CHAPTER 6

LONG SUMMARY

RECREATION AND OPEN SPACE PLAN

Revision of November 2001

Volume I

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and
the Staff of the Planning Division
Yarmouth Department of Community Development

November 14, 2001

YARMOUTH COMPREHENSIVE PLAN
RECREATION AND OPEN SPACE
CHAPTER 6 - UPDATE

EXECUTIVE SUMMARY

PURPOSE

Yarmouth's Open Space and Recreation Plan was developed in cooperation through the Town's Conservation, Recreation, Parks, and Planning Divisions. It is designed to incorporate the goals of protecting natural resources, conserving open space, and of providing a varied recreation program to a substantial segment of the Yarmouth populace.

It is designed to provide an update and timely revision to the completed 1996 Plan. The update provides a new context for open space and outdoor recreation, given the advent of the Cape Cod Land Bank's passage in 1998.

COORDINATION WITH THE COMPREHENSIVE PLAN AND REGIONAL POLICY PLAN

This plan also serves as the Open Space and Recreation Chapter of the Yarmouth Comprehensive Plan now being completed. The Comprehensive Plan will serve as Yarmouth's response to the County's Regional Policy Plan and provide a guide to the Town's planning and growth decisions. Related chapters on Water Resources, Wetlands, Wildlife and Plant Habitat, Land Use/Growth Management and Coastal Resources have already been endorsed by Town Meeting.

WHY IS AN UPDATE NECESSARY AT THIS TIME?

Yarmouth's 2001 update of its "Open Space & Recreation Plan" (OSRP) represents the latest comprehensive analysis and inventory of the Town's open space and recreation facilities. All towns are required by the Commonwealth to update their OSRP's to harmonize with the Cape Cod Commission's "Regional Policy Plan." Significant grant monies are now available to Yarmouth from the Commonwealth because our OSRP is completed and up to date. Yarmouth has received over a million dollars in the last several years from the Commonwealth for recreation and open space protection. The Bayberry Hills "Links" Golf Course and Old Townhouse Park were significantly funded by "Open Space and Recreation Self-Help Grants."

GOALS AND POLICIES FOR RECREATION AND OPEN SPACE

The goals described in this section are the long-range aspirations of the Town of Yarmouth for the protection of natural resources and the provision of recreational opportunities for its citizens and visitors. These goals were developed with input from the community through a detailed public opinion survey and outreach meetings.

GOAL #1 CONSERVATION - Protect and enhance Yarmouth's fragile environmental resources, including water quality, scenic beauty, and unique habitats.

GOAL #2 OPEN SPACE - Preserve and manage sufficient areas to maintain a healthy natural environment, providing habitat for wildlife, encourage outdoor recreation, and retain community character.

GOAL #3 RECREATION - Meet all residents' and visitors' recreational needs by providing a balanced, year-round recreational program, with adequate indoor and outdoor facilities, while protecting sensitive natural resources, and keeping costs affordable.

OBJECTIVES

1. CONSERVATION - SEE GOAL #1
   - A. Protect and enhance coastal/saltwater resources
   - B. Protect fresh water and wetland resources
   - C. Preserve unique natural features
   - D. Mitigate natural hazards of storm flooding and sea land rise.
   - E. Manage Town's open space properties to protect natural resources, while engineering appropriate public use.
   - F. Prevent degradation and abuse of open space areas.
   - G. Coordinate protection of natural resource Areas with multiple jurisdictions.

2. OPEN SPACE - SEE GOAL #2
   - A. Protect environmentally sensitive lands.
   - B. Protect and retain lands of recreational value
   - C. Protect the Town's scenic resources
   - D. Protect significant historical sites or areas
   - E. Promote an integrated, cost-effective open space acquisition program.
   - F. Coordinate open space protection with regional jurisdiction.

3. RECREATION - SEE GOAL #3
   - A. Meet local recreation needs through a balanced offering of programs
   - B. Upgrade active recreation facilities to Provide better service.
   - C. Enhance fresh and salt water bathing and boating facilities
   - D. Encourage alternative transportation on safe routes, to reduce congestion, conserve energy and improve air quality.
   - E. Provide access to open space and outdoor recreational facilities for persons with varying physical and other abilities.
   - F. Cooperate with other Town departments to develop municipal land for municipal uses.
   - G. Provide public education and promotion of community recreation
   - H. Coordinate management of recreation resources which cross town boundaries.

INVENTORY OF RECREATION AND CONSERVATION LANES

A. INTRODUCTION

In 1991 the Cape Cod Commission proposed a regional open space greenbelt system. Towns were asked to refine this greenbelt. In Yarmouth the Commission proposed including the bog marshes and conservation land in the greenbelt,on the west side of the town.

B. PUBLIC LANDS AND FACILITIES

With over 4,600 acres under its control the Town is the largest landowner in Yarmouth. A large percentage, 1700 acres is devoted to conservation. Another major portion is held for public water supply. (See Chap. 8-Land Use/Growth Management)

Yarmouth has done a better job then most in connecting open space holdings. About 1/4 of the present holdings were acquired between 1984 and 1987. The 1986 Open Space Plan laid the framework for many of these purchases.

In 1997, the Governor announced his intent to have the state donate the 12 acre railbed segment east of the Transfer Station to the town. The transfer has been made but the design problem of how to handle the bike trail crossing over Bass River remains. Dennis is responsible for the design and building across the trestle.

C. PRIVATE OPEN SPACE LANDS AND FACILITIES

Augmenting the Town-owned open space lands are approximately 1500 acres with varying degrees of legal protection against development. The Boy Scouts operate 271 acre Camp Greenough as a seasonal facility. Yarmouth Conservation Trust is a private non-profit corporation holding 158 acres, and also 88 acres of conservation restricted property. Woodside Cemetery, Kings Way and Blue Rock Golf Courses also provide open space. Little remaining land remains in Yarmouth which is subject to development beyond these.

D. RECREATION FACILITIES

1. Public Recreation Facilities- According to inventory there were 20 playing fields in Yarmouth mostly owned by the Regional School District before the advent of Old Town House Road Park.
2. Private Recreation Facilities - There are a number of private commercial enterprises, golf courses, racquet club, bowling, tennis club, and miniature golf.
3. Special Recreational Features
   - A. Cape Cod Pathways - Selectmen have endorsed concept of a network of linked walking trails across Cape Cod.
   - B. Bike Trails - A number of bike trails have been developed and others designed. Connections to other towns are an important priority.
   - C. Old Town House Road Park - Recreation Committee redeveloped about 15 acres at east end of the capped town landfill - Heavy use has proven its popularity.

E. RECREATIONAL PROGRAMS

- The most popular youth programs are soccer, sailing, swimming, baseball, and basketball.
- No master plan of improvements to the Flax Pond facilities has been completed and structures continue to deteriorate.
- Lack of centralized indoor facilities severely hampers growth of recreational programs.

