapes.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (“RPP”), amended in 1996, 2002, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP):
 - “To ... protect, preserve, or restore the ecological integrity of Cape Cod’s fresh and marine surface water resources” (Water Resources Goal, pp. 54);
 - “To protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers” (Wetland Resources Goal, pp. 55);
 - “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, pp. 55).
 - In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (pp. 32);
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural and community resources and systems” (Open Space Goal, pp. 55).
 - In reference to this Open Space Goal, the RPP states, “[t]he open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (pp. 30); and,
 - “To protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod” (Cultural Heritage Goal, pp. 58).

Granting this Conservation Restriction will advance each of these objectives.

- Consistency with the Town of Yarmouth’s 2015 Open Space and Recreation Plan (updated December 2018). Protection of the Premises will further the Town of Yarmouth’s documented goals regarding conservation of open space for conserving public water supplies, and natural resource protection. The Plan specifies that:

- “Land acquisition efforts to increase open space, and proper management of conservation areas, ensuring the protection of environmentally sensitive areas (wetlands and groundwater resources) and promoting stewardship of these areas have been consistently identified as high priorities. (Section 7.1.1, p. 73); and
- “Fragmentation of wildlife and plant habitat should be minimized by the establishment of greenways and wildlife corridors of sufficient width to protect species that inhabit the interior areas, as well as by the protection of large unfragmented areas...” (Section 7.1.3, pp. 75).”

In addition, the Plan articulated goals to:

- “Expand the amount of open space and conservation land. a) Identify and preserve land for natural resource protection, drinking water protection, passive recreation, quality of life and aesthetics (Section 8, No. 2, pp. 85); and
- “Protect and improve environmental resources, water quality and open space. (Section 8, No. 3, pp. 85).

Each of these overarching policies and goals will be advanced in implementing this Conservation Restriction.

- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of “conservation purposes” as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: protect the land for outdoor recreation by the general public; reserve the land for education regarding the natural world; protect wildlife and wetland habitats; and it would contribute to the preservation of open space because it is proximate to several other parcels already conserved.
- Consistency with Clearly Delineated State Conservation Policy. The Premises possesses significant open space, natural, aesthetic, ecological, plant and wildlife habitat, solid and water resource quality, watershed, and scenic values (collectively “Conservation Values”) of great importance to the Grantee and the people of Orleans and the Commonwealth of Massachusetts.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, wind turbine, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for business, residential or industrial use, or commercial recreation;
- (9) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

- (1) Vegetation Management. The selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas as documented in the Baseline Report, woods roads, fence lines and trails and meadows;
- (2) Non-Native or Nuisance Species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (3) Wildlife Habitat Improvement. With the prior written approval of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
- (4) Footpaths. The marking, clearing and maintenance of existing footpaths as shown in the Baseline Report. With prior approval of the Grantee, the construction of new footpaths or the relocation or alteration of existing footpaths, provided that any construction, relocation, or alteration results in footpaths that are no wider than eight (8) feet;
- (5) Parking Area. With the approval of the Grantee, the right to create, install, use, and maintain a parking area to accommodate up to 4 vehicles and trailhead on Union Street, provided that only pervious materials are used to surface the area, and the right to delineate said area with wooden split rail fencing;
- (6) Pest Control. With the approval of the Grantee, trapping and removal of animals for pest control purposes.
- (7) Right to Install Resting Benches. The Grantor reserves the right to install several resting benches for enjoyment by the public, provided such installation causes no more than minimal disturbance on the Premises and does not negatively impact its conservation values;
- (8) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected conservation values;
- (9) Fences. With the approval of the Grantee, the right to erect and maintain open-faced (i.e., sight-pervious) fences, such as wooden split rails, for property boundary delineation, safety reasons, and trail demarcation, so long as the dimensions and design of said fences do not impede free wildlife passage;

- (10) Outdoor Passive Recreational Activities. Members of the public are permitted to conduct non-commercial, passive recreational uses of the Premises during daylight hours, subject to reasonable regulation by the Grantor. Passive outdoor recreation activities may include walking, jogging, cross-country skiing, bird watching, hiking, wildlife observation, bicycling, photography, fishing, sketching, painting, and other similar activities that do not conflict with the conservation values and that are permitted by law. Horseback riding, bicycling, and other non-pedestrian access may be limited due to wetlands, wildlife habitat, and erosion concerns;
- (11) Cultural Practices. The right of the Grantor and its invitees to have access to the Premises for cultural and ceremonial uses that are consistent with and do not impair the conservation values; Cultural practices are defined, for the purposes of this Conservation Restriction, as including traditional spiritual ceremonies, seasonal celebrations, offerings, and cultural, educational, and interpretive programming, and may include the temporary placement of shelters for their conduct;
- (12) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II(B) shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II(B), any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.
- (13) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph II(B) shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
- (14) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II(B) shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the

Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Subject to any applicable law or regulation, failure of Grantee to respond in writing within sixty (60) days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after sixty (60) days in the notice, the requested activity is not prohibited herein, and the activity will not impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction. Prior to resorting to legal means to enforce any violations of this Conservation Restriction, the Grantee shall first notify the Grantor and request the Grantor to remedy the violation; if the violation is not remedied within sixty (60) days, then the parties shall make a good faith effort to mediate the dispute before the Grantee may resort to legal means to enforce the violation, provided the Grantor ceases the violation immediately upon receipt of notice of the violation and makes a good faith effort to remedy the violation.

