



# TOWN OF YARMOUTH

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**BOARD OF  
SELECTMEN**  
Michael Stone, Chair  
Daniel Horgan  
Mark Forest  
Peter Q. Smith  
Dorcas McGurrin

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**TOWN ADMINISTRATOR**  
Robert L. Whritenour, Jr.

**ASSISTANT  
TOWN ADMINISTRATOR**  
William J. Scott

September 12, 2023

The Honorable Maura Healey,  
The Governor of Massachusetts  
Massachusetts State House  
Office of the Governor, Room 280  
24 Beacon Street  
Boston, Massachusetts 02133

Dear Governor Healey:

The Board of Selectmen of the Town of Yarmouth expresses its strongest concerns with the possible selection of the Yarmouth Resort motel property as a possible site for emergency migrant housing. This property has become a nuisance to the Town in that it is the site of numerous alleged zoning violations which predate the current proposal, and the property does not possess an active certificate of occupancy. The owners of this property have received two separate notices of violation, and the lack of response thereto has forced the Town to contemplate litigation to enforce the building and zoning requirements applicable to this property.

Based on the failure to receive an acceptable annual inspection, a prerequisite to the property receiving a certificate of occupancy, as well as the lack of compliance with the Yarmouth Zoning Bylaws and applicable Zoning Board of Appeals (ZBA) decisions, the property is currently under a cease-and-desist order, which prevents the proposed use of the facility for housing programs of any kind. The specific zoning violations of greatest concern to the Town include tenancy at the motel that exceeds the transient limits imposed by the Yarmouth Zoning Bylaws applicable to all motels. In addition, the property has allegedly been used for seasonal employee housing without application for a Temporary Seasonal Housing Permit also required by the Yarmouth Zoning Bylaw. Other critical concerns involve the alleged failure of the owner to comply with the requirements of the ZBA Special Permit issued for the property with respect to the management and operation of the facility.

The property owners have engaged in a pattern of behavior that is entirely unresponsive to local code enforcement efforts. This behavior not only jeopardizes the health and safety of occupants of the facility, but also creates uneven conditions for the many other lodging facilities operating within the boundaries of Special Permits and the Zoning Codes of the Town, providing an atmosphere of lawlessness and lack of concern for safety.

The Town stands ready to use all legal means to enforce its local bylaws and the State Building Code. We are certainly hopeful that a state contract is not issued to this property, which would both reward the past pattern of blatant violations and create an infectious and intolerable precedent. We hasten to point out that in the Request for Responses (RFR) issued April 13, 2023, by the Commonwealth of Massachusetts for Emergency Assistance Hotel/Motel Services, it specifically provides, in part, "DHCD is seeking respondents who can provide at a minimum:

"Hotel, motel, or other lodging rooms for up to one year that comply with all applicable local, state, and federal statutes, laws and regulations, including but not limited to applicable

- Zoning Code
- Building Code
- Health Code
- Occupancy Permits"


It is clear in this case that this property has failed to meet the minimum criteria for participating in this program, and for all the reasons stated herein, the Board of Selectmen of the Town of Yarmouth strenuously urges your office to eliminate this property from further consideration for the migrant housing project.

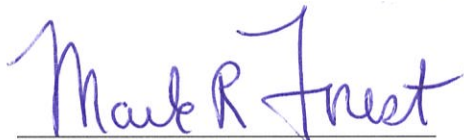
Thank you for your attention to this most urgent matter.

Sincerely,

The Yarmouth Board of Selectmen

  
Michael Stone, Chairman

  
Daniel Horgan, Vice Chairman

  
Mark Forest

  
Peter Q. Smith

  
Dorcas McGurrin