ANALYSIS OF NEEDS

A. SUMMARY OF RESOURCE LANDS PROTECTION NEEDS

- The Town should seize opportunities in the margins by acquiring smaller parcels and "linkage" properties.
- Additional access to water bodies, inland ponds and bogs should be pursued.
- Be alert to changes proposed in lands that are now protected by temporary restrictions.
- Integrate the assemblage of open spaces into a community vision.
- As the town becomes more year-round, and as the populations' age rises, the importance of year-round programs and indoor facilities becomes magnified.

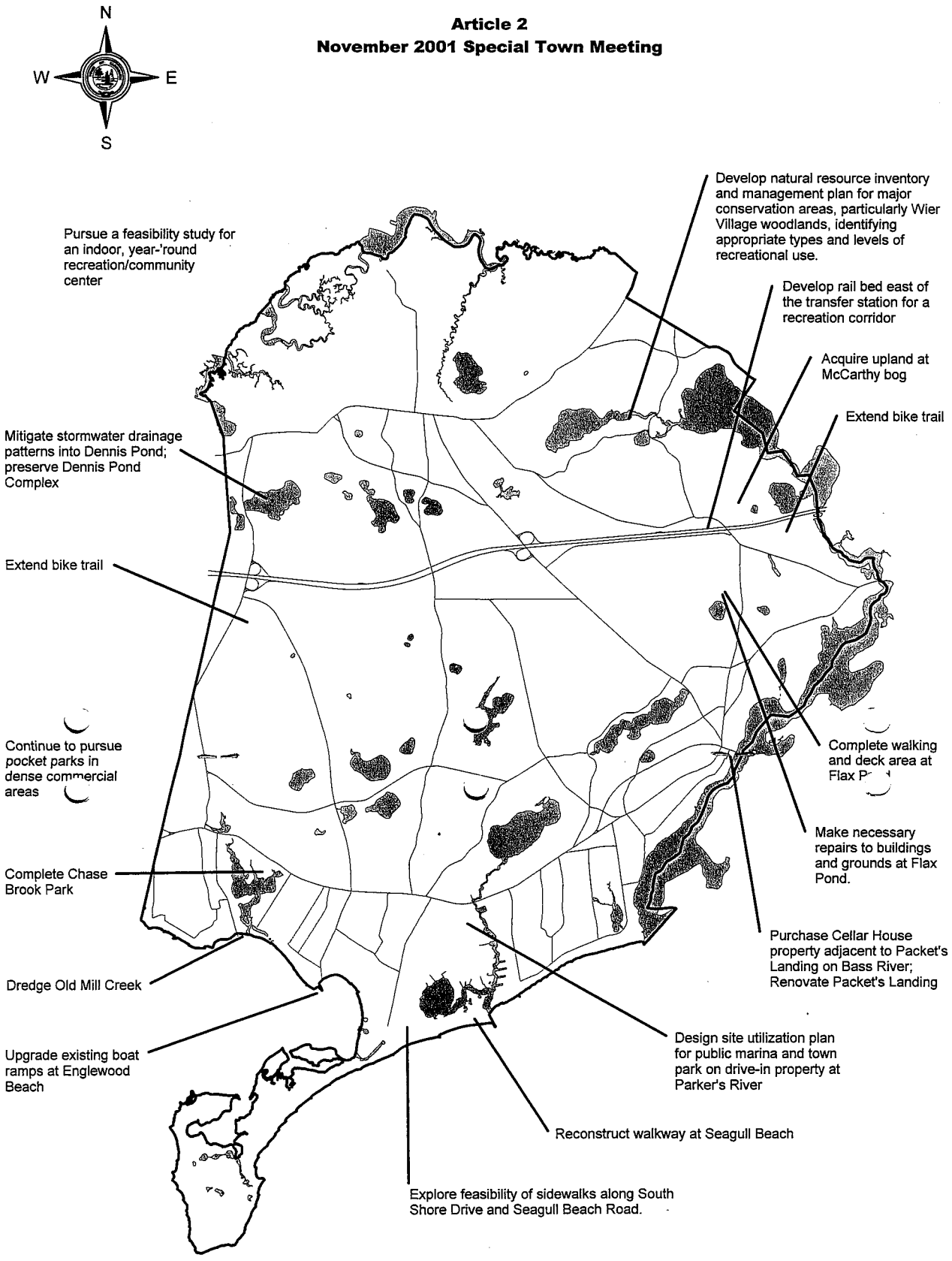
B. SUMMARY OF RECREATION NEEDS

- Yarmouth's supply of recreational facilities meets or exceeds the demand generated by its winter population.
- Greatest lack appears to be in playground space and ball fields, during the summer season.
- Lack of parking will continue to be a ceiling to public beach use.
- A problem is that popular facilities can be open for public use six months of the year only.
- The Yarmouth Senior Center is popular but a deed restriction prohibits it from being used for general public recreation.
- There is a need for a stand-alone multi-purpose indoor community recreation center.
- Other gaps are the lack of programs oriented towards teens and lack of skateboard parks.

C. SPECIAL NEEDS - ACCESS BY THE DISABLED

- Town needs to refine its property inventory for opportunities where handicapped can be provided experiences.
- Conservation Div. Has identified Raymond J. Syrjala and Meadowbrook Conservation Areas for

Article 2
November 2001 Special Town Meeting



TOWN OF YARMOUTH

COMPREHENSIVE PLAN

RECREATION AND OPEN SPACE
CHAPTER 6
Revised - November 2001

YARMOUTH GIS

segments of handicapped trails.
- Meadowbrook boardwalk was upgraded but burned by vandals in 2001.
- Some upgrades have been completed; a new walkway at Seagull Beach; deck at Flax Pond for wheelchairs.

D. LAND MAINTENANCE/FACILITY NEEDS
- Town meeting may want to deputize other town officials to bolster enforcement.
- Should be an area designated for dogs to use
- Vandalism continues to be a problem
- Yarmouth has been in lead implementing opportunities for redevelopment, to create landscaped areas.
- Yarmouth Conservation Trust has provided leadership, help, and fund raising for several parks.

ACTION PLAN

The following actions are designed to implement the Goals and Objectives of this Chapter and to address the needs identified. They are intended to conform, to the extent possible, given Yarmouth's distinctiveness, to the Cape Cod Commission's Regional Policy Plan, the 1996 version.

CONSERVATION ACTION

A. COASTAL RESOURCES/SALT WATER QUALITY
1. Prohibits direct discharge of untreated stormwater and wastewater into coastal waterways. Mitigate untreated stormwater discharge through the use of vegetated swales etc.
2. Nominate portions of waterways as federal EPA Non Discharge areas for boats;coordinate with health officials.