Grantee shall not, however, have the right to bring an action against Grantor with respect to a violation of this Conservation Restriction by trespassers or other third persons whose entry on the Premises is not authorized or not voluntarily acquiesced in by Grantor. Grantor agrees that Grantor will not voluntarily acquiesce in any violation of this Conservation Restriction by trespassers or such other third persons; and Grantor further agrees that Grantor will make reasonable efforts to deter such activities and to remedy the violation and will cooperate with Grantee to enforce this Conservation Restriction against trespassers and such other third persons.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises (i) after reasonable notice and at reasonable times and in a reasonable manner, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction; and, (ii) after sixty (60) days prior written notice, except in an emergency in which case notice shall be given as soon as is practicable, to take any and all actions with respect to the Premises as may be necessary or appropriate, with or without order of court, to remedy, abate or enforce any violation hereof unless the Grantor has prior to the expiration of said sixty (60) days given written notice to the Grantee reasonably addressing all alleged violations and setting forth a reasonable plan to remedy any such alleged violation and has made reasonable efforts to cease the activity or to begin remediation.

The Grantor grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Section II(B)(10) provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of this Conservation Restriction. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Section II(B)(10). The Grantor's right to grant public access across the Premises is subject to the restrictions described

in this Conservation Restriction. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for purposes described in the Massachusetts General Laws Chapter 21, Section 17C and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section. The Grantee may require the Grantor to post the Premises against any use that may result in rutting or erosion or other damage to the natural resources of the Premises.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a value that is equal to ten percent (10%) of the fair market value of the unrestricted Premises. For the purposes of this paragraph, said proportionate value shall remain constant and shall determine the Grantee's proportion of proceeds resulting from a termination or extinguishment of this Conservation Restriction.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal

Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Barnstable County Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Barnstable County Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Native Land Conservancy, Inc.
P.O. Box 974
Mashpee, Massachusetts 02649

To Grantee: Yarmouth Conservation Trust
P.O. Box 376
Yarmouth Port, Massachusetts 02675

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to affect the purpose of this Conservation Restriction and the policy and purposes of Chapter 184, Sections 31, 32, and 33 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-Existing Public Rights. Approval of this Conservation Restriction pursuant to Chapter 184, Section 32 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor – Native Land Conservancy, Inc.

Grantee Acceptance – Yarmouth Conservation Trust

Approval by Town of Yarmouth Board of Selectmen

Approval of the Secretary of Energy and Environmental Affairs.

*Ex-RIVERO (SIMPKINS BOG) CONSERVATION RESTRICTION
YARMOUTH, MA*

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Sketch Plan of Premises

Exhibit C: Inset Sketch Plan of Premises

At a meeting duly held on 8-15 2020, the Native Land Conservancy, Inc. voted to grant the foregoing Conservation Restriction to the Yarmouth Conservation Trust and hereby grants the foregoing Conservation Restriction.

Ramona Peters

Ramona L. Peters, duly authorized President/Treasurer
Native Land Conservancy, Inc.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this 2nd day of September, 2020, before me, the undersigned notary public, personally appeared Ramona L. Peters, President/Treasurer, Native Land Conservancy, Inc., the corporation named in the foregoing instrument, and proved to me through satisfactory evidence of identification which was personal knowledge of identity, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, on behalf of the corporation.



Mark H. Robinson
Mark H. Robinson, Notary Public
My Commission Expires: 8 July 2027

CERTIFICATE OF VOTE

I, Sharman Brown, duly elected Clerk of the Native Land Conservancy, Inc., hereby certify at a meeting of the Board of Directors duly called on the 15th day of August 2020, at which meeting, acting throughout upon motion duly made and seconded, a quorum being present, it was unanimously

VOTED: that Ramona L. Peters, President/Treasurer of Native Land Conservancy, Inc., be and hereby is authorized in the name of Native Land Conservancy, to grant a conservation restriction on 8.54 acres in Yarmouthport MA, as more particularly described in a document termed a conservation restriction and recorded herewith, her execution thereof shall be sufficient evidence of the Board of Directors' approval.

I further certify that Ramona L. Peters is the duly elected President/Treasurer of Native Land Conservancy, Inc., and that I am the duly elected Clerk and that said vote is still in full force and effect.

A true copy.

Attest:

Sharman Brown
Sharman Brown, Clerk
Native Land Conservancy, Inc.

Date: 2 Sept. 2020

ACCEPTANCE OF GRANT

This Conservation Restriction from the Native Land Conservancy, Inc., was accepted by the Yarmouth Conservation Trust, this 2nd day of Sept, 2020.


Sharon K. Donegan, President and Trustee


DONALD F. HENDERSON, TRUSTEE


ELIZABETH G. MANNING

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this 2nd day of September, 2020, before me, the undersigned notary public, personally appeared Sharon K. Donegan, Trustee, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, on behalf of said Trust.




