

TOWN OF YARMOUTH  
BOARD OF APPEALS  
DECISION

YARMOUTH TOWN CLERK



'17MAY25PM4:21 REC

**FILED WITH TOWN CLERK: May 25, 2017**

**PETITION NO: #4691**

**HEARING DATE: May 11, 2017**

**PETITIONER: Rourke's Top of the Cove, LLC d/b/a The Loft Restaurant & Bar @  
The Cove Resort**

**PROPERTY: 183 Route 28, West Yarmouth, MA  
Map & Lot#: 0037.724; Zoning District: B2  
Book/Page: 4151/041**

**MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Dick Martin  
and Thomas Nickinello.**

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petitioner, Rourke's Top Of The Cove, LLC d/b/a The Loft Restaurant and Bar, seeks a Special Permit in connection with property located and known as "The Cove", 183 Route 28, West Yarmouth, MA. The property is in a B2 Zoning District and the Petition seeks to allow outdoor entertainment at the recently renovated pool/tennis area.

The Petitioner will operate a small outdoor café adjacent to the pool area of the facility. The café will have limited hours of operation and the anticipated entertainment will consist of 2-3 entertainers with appropriate pool side music consistent with the overall family nature of the resort.

Citing the long history of the well-run Cove Resort, the Board members all felt it was a natural idea to blend music to the pool atmosphere. Desiring to keep it appropriate for the location, the Board felt certain conditions would be appropriate to any grant of relief sought.

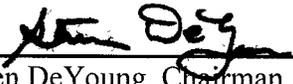
The Board found the relief could be granted without creating any undue hazard, nuisance or congestion nor cause any substantial hardship to the existing or future character of the neighborhood or Town.

Mr. Martin moved and Mr. Nickinello seconded a Motion to approve the relief sought by the Petition on the following conditions:

1. The outdoor entertainment occur only between May 1 and October 31<sup>st</sup> of each year;
2. That any amplification be provided by the musicians only;
3. That there be no more than three (3) musicians at any one time;
4. That the outdoor entertainment occur only between the hours of 4:00 p.m. – 9:00 p.m.

On this Motion, with conditions, the Board voted unanimously in favor and the relief was, therefore, granted.

**No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw, MGL c40A §9)**

  
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Steven DeYoung, Chairman