B. FRESHWATER/WETLAND RESOURCES
1. Amend local wetlands protection by-law to protect vernal pools.
2. Evaluate and, if necessary, mitigate stormwater drainage patterns into Dennis Pond and Long Pond, South Yarmouth.

C. UNIQUE AREAS
1. Identify and certify all vernal pools
2. Pursue acquisition of Treasure Island cedar swamp, near the Hyannis line, for conservation use.
3. Pending evaluation, dedicate appropriate portions of undesignated town owned land as conservation land under MGL, Chap. 40, Sec. 86.

D. FLOODING/SEA LEVEL RISE
1. Amend zoning by-law to prohibit new non-water dependent construction in FEMA V-flood zones.
2. Amend local wetlands protection by-laws to accommodate inland migration of salt water wetlands, where feasible, based or a 2-foot sea level rise.

E. NATURAL RESOURCE MANAGEMENT
1. Develop natural resource inventory and management plan for major conservation areas, identifying appropriate types and levels of recreational areas.
2. Evaluate conservation significance of town-owned parcels acquired through tax-title foreclosure.
3. Prepare and distribute public information about hurricane preparation, wetland protection, flood proofing, and boating safety.

F. PATROL/LAND MAINTENANCE
1. Deputize appropriate town officials, including health agents, in addition to police and harbor masters, to bolster enforcement of MGL, Chap. 270, Sec. 16, to prevent illegal dumping on public land.
2. Encourage non-profit groups, and volunteers to organize clean-ups of public and private open space.
3. Evaluate landfill/transfer station fees and collection policies to discourage residents from disposing of bulk items in unauthorized areas. Explore alternative Methods of legal disposal.

4. Regulate motorized and non-motorized bicycle use on nature trails.

G. REGIONAL COORDINATION

1. Evaluate Cape Cod Pathways proposed routes and dedicate specific town lands to that effort.
2. Seek approval of bike trail extension to Barnstable and Dennis town line

OPEN SPACE ACTIONS

A. PROTECTION/SENSITIVE LANDS

1. By means of regulatory and non-regulatory methods, protect lands which meet one or more of the following criteria:
   A. Lands within or adjacent to designated protected open space or potential open space.
   B. Lands within or adjacent to fresh and salt water bodies, beaches, wetlands, bogs, ponds, and flood plains.
   C. Lands containing vernal pools or which provide refuge to endangered or threatened species.
   D. Lands providing wildlife corridors which allow movement and migration of wildlife indigenous to Yarmouth
   E. Lands useful for multiple public purposes or enhancement of Cape Cod Pathways.

B. PROTECTION/RECREATION LANDS

1. By means of regulatory or non-regulatory methods protect lands which meet one or more of the following criteria:
   A. Lands which abut existing public and private recreation and open space lands.
   B. Lands which could be designed to promote linking or bicycle trails
   C. Lands which could allow for expanded recreational facilities in parts of Town presently under-supplied, and including lands within existing densely developed sub-divisions.
2. Encourage private golf courses and campgrounds to apply for property tax reductions via MGL Chap. 61B applications for current use assessment.

C. PROTECTION/SCENIC RESOURCES

1. Encourage use of construction and design standards contained in "Designing the Future etc." report of Cape Cod Commission.
2. Where feasible, require placement of new utility lines underground.

D. PROTECTION/HISTORIC RESOURCES

1. Purchase Cellar House property adjacent to Packets Landing on Bass River for park purposes and historic preservation.
2. Install proper signage and covenants to protect public usage of ancient ways.

E. COST EFFECTIVE PROGRAM

1. Conduct mailings and hold workshops for large land owners describing tax benefits associated with land preservation options, such as the 1989 town conservation restriction program.
2. Adopt a policy to acquire tax title lands and evaluate them for conservation, open space or recreation significance before deciding to dispose of them.

F. REGIONAL COORDINATION

1. Identify and map strategic parcels needed to implement an open space/greenbelt system, particularly parcels providing connections to Cape Cod Pathways.
2. Encourage cluster subdivision design to protect significant linkage in the green belt system.

RECREATION ACTIONS

Recreation Programs

1. Develop additional adult and senior recreation programs, using town funds and fees.
2. Work cooperatively with other Town departments to develop bikepaths and walking trails.
3. Review and update recreation program offerings as community needs dictate.

Active Recreation Facilities

1. a) Finalize conceptual plan for new multi-use park and golf course at Old Town House Road.
   b) Develop plans for management of OTH Road Park at Landfill
   c) Finalize management plan for OTH R. Park at Landfill
   d) Open OTH Road Part at Landfill (Note: Facility Built-Park Opened)
2. Make necessary repairs to buildings and land at Flax Pond
3. Develop additional playing fields, distributed evenly through Town - Order to Priority given.
4. Build or re-use existing structure for centrally located community recreation center.
5. Develop additional playing fields, distributed evenly through Town - Order of priority given.

Beach/Boating Facilities

1. Dredge Old Mill Creek channel behind Colonial Acres to expand mooring potential and enhance water quality.
2. Upgrade existing boat ramps at Bayview Beach and Englewood Beach. Examine boat trailer parking needs.
3. Design site utilization plan for a public marina and town park at drive-in property on Parker's River.

Alternative Transportation

1. Develop the railroad east of the Transfer Station as a recreational corridor
2. Study feasibility of siting an off-site parking facility and shuttle for southside beaches.
3. Install additional bicycle racks at beaches, parks, and in commercial areas.
4. Promote Cape Cod Pathways as an off-season tourist attraction as well as a year-round recreational site.
5. Explore feasibility of sidewalks along South Shore Drive and Seagull Beach Road.

Handicapped Accessibility

1. Install new handi-capped accessible walkway at Meadowbrook Conservation Area
2. Complete walkway and deck area at Flax Pond to provide water access for handi-capped.
3. Re-construct walkway at Seagull Beach to provide accessibility to high water mark.

Regional Coordination

1. Appoint a local coordinator and committee to participate in and advise Cape Cod Pathways Program.
2. Update Open Space and Recreation Plan for continued state eligibility in 2006.
3. Consider placing active recreation plan portion in Community Facilities Services portion of Comprehensive Plan

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Notes And Credits:

*We wish to thank Mark H. Robinson, Exec. Director of the Compact of Cape Cod Conservation Trusts, Inc. who has once more served as our highly capable consultant and author of this planning report.

* If you have any questions, clarifications, or suggestions about this report please call or write the Yarmouth Conservation Division in the Yarmouth Town Offices, 1146 Route 28, South Yarmouth, MA 02664 or call (508) 398-2231 ext. 283

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CONSULTANT'S CREDIT

For this particular chapter of the Comprehensive Plan, Chapter 6, Recreation and Open Space Plan, we have once again used Mark Robinson, the Executive Director of the Compact of Cape Cod Conservation Trusts, Inc. Mr. Robinson prepared the previous Recreation and Open Space Plan in 1996, which was endorsed by Town Meeting. This Plan replaced that one, in this case in its entirety, and that was also endorsed by Town Meeting, in April of 2002.