Mark H. Robinson, Notary Public
My Commission Expires: 8 July 2027

APPROVAL OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Yarmouth, hereby certify that at a public meeting duly held on _____, 2020, the Board of Selectmen voted to approve the foregoing Conservation Restriction from the Native Land Conservancy, Inc., to the Yarmouth Conservation Trust, in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

BOARD OF SELECTMEN:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, Chair, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Native Land Conservancy, Inc., to the Yarmouth Conservation Trust, has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2020

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public: John Gioia
My Commission Expires: January 23rd, 2026

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is all of a vacant parcel of land shown as Parcel A on Plan Book _____ Page _____, containing 10.816 acres, more or less, located in the Town of Yarmouth, County of Barnstable, Commonwealth of Massachusetts.

For Grantor's title, see deed recorded at the Barnstable County Registry of Deeds in Deed Book _____, Page _____.

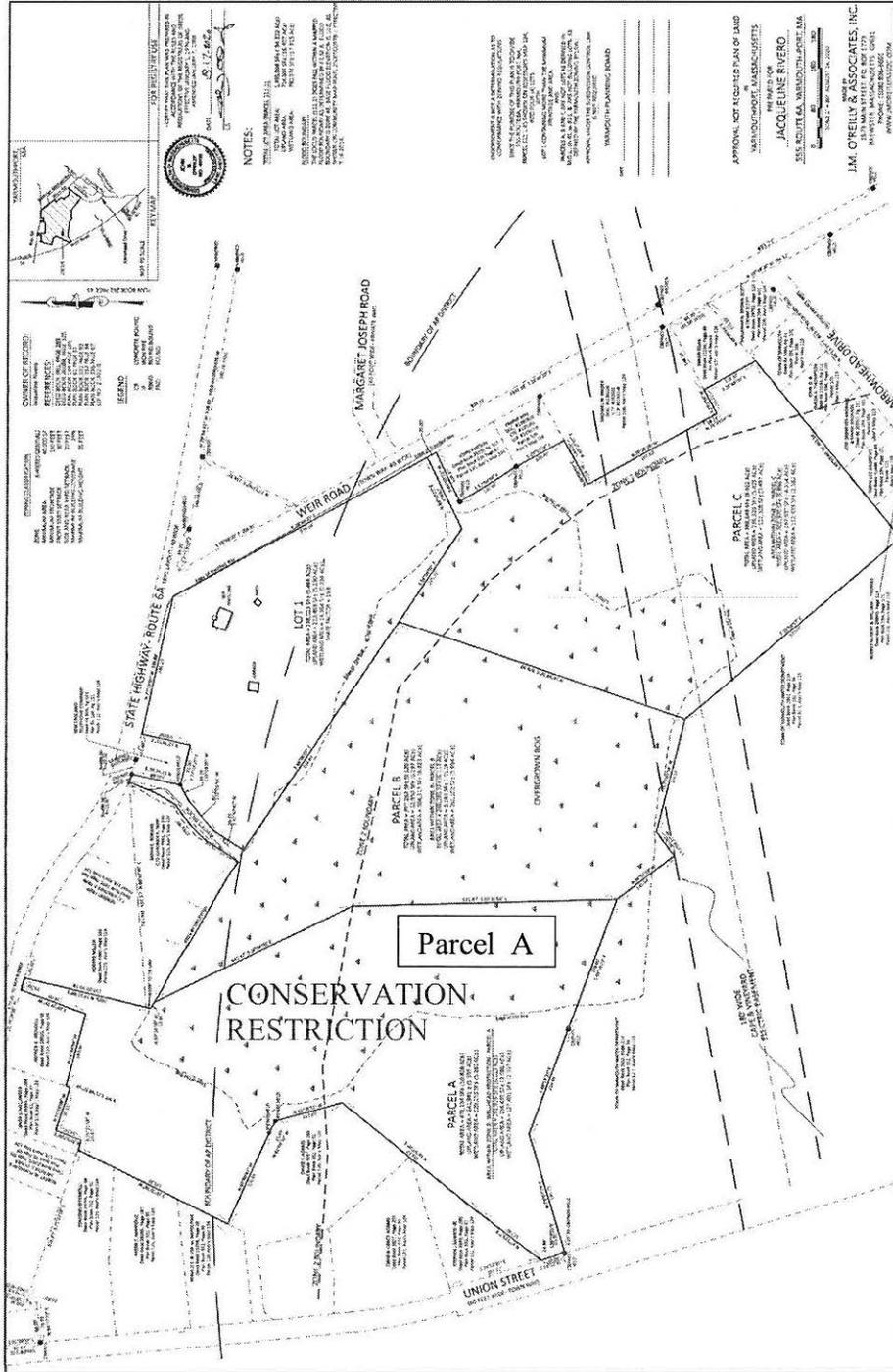
Town of Yarmouth Assessors Map: Map 124, Parcel 111.1 (portion)

Street Address: 0 Union Street, Yarmouth Port, Massachusetts 02675.