The objective has been to update the Plan every five years, and for that we have used a staff committee of three, Phil Whitten, Director of Parks, Pat Armstrong, Recreation Director, and Brad Hall, Conservation Administrator to provide review and guidance.

Preparing, editing, and updating the wording of the new plan so that it matched and reflected the changes that have taken place was a real challenge. But with the assistance of the four above-mentioned persons it has been accomplished. It has been our pleasure to work with them and they have been extremely helpful and knowledgeable.

We also want to thank Ms. Janice Strobl, Receptionist, and Brad Hall for their tabulation and analysis of the Recreation and Open Space Questionnaire. We could not have gathered that valuable information without them.

TABLE 1 - YARMOUTH COMPREHENSIVE PLAN SCHEDULE OF PLAN ENDORSEMENTS

Chapter No.	Title	Type of Article	Town Mtg. Type-Date	Article No.	Action
	Vision Statement	Policy *Amendment*	ATM - 27 Apr 94 ATM - 10 Apr 01	Art. 24 Art. 16	Endorsed Endorsed
1	Introduction of Comp Plan	Research			Not Presented
2	Outreach Program	Research			No Presented
3	Population Study and Forecasts, 1995-2015	Research			No Presented
4	Economic Development - Inventory	Research			No Presented
5	Intergovernmental Coordination and Resources of Regional Importance	Research			No Presented
6	Recreation and Open Space	Policy *Replacement*	ATM - 10 Apr. 97 STM - 27 Nov. 01	Art. 26 Art. 2	Endorsed Endorsed
7	Coastal Resources	Policy	ATM - 10 Apr. 97	Art. 27	Endorsed
8	Land Use/Growth Management	Policy	STM - 1 Dec. 98	Art. 1	Endorsed
9	Transportation Plan	Policy	ATm – 11 Apr 00	Art. 15	Endorsed
10	Economic Development	Policy	STM - 11 Jan 00	Art. 7	Endorsed
11	Wetlands	Policy	ATM - 14 Apr. 98	Art. 14	Endorsed
12	Water Resources Plan	Policy *Replacement*	STM - 29 Jul 97 STM - 27 Nov. 01	Art. 2 Art. 2	Endorsed Endorsed
13	Wildlife and Plant Habitat	Policy	ATM - 14 Apr. 99	Art. 14	Endorsed
14	Affordable Housing	Policy	STM 10 Feb. 98	Art. 2	Endorsed
15	Community character Chapter -Scenic Vistas -Historic Preservation Portion	 Policy Policy	 ATM 10 Apr. 01 ATM 10 Apr. 01	 Art. 15 Art. 15	 Endorsed Endorsed
16	Infrastructure Chapter - Solid and Liquid Waste Portion	 Policy	 STM - 27 Nov. 01	 Art. 3	 Endorsed
17	Intergovernmental Coordination and Resources of Regional Importance	Policy *Supercedes Chapter 5*	ATM - 27 Nov. 01	Art. 16	Endorsed
18	Implementation, Financial Information, and Capital Programming	Policy	STM - 27 Nov. 01	Art. 3	Endorsed
19	Community Facilities and Services - energy Portion	Policy	STM - 27 Nov. 01	Art. 4	Endorsed

INTRODUCTION

ORGANIZATION
PREPARING THE PLAN
PRESENTATION OF ELEMENTS
USE OF "LONG SUMMARY" APPROACH
UPDATES OF SUBJECTS

INTRODUCTION TO THE COMPREHENSIVE PLAN

ORGANIZATION OF THE COMPREHENSIVE PLAN

The Yarmouth Comprehensive Plan is organized so that it will be done by individual chapters about each pertinent subject. There are 18 of these in our basic work program, and 16 have been completed, with 11 endorsed by Town Meeting and the 5 others used as reference documents not requiring action. We are the only Cape town using this incremental approach. It has been slower, but surer for us! This particular chapter, numbered 6 in the work program, contains the Open Space and Recreation Plan. This document is its "long summary" form. It is one of the basic skeleton chapters of the plan, along with Land Use/Growth Management, Economic Development, and the Transportation Plan.

WHO IS PREPARING THE PLAN?

Primary guidance for the comprehensive planning program is being given by the "Local Planning Committee", which is made up of the Planning Board, with the assistance of the Growth Policy Advisory Council. Much of the technical work is being done by the Planning staff, with advice, recommendations and analysis from the consultant, Mark Robinson, Director, Compact of Cape Cod Conservation Trusts of Barnstable, MA. He has prepared much of the professional material for this element and assisted the staff and committees. For this subject we have also used staff and a subcommittee representing Conservation , Recreation and Parks, to help gain consensus.

PRESENTATION OF THE PLAN ELEMENTS

You may have noticed the terms "executive summary" and "long summary" in the title pages and in the text. One of the problems in presenting any town's comprehensive plan is that it is written usually for three different groupings of people. Most want only the basics and not a lot of detail, thus we prepare "executive summaries". A second level of interest includes those looking for more basic technical and planning information, such as in this document, the "long summary". Finally a few want to see our detailed consultant materials. Thus we have prepared all three levels of reports for the Plan Elements.

PRESENTING THE COMPREHENSIVE PLAN

In preparing such a far-reaching and complicated plan as this, we realize there must be an extensive and a continuous outreach program. In addition to the required hearings, we are continuing to use television and radio whenever possible, as well as specially prepared handouts for meetings and "executive summaries" for Town Meeting action. Each of the Comprehensive Plan's Chapters is also a "stand alone" document in itself, so that it can be used separately, or as part of the overall program.

USE OF THE "LONG SUMMARY" APPROACH

The middle level of detail described previously, or the so-called "long summary" is the support document we have used the most. It is sufficient in detail to satisfy most interested persons, and they are also incorporated by reference into the Town Meeting votes on each chapter. This document is a "long summary" concerning the subject of Open Space and Recreation.

The "long summaries" are bound in looseleaf notebook form so that they may be added to, or amended, or even deleted, fairly easily. It is intended to be used for interested and concerned citizens and committees, and updated on a regular basis. As far as we know we are the only Cape town using this approach.

REGULAR UPDATES OF VARIOUS SUBJECTS IN COMPREHENSIVE PLAN

* The first Open Space and Recreation Chapter was prepared in 1996 by Mark Robinson, Consultant for the same staff sub-committee as is now being used.
* In April of 1997 his report was placed into a format that matched the Yarmouth Comprehensive Plan program with executive and long summaries. It was adopted after extensive public outreach by a Town Meting action with only a few negative votes.
* Now 5 years later it is time to update the previous document to take cognizance of the many changes that have taken place, and in particular the improvements at the Old Town House Road site.
* It is expected that there will continue to be regular 5 year updates on this Plan subject, not only because it is needed because of on-going changes, but because it is very desirable to meet the requirements of the State' Comprehensive Outdoor Recreation Program.

SETTING THE SCENE

OPEN SPACE AND RECREATION
SETTING THE SCENE

Open character is one of Cape Cod's strongest assets. Cranberry bogs and woodlands contribute directly to key industries in the area and Town, attracting tourists and providing areas for cranberry growing, while water bodies provide areas for fishing and swimming. However the Town of Yarmouth is nearly fully built-out and at risk of losing these attributes that draw tourists and retirees alike to the community. Open space continues to be lost to development, even though 28% of the Town's area is now in public ownership. We need to continue to slowly add to our open land inventory while trying to fulfill the needs of a vibrant and expanding municipality of some 25,000 permanent residents.

Cape Cod residents have indicated that the seasonal character of the Cape was an important factor in their deciding to live here. That has certainly been true in Yarmouth. Our expenditures for land bank purposes indicate how seriously this problem is viewed by local residents. Developments of Regional Impact (DRI's) often require developers of land to provide to the Town's "open space".

Important open space related resources that presently have little or no protection include archaeological sites, significant land forms, scenic roads and views. Hence our interest in other chapters of the Comprehensive Plan in identifying and protecting them. Scenic roads and views are critical to the tourist industry. Once visitors perceive that the Cape's natural character has vanished they will also, as will the tourists and their expenditures.

Cape Cod and Yarmouth possess a rich heritage of open space resources. The federal government has some large holdings on the Cape, but few in Yarmouth. The Commonwealth also owns significant open space areas, but elsewhere on the Cape. In large part therefore, we in Yarmouth are on our own to protect this precious resource.

In 1993 Barnstable County and the Cape Cod Commission began an initiative called "Cape Cod Pathways", designed to create a Cape-wide network of walking trails linking all 15 towns. The effort will provide a year-round recreational opportunity for both residents and visitors. The project has received widespread support and endorsements from all 15 towns including Yarmouth.

In the 1980's many Cape towns embarked on an ambitious land acquisition program for conservation, recreation, and watershed protection. Yarmouth was one of these, with the last large land taking authorized in 1987. Although commendable, this led to over 65 land taking suits, more than tripling the cost of the various parcels. The last of these suits has only recently been settled. The Selectmen now authorize only "friendly" takings, beyond the Land Bank takings.

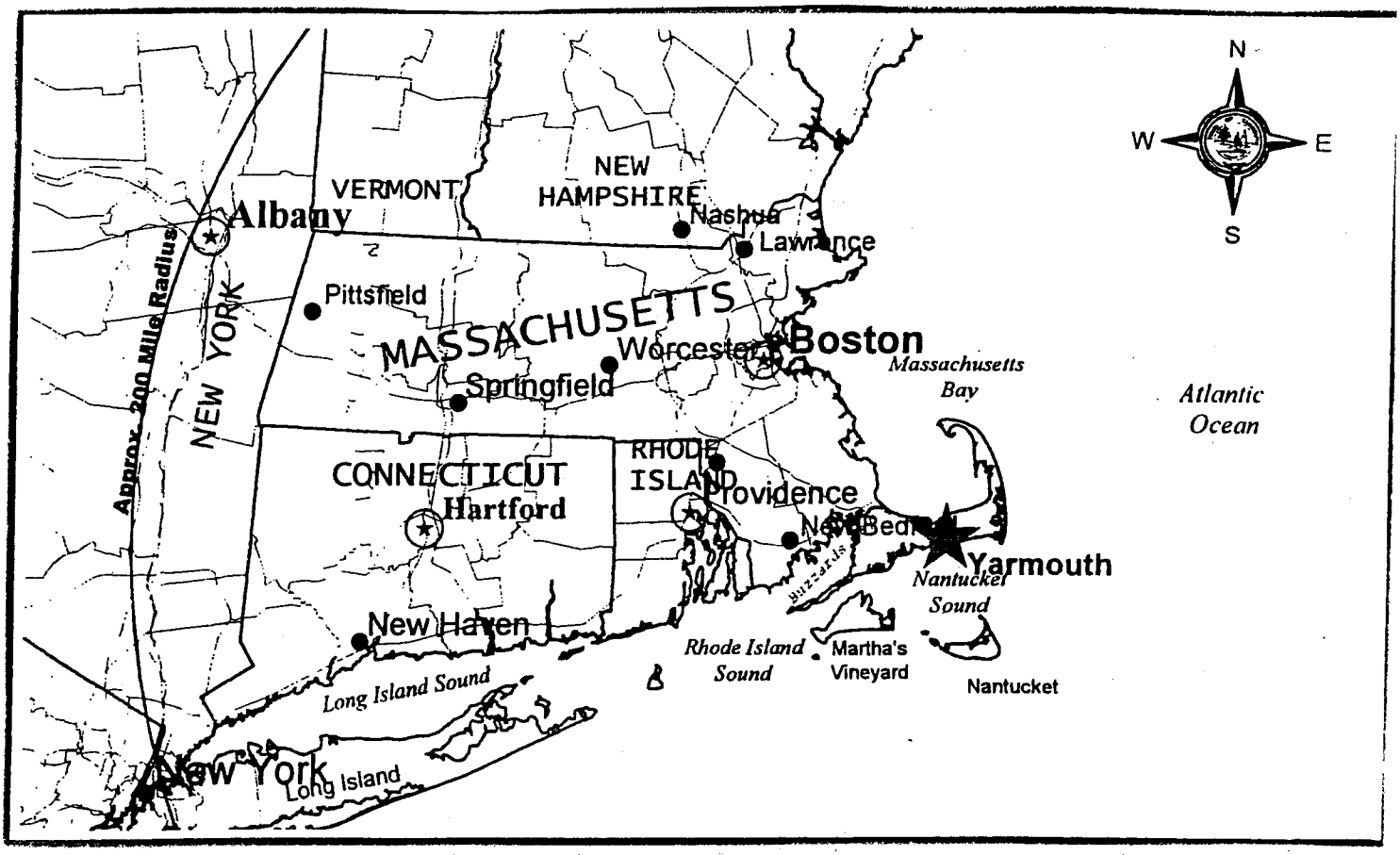
Through the development of local open space plans, Yarmouth like many Cape communities, has sought to protect significant natural and fragile areas, such as outstanding water resources, shore lands, and wetlands. The percentages of reserved open space varies widely on Cape, from 12 to 71%

in various towns. Yarmouth's 28%, about 4,500 acres, is proportion the largest in the larger towns.