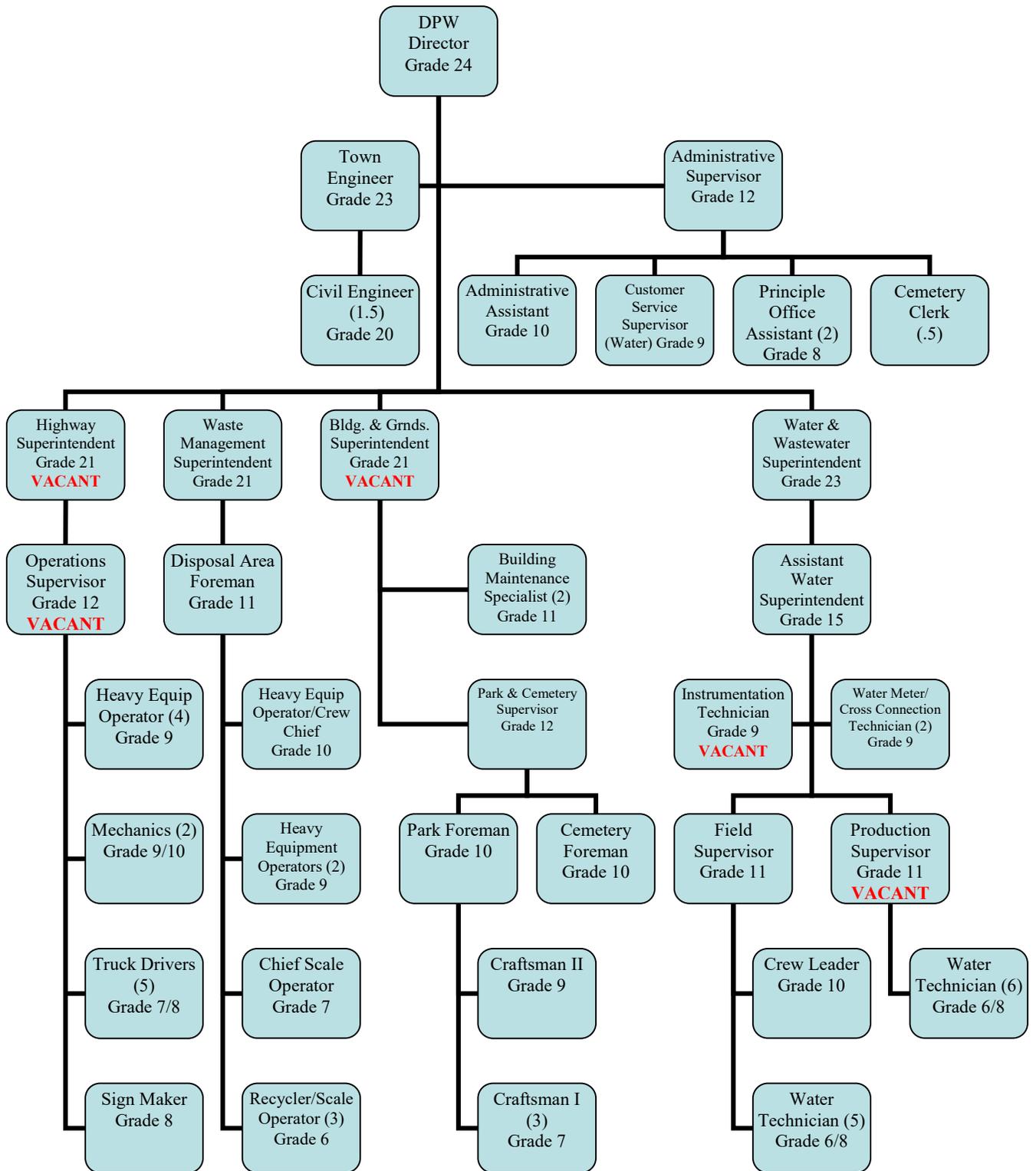
EXHIBIT B

Sketch Plan of Premises (see Exhibit C for detail)

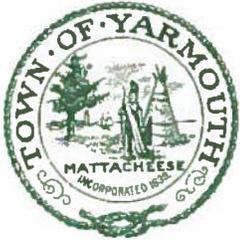
For official full size plan see Barnstable County Registry of Deeds Plan Book _____.



Organizational Chart Public Works



Art. #	Title	Article Prep & Presentation	Slides	BOS DEPT MTG	ATM Assignment	Selectmen Rec.	FINCOM Rec.
1	FY 21 Supplemental Appropriations						
2	FY 21 Free Cash and Available Funds Request						
3	Water Capital Budget						
4	Capital Budget						
5	Golf Membership Fee: Links Course						
6	Adopt Water Resources Enterprise Fund						
7	Wastewater Reserve Funding						
8	Adopt Municipal Water Infrastructure Investment Fund						
9	CPA Surcharge Exemption						
10	DHY Cleanwater Partnership Participation						
11	CPA #1						
12	CPA #2						
13	CPA #3						
14	Petitioned Article: Commercial Sale of Single-Use Plastic Water Bottles						
15	Petitioned Article: Reduce Net Greenhouse Gas Emissions - Bylaw Adoption						
16	Petitioned Article: Feasibility of Conversion Repurposing The Links Course to Solar Farm						



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1277, Fax (508) 398-2365

Department of
Community
Development

To: Mark Forest, Chairman – Yarmouth Board of Selectmen
From: Gary Ellis, Chairman – Yarmouth Community Preservation Committee
Date: September 4, 2020
Re: Articles for Special Town Meeting

Understanding that there is a Special Town Meeting (STM) tentatively scheduled for November 17, 2020, the Community Preservation Committee (CPC) met to discuss whether and which articles to advance to the STM warrant. We wanted to provide the Board with a preliminary update on articles under consideration by the Committee.