Many Cape communities have attempted to protect open space by requiring that new development set aside a certain percentage of open space within the development. Yarmouth did that during the 1965-85 growth period, but the State's Supreme Court ruled this a "taking" and the parcels, though often desirable, were usually returned to the developer. Many of these were building lot sized parcels, and with relaxed "grandfathering" in Yarmouth we are experiencing infill at the rate of 60-90 units a year, only compounding our visual impact upon people that there is a dense sea of suburban subdivisions in Yarmouth.

Opportunities for active and passive recreation programs in the remaining natural environment are here in Yarmouth. Historically, the most common outdoor activities have included boating, fishing, swimming, walking and bicycling. Certainly all of these are generally compatible with the natural environment and the protection of wildlife habitat. But there is an even further scope to the problem, and that is to provide for the ever-increasing demand for active recreation areas. The conversion of the Old Town House Road site from landfill to a golf course - 9 holes, and active recreation uses, is an example of an award winning design, but there appears to be an ever-increasing active recreation use of the fields for not only our younger and youthful population, but our rapidly increasing active elder population. That is our challenge!

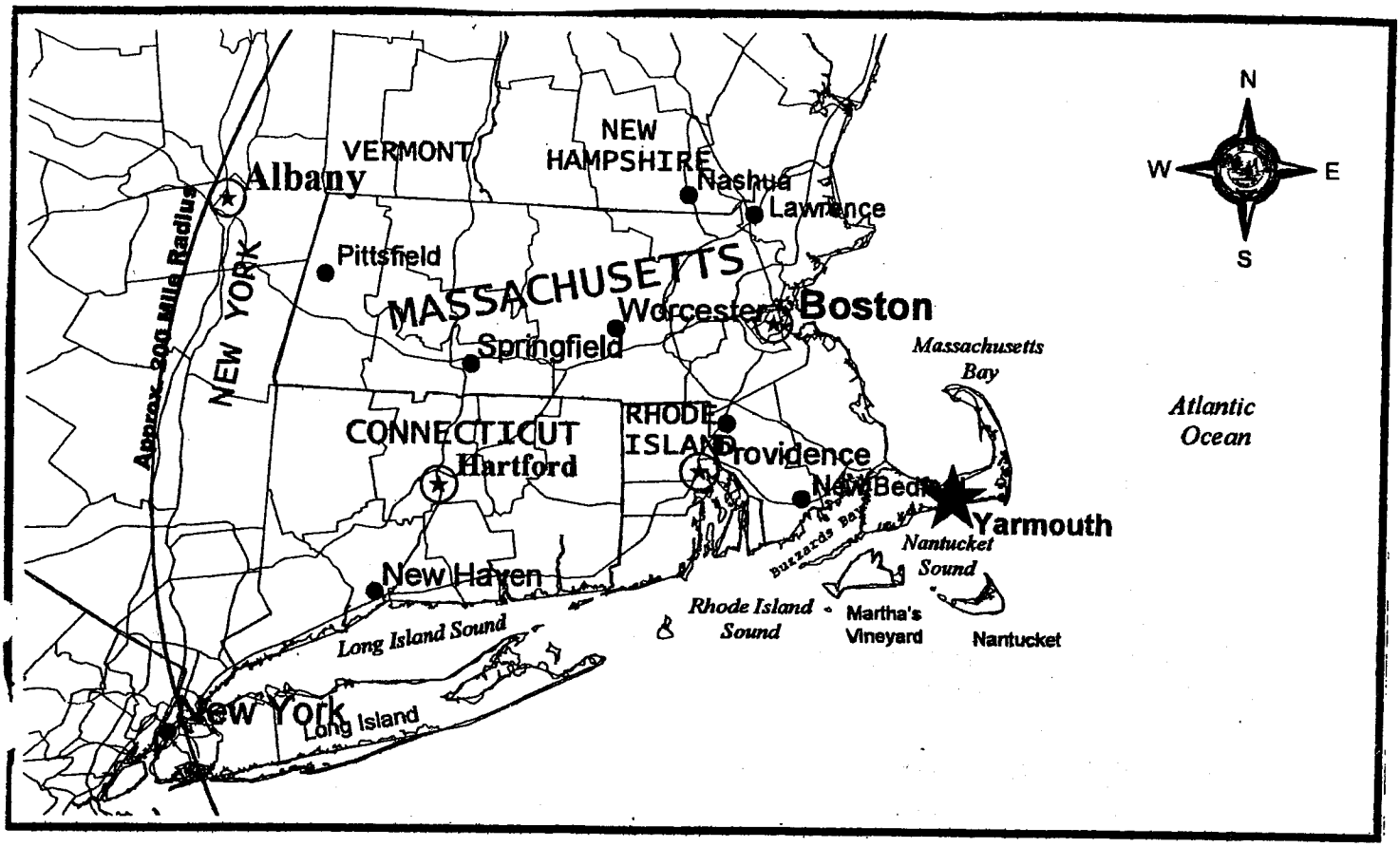
REGIONAL LOCATION MAP



6-1 Map from Here to New York City/ Albany and Portland, Maine

The importance of the Cape Cod location cannot be over-emphasized. Yarmouth lies on the Cape Cod neck some 22 miles out into the Atlantic Ocean on a spit of sand pushed up by the last glaciation purported to be 25,000 years ago. It is both the best and worst of locations. On the one hand it is remote for some things and yet not very accessible for others. Improved telecommunication has made it just that much more accessible.

SOUTHEASTERN MASSACHUSETTS MAP



6-2 Map of Yarmouth - in Southeastern New England location

While the Cape was indeed an off-beat site for years, first the construction of the bridges over the canal in the early 1930's, and then the construction of the interstate highway system in the mid-1950's, made it highly accessible for tourists and retirees.

The Cape has boomed as a result. But it is a boom that has been achieved at a price - traffic jams, pollution, over-crowding, noise, etc. However this is a location that attracts high-tech trained business persons, especially in telecommunications, and related businesses. That kind of business or industry, although dependent on rapid communications, will cause further growth and stress.

One of the main purposes of the Comprehensive Plan is to try to help deal with the dislocations related to change.

INVENTORY OF CONSERVATION

AND

RECREATION LANDS

INVENTORY OF CONSERVATION AND RECREATION LANDS

A. Introduction

In 1991 the Cape Cod Commission proposed a regional open space greenbelt system throughout Barnstable County, whose purpose is to "link existing protected open space and sensitive resources including wildlife habitat, wetland, and zones of contribution to public wells to establish a regional network of connected open space." Towns were asked to refine this greenbelt as it falls within their borders, as they develop local comprehensive plans. In Yarmouth, the Commission proposed including the Bay marshes and conservation lands in the greenbelt, as well as wetland corridors along Bass River and Parker's River and much of the west side of town, connecting up to the Hyannis Ponds State Wildlife Refuge.

B. Public Lands and Facilities

With 4,285 acres under its control, the Town of Yarmouth is the largest landowner in Yarmouth (see Table 5.1 & 5.1a)* A large percentage of this land is devoted to conservation (1,700 acres), though much of this acreage is unbuildable wetland. Another major portion (961 acres) consists of large blocks of woodland held for public water supply wells and wellfield protection. As a community, then, Yarmouth has made a strong commitment to the setting aside of lands for public use and natural resources protection.

A combination of factors - historical, geographical and political - has resulted, however, in a less than perfect distribution of these lands. Wellfields, for example, were purchased where wells would yield (but also where land was less expensive) in the West Yarmouth hinterlands. Conservation areas were assembled where land was unbuildable, primarily due to wetland soils (Yarmouthport) or lack of access for development (along the moraine). This opportunistic pattern, repeated through many Cape Cod towns, reveals the ad hoc decision making by local officials in the past (which has left Yarmouthport without a school or recreational fields), which an open space and recreation action plan and professional guidance by the town's Planning Division can perhaps remedy for the future.

Still, Yarmouth has done a better job than most in connecting the open space holdings in its interior. The studies that led to the 1986 Yarmouth Open Space and Recreation Plan, for instance, laid the framework for the ambitious municipal land purchases of the 1980's. Between the years 1984-87, the Town acquired through gift or purchase, 1,094.6 acres for assorted uses - about one-quarter of all its present holdings - many of them linked to previous acquisitions.[101]

The most popular town conservation areas, in terms of frequent use, are Callery-Darling, along the Northside marshes, and the woodlands south of Dennis Pond. The Natural Resources Department, not the Conservation Commission, is responsible for (and budgeted for) day to day management of all town conservation areas. The Callery parcel (125 acres) was purchased in 1975 with a gift of $54,327.87 from the Mary Thacher Trust fund. Most of the Dennis Pond lands were also purchased or donated in the 1970's.[102]

* The table numbering system that is being used is from the Consultant's report on the Recreation and Open Space Plan.

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[101] Marion Vuilleumer, The Town of Yarmouth, Massachusetts: A History. 1639-1989.

[102] Marion Vuilleumer, The Town of Yarmouth, Massachusetts: A History p. 277.

TABLE 5-1

TOWN OWNED LANDS BY USE, 1996

MANAGER/USE	W. YARMOUTH	YARMOUTHPORT	S. YARMOUTH	TOTALS	PERCENTAGE
CONSERVATION	430.85	1139.22	79.36	1649.43	11%
CEMETERY	35.94	19.42	6.82	62.18	0%
RECREATION	228.79	19.75	64.34	312.88	2%
SCHOOL	76.75	0	132.82	209.57	1%
WELLFIELD	662.47	161.6	137.34	961.41	6%
HOUSING	0	16.19	25.79	41.98	0%
GOLF	310	0	121.08	431.08	3%
WASTE MGT.	202.85	0	34.5	237.35	2%
OTHER	123.14	73.55	39.06	235.75	2%
TOWN-OWNED	1557.94	1429.73	485.53	4141.63	27%
NON-TOWN OWNED	Acres	Acres	Acres	11301.37	73%
TOWN LAND MASS (Except Water)	Acres	Acres	Acres	15433.00	100%

Plus 24.5 acres Stage Island, Bass river in Dennis

South Yarmouth Conservation Commission and Assessor's Office, 1996; town land mass from Yarmouth Planning Dept.

(See table 6.1a for 2001 update.

TABLE 5.1.a OPEN SPACE LAND ACQUISITIONS BY TOWN OF YARMOUTH (1996-2001)