One article is certain. This is the transfer of the PARC Grant receipt (\$400,000) from a state revenue fund to the Open Space Reserve.

Other articles are less certain. As you will recall, the CPC postponed four articles (Sandy Pond Construction, Riverwalk Park/Boardwalk Loop Construction, South Yarmouth Methodist Church Preservation, and Cape Playhouse Preservation) from consideration for the Annual Town Meeting. We have recently reached out to applicants to request an update to their budget and timeline, as well as to inquire about the immediacy of their need. Responses will be reviewed and considered by the Committee at their meeting scheduled for Thursday, September 10th.

CPC is also working towards an application cycle for projects to be considered at the 2021 Annual Town Meeting and plan to incorporate a request for Letters of Interest to gauge demand for CPA funding.

Related to any consideration of CPA Expenditures, we are looking to the Board of Selectmen to confirm that the Town will move forward this fall in considering the \$100,000 Residential Exemption for CPA as originally planned for the 2020 Annual Town Meeting. This information is essential and appreciated as we move forward considering and prioritizing any applications.

Thank you.

Cc: Community Preservation Committee
Dan Knapik, Town Administrator

Barnes, Pam

From: Williams, Kathleen
Sent: Tuesday, September 8, 2020 9:28 AM
To: Barnes, Pam; Forest, Mark
Subject: DISUC

Hi Guys,

Please see below for Peter Slovak's formal resignation from the DISUC.

Thanks,
Kathy

Kathy Williams, PE
Yarmouth Town Planner
1146 Route 28
South Yarmouth, MA 02664-4492
(508) 398-2231 Ext 1276
kwilliams@yarmouth.ma.us

From: pslovak@verizon.net [mailto:pslovak@verizon.net]
Sent: Friday, September 4, 2020 9:53 AM
To: Williams, Kathleen <kwilliams@yarmouth.ma.us>
Subject: Drive In

Attention! This email originates outside of the organization. Do not open attachments or click links unless you are sure this email is from a known sender and you know the content is safe. Call the sender to verify if unsure. Otherwise delete this email.

Hi Kathy-

I'm sorry but I don't have the time at the moment to continue with the drive-in committee so I have to formally resign. I'm so glad to see things headed in a positive direction and I can't wait to see the finished project.

Regards,

Peter

Peter Slovak
MA Certified General Real Estate Appraiser

Slovak Appraisal Associates
Real Estate Appraisers and Consultants
P.O. Box 202
So. Yarmouth, MA 02664

TO: BOARD OF SELECTMEN
FROM: Mark Forest, Appointments Chairman *Mark R Forest*
SUBJECT: Appointment – Drive-In Site Utilization Committee
DATE: September 8, 2020

OPENINGS: 1 Regular, At-Large position (unexpired term, to run thru 10/31/2021)

Number of Interviewers:

_____ Selectmen

_____ Commission/Committee Members

Numerical Evaluation of Candidates

****Maximum Score = 20****

APPLICANT	COMMISSION RATING	SELECTMEN RATING	AVG. RATING
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Tom Roche

RECOMMENDATION: To appoint Mr. Roche as a Member-at-Large to the Drive-In Site Utilization Committee. This appointment is to fill an unexpired term which will run through October 31, 2021.



TOWN OF YARMOUTH BOARD OF SELECTMEN PROJECTED 2020 AGENDA ITEMS

MEETING DATE		BUDGET SCHEDULE DUE DATES	REGULAR BOS AGENDA ITEMS
SEPTEMBER 29			<ul style="list-style-type: none"> • PUBLIC HEARING: 1078 YARMOUTH, INC., DBA DAGGETT'S LIQUORS – TRANSFER OF PACKAGE STORE LICENSE • PUBLIC HEARING: TUGBOATS, 21 ARLINGTON STREET – NEW WEEKDAY & SUNDAY ENTERTAINMENT LICENSES AND EXTENSION OF SEASONAL ALCOHOL LICENSE TO EXPIRE ON JANUARY 15, 2021 • PUBLIC HEARING: YARMOUTH EVENTS LLC (DRIVE-IN SITE) – SPECIAL ENTERTAINMENT LICENSE FOR AMPLIFIED MUSIC AND SPECIAL ALCOHOL LICENSE • TAX CLASSIFICATION HEARING • WASTEWATER ARTICLE UPDATE • RECRUITMENT REVIEW REGARDING MINORITY HIRING • BOS BUDGET POLICY DIRECTIVE
OCTOBER 6			<ul style="list-style-type: none"> • SPECIAL TOWN MEETING ARTICLE APPROVAL (FINAL VOTE) • END OF YEAR FINANCIAL UPDATE • IT REORGANIZATION
OCTOBER 20			<ul style="list-style-type: none"> • COMCAST CONTRACT NEGOTIATION UPDATE
NOVEMBER 3	ELECTION		<ul style="list-style-type: none"> •
NOVEMBER 17	SPECIAL TOWN MEETING		<ul style="list-style-type: none"> • (PROPOSED DATE)
DECEMBER 1			<ul style="list-style-type: none"> •
DECEMBER 15			<ul style="list-style-type: none"> •
DECEMBER 29			<ul style="list-style-type: none"> •



TOWN OF YARMOUTH
BOARD OF SELECTMEN
PROJECTED 2020 AGENDA ITEMS

MEETING DATE		BUDGET SCHEDULE DUE DATES	REGULAR BOS AGENDA ITEMS
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- **BEACH ISSUES**
- **RENAMING POLICY**
- **COMMITTEE REPORTS**
- **DHY AGREEMENT**
- **CLEAN WATER TRUST**
- **FINANCE UPDATE ON INTERNAL CONTROLS**
- **CAPE LIGHT COMPACT PRESENTATION - SEPTEMBER**
- **CEDC GOALS AND SUPPORT OF WASTEWATER; AND SPECIAL EVENTS**
- **LEGAL SERVICES REVIEW**
- **CAPE COD COMMISSION UPDATE - SEPTEMBER**
- **BARNSTABLE MUNICIPAL AIRPORT – AIRPORT MASTER PLAN – SEPTEMBER**



TOWN OF YARMOUTH

Director of Libraries

312 Old Main Street, South Yarmouth, Massachusetts 02664
391 Main Street (Route 28), West Yarmouth, Massachusetts 02673
Telephone (508) 760-4822, Fax (508) 760-2699
jcain@yarmouth.ma.us

TO: Dan Knapik, Town Administrator
FROM: Jane Cain, Library Director
SUBJECT: Limited Reopening of Yarmouth Town Libraries to the Public
DATE: September 9, 2020

I am pleased to inform you that after several weeks of closures of our library facilities to the public, we are preparing to open up both the South Yarmouth Library and the West Yarmouth Library with limited hours and limited times for visits on September 21. We have taken a number of precautions to ensure staff and public safety. This has been reviewed and discussed at length among Library and other municipal department staff, and reviewed by our Yarmouth Health Department and Board of Health.

To recap, the Town Library facilities closed to the public in mid-March, after the Governor's pandemic guidelines were established. We transitioned to informing the public and promoting our electronic resources (such as informational databases and electronic books and movies). We refocused our materials purchasing toward what was available and what people wanted (more electronic resources). Our South Yarmouth Library Association stepped up and purchased additional portable wireless access devices (wifi hotspots) that we made available for families to check out from the library – and we extended the terms of their borrowing.

In early July, as State-wide delivery of interlibrary loan materials resumed, we began a program of “curbside deliveries,” so that Yarmouth residents, as well as second-home owners who had arrived on the Cape, would have access to books. Throughout this time, staff members worked either remotely or from our buildings to answer reference questions, assist with technology issues and troubleshoot devices that were non-cooperative. We extended our outreach delivery services to anyone who could not get to our locations. Our Youth Services librarians concocted an all-online Summer Reading program of reading challenges, creative workshops and interactive virtual programming for all ages – and the response was resounding. They made “take and make” craft kits that people could pick up during the curbside delivery hours. We hosted a family trivia night and an evening of New England Myths and Legends on Zoom. We have updated our audio-visual equipment with a new camera, microphones and lighting, in anticipation of a continued demand for online library learning programs. Our Associations are helping by purchasing outdoor tables and seating for each location, so that when families need a place with wireless connections and fresh air, to do homework or to meet with friends at a safe distance apart, they can come to the Yarmouth Libraries.

We plan to open to the public so that folks can come in and find a real book or movie in person. Protective plexiglass screens are at our service desks; masks and hand sanitizer are in stock. Our hours will be limited and we will ask people to limit their time inside our buildings, to avoid spreading a viral contagion that has been proven to travel in the air and can potentially be shared after close contact for more than 15 minutes. Some services will not be available at this time – such as print newspaper access and public computer access. This is our Phase 3/Step 1 toward a “new normal.”

2020 - 2021 ALCOHOL LICENSE REVENUE REPORT

LICENSE TYPE	ANNUAL FEES	# LICENSES	REVENUE	25% OF FEE	TOTAL FEE REDUCTION
Annual Restaurant	2,350.00	29	68,150.00	587.50	17,037.50
Annual Innholder	2,350.00	6	14,100.00	587.50	3,525.00
Annual Wine & Malt	1,700.00	5	8,500.00	425.00	2,125.00
Package Store	2,350.00	9	21,150.00	587.50	5,287.50
General on Premise	2,950.00	1	2,950.00	737.50	737.50
Club	1,050.00	1	1,050.00	262.50	262.50
Non-Profit Club	635.00	1	<u>635.00</u>	158.75	<u>158.75</u>
			116,535.00		29,133.75
Seasonal Restaurant	2,350.00	7	16,450.00	587.50	4,112.50
Seasonal Innholder	2,350.00	4	9,400.00	587.50	2,350.00
Seasonal Wine & Malt	1,700.00	2	<u>3,400.00</u>	425.00	<u>850.00</u>
			29,250.00		7,312.50
TOTALS			145,785.00		36,446.25



Town of Barnstable Licensing Department

Richard V. Scali, Director

200 Main Street

Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: 508-862-4774

Fax: 508-778-2412

TEMPORARY POLICY CHANGE ON ALCOHOL FEES AND INACTIVE LICENSES DUE TO COVID-19

Due to the inability of alcohol licensees in the Town of Barnstable to open and fully operate during the Covid-19 pandemic, the Barnstable Licensing Authority proposes the following temporary policy changes with regards to fees and inactive licenses:

- 1) That all section 12 alcohol licensees be credited one fourth of their alcohol fee for the next alcohol fee renewal period due in December(annual) or March (seasonal) for 2021; this credit would cover the closure period of three months in 2020;
- 2) That this credit does not apply to section 15 licensees as they were allowed as essential operations and allowed to be fully open in 2020;
- 3) That section 12 licensees who have been unable to reopen and/or have chosen to be closed during the pandemic, will be allowed to hold their licenses as inactive and may reopen during 2020 or next season in 2021, with the necessary inspections needed.
- 4) That section 12 licensees who are not open or have chosen to be closed, will not be required to pay a renewal license fee but should they reopen during 2020, pay a portion of the fees due for the year per month they are open in 2020 and the renewal fees due for 2021 in December (annual), 2020 or March (seasonal)2021.
- 5) That these temporary changes in policy be reviewed as changes to the Governor's orders are amended or added as necessary and reviewed in November 2020 before the alcohol renewal period.

To: EWelch@uxbridge-ma.gov; cberube@walpole-ma.gov; shickey@walpole-ma.gov; dwansiewicz@city.waltham.ma.us; wbrasco@aol.com; mmidura@townofware.com; jwilson@wareham.ma.us; thegarty@wayland.ma.us; nlucier@westboylston-ma.gov; lhutchings@wbridgewater.com; jgonthier@tows.org; kbain-morgado@town.westborough.ma.us; k.jarret@cityofwestfield.org; Tabitl@westport-ma.gov; kflynn@townhall.westwood.ma.us; lvanwinkle@weymouth.ma.us; cgaumond@wilbraham-ma.gov; wcampbell@cityofwoburn.com; arobles@wrentham.ma.us; Hill, Linda
Cc: campingmom553@msn.com; Hadfield, Golda
Subject: RE: 2021 Annual Licensing Fees
Attachments: Policytempchgfeesinactive2020.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Attention! This email originates outside of the organization. Do not open attachments or click links unless you are sure this email is from a known sender and you know the content is safe. Call the sender to verify if unsure. Otherwise delete this email.

Hi Nicole and other fellow Licensing departments,

I attach for your information, a policy Barnstable just recently heard and put into place, allowing for alcohol fee credits for section 12 licensees, allowance of inactive licensees to not have to pay until they reopen, and prorating the fee when they do. This does not apply to section 15 licensees since they have been open as essential. I hope this helps all of you looking at your fees. This will of course cause havoc on your budgets next year but hopefully Covid assistance money has come into town. We felt it only fair to give our licensees a break for those months they were closed.

If you have any questions or comments please do not hesitate to reach out to us.

Richard Scali
Licensing Director
President of Municipal Licensing Corp.

From: Murati Ferrer, Nicole [mailto:nmuratiferrer@cambridgema.gov]

Sent: Monday, August 03, 2020 11:16 AM

To: epeterson@lunenburgonline.com; 'Bruce, Kristina'; 'Meagher, Cathryn'; Scali, Richard; 'Lisa Johnson'; r.sacramone@tre.state.ma.us; ltomy@actonma.gov; ddunlap@town.adams.ma.us; premoa@amesburyma.gov; carla.warren@andoverma.us; legalsecretary@cityofattleboro.us; rpressey@yahoo.com; sregan@yahoo.com; fzukowski@Townofbarre.com; hallie@bellinghamma.org; pcallahan@belmont-ma.gov; jean-lorizio@boston.gov; nsundman@townofbourne.com; selina.shaw@town.boxborough.ma.us; amack@boylston-ma.gov; asteward@boylston-ma.gov; towclerk@braintree.ma.gov; ryoung@brewster-ma.gov; lisasullivan@bridgewaterma.org; mmilligan@cobma.us; scarvalho@cobma.us; bjt187@verizon.net; bmcdonough@burlington.org; License Commission; dtrent@townisp.com; jkemalian@town.canton.ma.us; elaine.weston@carverma.org; snealy@chatham-ma.gov; cfisher@chelseama.gov; ltorres@town.dartmouth.ma.us; dlabrecque@dedham-ma.gov; jshea@town.dennis.ma.us; KateClisham@devensec.com; kbrady@townofdighton.com;

**CONSENT
AGENDA
ITEMS**

CONSENT AGENDA

CERTIFICATE OF APPOINTMENT
AND
ACCEPTANCE OF APPOINTMENT OF TRUSTEES
OF THE TOWN OF YARMOUTH AFFORDABLE HOUSING TRUST

The undersigned, MARK R. FOREST, DANIEL HORGAN, TRACY POST, MICHAEL F. STONE, AND ERIK TOLLEY, being the Selectmen of the Town of Yarmouth, pursuant to Article IV of the Yarmouth Affordable Housing Trust, under a Declaration of Trust dated February 26, 2013, registered with the Barnstable County Registry District of the Land Court as Document No. 1,218,410, and recorded with the Barnstable County Registry of Deeds in Book 27284, Page 206, hereby appoint the following named person as Trustee:

NAME

ADDRESS

Erik Tolley

69 Ellis Circle
Yarmouth Port, MA 02675

Nathan Small

50 Wolfson Road
South Yarmouth, MA 02664

WITNESS my hand and seal the ____ day of September, 2020

Mark R. Forest

Daniel Horgan

Tracy Post

Michael F. Stone

Erik Tolley

State of Massachusetts
County of Barnstable

On this _____ day of September, 2020, before me, the undersigned Notary Public, personally appeared Mark R. Forest proved to me through satisfactory evidence of identification which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:

State of Massachusetts
County of Barnstable

On this _____ day of September, 2020, before me, the undersigned Notary Public, personally appeared Daniel Horgan, proved to me through satisfactory evidence of identification which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:

State of Massachusetts
County of Barnstable

On this _____ day of September, 2020, before me, the undersigned Notary Public, personally appeared Tracy Post, proved to me through satisfactory evidence of identification which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:

State of Massachusetts
County of Barnstable

On this _____ day of September, 2020, before me, the undersigned Notary Public, personally appeared Michael Stone, proved to me through satisfactory evidence of identification which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:

State of Massachusetts
County of Barnstable

On this _____ day of September, 2020, before me, the undersigned Notary Public, personally appeared Erik Tolley, proved to me through satisfactory evidence of identification which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:

ACCEPTANCE OF APPOINTMENT OF TRUSTEE

The undersigned, hereby accepts his appointment as Trustee of THE TOWN OF YARMOUTH AFFORDABLE HOUSING TRUST pursuant to Article IV thereof.

WITNESS my hand and seal this _____ day of _____, 2020

Erik Tolley, Trustee

State of Massachusetts
County of Barnstable

On this _____ day of _____, 2020, before me, the undersigned Notary Public, personally appeared Erik Tolley, proved to me through satisfactory evidence of identification which was that he is personally known to me, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:

ACCEPTANCE OF APPOINTMENT OF TRUSTEE

The undersigned, hereby accepts his appointment as Trustee of THE TOWN OF YARMOUTH AFFORDABLE HOUSING TRUST pursuant to Article IV thereof.

WITNESS my hand and seal this _____ day of _____, 2020

Nathan Small, Trustee

State of Massachusetts
County of Barnstable

On this _____ day of _____, 2020, before me, the undersigned Notary Public, personally appeared Nathan Small, proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding or attached document, and who swore to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Attach official seal here

Notary Public:

My commission expires:



Loyal Order of Moose Yarmouth Lodge #2270

PO BOX 186 769 ROUTE 28
SOUTH YARMOUTH, MA 02664

OFFICE & FAX: (508) 394-509

LOUNGE: (508) 394-2341

Mr. Daniel Knapik
Yarmouth Town Hall
1146 Route 28
South Yarmouth, MA 02664
August 31, 2020



CONSENT AGENDA

Dear Mr. Knapik,

I am writing to you to ask for your assistance, On Monday, August 24, 2020, our Moose Lodge was the victim of an illegal dumping incident that left 32 mattresses and box springs in our parking lot. The police have been contacted and are working on the situation. In the meantime, our Lodge would like to remove these items from our lot and clean up the view from the street. I am asking you to please consider waiving the dump fees for this removal. It is quite costly with this large number of items.

The Yarmouth Moose Lodge and Family Center has strongly supported the town of Yarmouth over the more than thirty five years of our existence. Our long standing support of Flax Pond and the summer campership programs among the many projects and events we have supported.

I thank you, in advance, for your consideration of this request.

Sincerely,

Raymond Roy, Temporary Administrator



Yarmouth Police Department

Excellence in Policing

Nicole M.N. Bohane
Administrative Assistant

CONSENT AGENDA

TO: The Honorable Board of Selectmen

FROM: Nicole M.N. Bohane
Administrative Assistant

Nicole M.N. Bohane

SUBJECT: Donation Approval Request

DATE: September 8, 2020

Please be advised that the Yarmouth Police Department has received a donation for \$20 from Joanna & Spero Piantes from Cotuit in Memory of S. Mitrokostas. These funds will be used for Miscellaneous Police Expenses. We respectfully request your approval for this donation.

If you should have any questions regarding this donation, please do not hesitate to contact my office. Thank you in advance for your attention in this matter.

xc: file