YEAR		Upland	Wetland	TOTAL	PRIMARY	DEED Bk/Pg	PLAN Book/Page/Lot	COMMENTS			MAP	PARCEL	LAND BANK	
ACQUIRED	GRANTOR	ACREAGE			HABITATS	DEEDS REF.	PLAN REFERENCE	USE / MANAGEMENT	STREET ADDRESS	VILLAGE	ASSESSORS'		Acquisition?	PURCHASE PRICE
1997	multiple	8.08	0.00	8.08		11120/121	--	drainage & watershed prot.	Capt. Nickerson Road, S.Y.	SY	78	20	No	$150,000
1998	James RUHAN	0.35	0.00	0.35	Hawes Run; stream	11405/129	264/94; lot 16	drainage; DPW	645 Buck Island Road	WY	45	79	No	$6,100
1998	MMP Realty Trust (Desmond)	0.51	0.00	0.51	pine woods	11603/81	170/103	wellfield prot.; Water Dept.	99 Union Street	YP	115	57.1	No	$38,000
1998	R. KAUFMAN & S. FEDELE	0.00	37.65	37.65	cedar swamp	11921/253	459/28	conservation; ConCom	off Camp Street	WY	44	4	No	$0
1998	Yarmouth CAMPGROUND ASS.	0.63	0.00	0.63	pine woods; 30' wide	LCD726162	LCP35030B; LOT 4	drainage, multi-use path	west side Willow Street	WY	83	--	No	$900
1999	R. MALOOF & J. DAWAHARE	0.37	0.00	0.37	house lot	12754/151	238/111; lot 2	conservation; ConCom	8 Florence Lane	WY	23	311	No	$0
2000	Guido PERERA et al	1.00	0.00	1.00	salt marsh island	13460/34	--; Bassetts Island	conservation; ConCom	off Thacher Shore Road	YP	121	Temp 110	No	$0
2000	Peter Roberts Trust (Alvezos)	5.00	2.70	7.70	cedar swamp	13482/174	Pet. Plan 42188A	conservation; ConCom	Buck Island Road	WY	45	80	No	$0
	Total Non-Land Bank Acres	**15.94**	**40.35**	**56.29**									**TOTAL NON-LAND BANK PURCHASE PRICES**	**$195,000**
1999	C.C. SEASIDE (Rascal's)	2.59	0.00	2.59	Mill Creek; stream	12301/348	12/99.	open space; Selectmen	Route 28	WY	37	61	Yes	$140,000
2000	Roland LARAMIE	0.25	0.86	1.11	dune; salt marsh	12816/139	25/49; Lots82, 84, 107	open space; Selectmen	Connecticut Avenue	WY	16	30, 34	Yes	$8,000
2000	JONES ,SWIFT, DREW & ALVESI	4.62	0.00	4.62	pine/oak woods	13032/151	--; abuts Rt. 6	open space; Selectmen	Willow Street	WY	83	6	Yes	$15,000
2000	J. SHIELDS R.T.(Shields,Cain,Sorgi)	5.47	0.00	5.47	pine woods	12812/100	--; near RR bed	open space; Selectmen	Old Town House Road East	SY	100	10	Yes	$47,000
2000	Rex WHITE	3.52	0.00	3.52	pine woods	12974/180	240/5; lot 3	open space; Selectmen	Old Town House Road East	SY	100	11	Yes	$120,000
2000	Glenn SALVADOR	1.00	2.00	3.00	salt marsh; Halls Dock	12974/190	--;	open space; Selectmen	Hockanom Road	YP	150	34	Yes	$20,000
2000	JORDAN-PIERCE CORP.	2.39	1.60	3.99	salt marsh; island	12832/77	229/31; lots 17 & 20	open space; Selectmen	67 & 91 Pheasant Cove Circle	YP	149	46, 49	Yes	$120,000
2000	Bass River Realty Trust (SHAMSI)	0.53	0.00	0.53	grassed lot; parking	13085/236	--;	open space; Selectmen	311 Old Main Street	SY	61	84	Yes	$150,000
2000	CONG. CHURCH, GORHAM et al	2.93	0.00	2.93	pine/oak woods	13054/280	--;	open space; Selectmen	off West Great Western Rd.	SY	108	33	Yes	$8,900
2000	Michael P. PAZAKIS Trust	2.16	0.00	2.16	pine/oak woods	13054/283	--;	open space; Selectmen	off West Great Western Rd.	SY	108	37	Yes	$10,000
2000	Tara L. NOLAN	0.25	0.17	0.42	coastal bank;salt marsh	13117/105	219/117; lot 4B	open space & rec.; Selectm	25 Prince Rd. @ Mill Creek	WY	29	92	Yes	$17,700
2000	Lawrence T. PERERA	17.65	0.00	17.65	pine/oak woods	13447/186	562/1; lot B	open space; Selectmen	White Rock Road &Pine St.	YP	122	84 (part)	Yes	$375,000
2000	THACHER ROAD R.T. (Perera)	2.11	2.14	4.25	beech/maple woods	13442/194	215/115; lot 1	open space; Selectmen	169 Thacher Shore Road	YP	122	69	Yes	$245,000
2001	Maximas HATZILIADES	3.05	4.00	7.05	Mill Pond shore	13638/325	556/32; lots 2 & 3	open space; Selectmen	262 & 270 Weir Road	YP	117	1.2 &1.3	Yes	$388,000
2001	John Gregory ANDERSON	0.61	0.00	0.61	"cellar house"	(Jan. '02)	Packet Landing@Bass River	open space; Selectmen	1377 Bridge Street	SY	78	61	Yes (part)*	$150,000
2001	MIDDLETOWN CRANBERRY Co.	13.00	13.46	26.46	cran. bog; pine woods	13723/46	Beaton Bog	open space; agricult.;Selct.	221 Union Street	YP	106	84.1&122	Yes	$550,000
2001	Alex, Thomas & Robt. TROIANO	0.00	1.77	1.77	salt marsh	14625/62	112/5; lots 58, 59, 60	open space; Selectmen	86, 90, 96 Gleason Ave.	WY	29	65,66,67	Yes	$19,500
2001	John CAMBIA	0.29	0.00	0.29	coastal bank	14625/59	229/31; lot 10	open space; Selectmen	8 Windswept Way	YP	149	10	Yes	$5,000
	Total Land Bank Acres	**62.42**	**26.00**	**88.42**									**TOTAL LAND BANK PURCHASE PRICES**	**$2,389,100**
	1996-2001 GRAND TOTALS	**78.36**	**66.35**	**144.71**									* OTHER LAND ACQUISITION FUNDING (ISTEA)	$425,000
													GRAND TOTAL ALL LAND PURCHASES, 1996-2001	**$3,009,100**

12/01 Source: The Compact of Cape Cod Conservation Trusts, Inc.

TABLE 5.1.a OPEN SPACE LAND ACQUISITIONS BY TOWN OF YARMOUTH (1996-2001)

12/01 Source: The Compact of Cape Cod Conservation Trusts, Inc.

The Commonwealth of Massachusetts is represented in Yarmouth primarily by its Route 6 right of way, running as a double-barreled, limited access highway from the Barnstable line to Dennis. A highway rest area, including pine-shaded picnic tables overlooking Follins Pond and Dinah's Pond, was located at Taylor's Point on Route 6 westbound, but this roadside attraction was closed in the past five years. (The Massachusetts Highway Department also maintains garaging and salt sheds on seven acres of Higgins Crowell Rd., WY.) The right of way varies in width, but averages 300 feet, though the actual road bed rarely exceeds 100 feet wide. The wide shoulders, therefore, provide a natural greenbelt to the highway.

In 1995, to aid protection of waterfowl habitat, the Yarmouth Conservation Trust facilitated purchase of 56 acres of salt marsh by the Massachusetts Division of Fisheries and Wildlife (for $90,720) in Chase Garden Creek as a state conservation area. There is no state management presence at this facility. Hunting and fishing are allowed; no parking area is provided. The state-owned marsh filled a key gap between town-owned marsh holdings. The Town Land Bank proposes purchasing another inholding along the marsh edge in 2001.

The Massachusetts Bay Transit Authority (MBTA) owned the 5.5 miles of railroad bed that run east and west through town and south to Hyannis. In 1997 then Governor Cellucci announced his intent to have the state donate the two-mile long 12-acre rail bed segment east of the transfer station to the Town for recreational purposes, including extension of the popular bike path (Cape Cod Rail Trail) west from Route 134 in Dennis. Though this transfer has since been made, the design problem of how to handle a bike trail crossing over Bass River remains. The Town of Dennis is reportedly responsible for designing and building the actual river crossing over the old trestle, so some inter-town coordination will be needed.

The town owns other properties for general municipal purposes which are used de facto for conservation and recreation. About 80 acres of these "undesignated use" parcels, under the control of the Selectmen, could be formally transferred to the Conservation Commission for increased statutory protection and augmentation of existing conservation areas. (See Appendix B of 1996 Plan) Also, since the advent of the Land Bank, most parcels purchased under its aegis are acquired for "open space" and are not assigned to the Conservation Commission or Recreation Commission; it is assumed that the Selectmen retain management authority over Land Bank lands. The obvious conservation lands from that list, such as those near wetlands or other town conservation areas, could be transferred to the Conservation Commission. (See Appendix B of the 1996 Plan for a complete list of town-owned open space by village.)

C. OPEN SPACE LAND ACQUISITIONS BY TOWN OF YARMOUTH (1996-2001)

In November 19998, Yarmouth voters in the general election joined all other Cape Cod towns in approving a binding referendum accepting the provisions of the Cape Cod Open Space Land Acquisition Program, the so-called Land Bank bill.[103] Under the Act, town voters agreed to adopt a three percent surcharge on property tax bills, from 1999 through 2020. Revenues generated,

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[103] Chapter 293 of the Acts of 1998.

approximately $800,000 per year in Yarmouth , are dedicated solely for the purpose of open space. For the years 1999-2002, the Commonwealth is providing an automatic 50% matching grant relative to the town's land bank receipts. [104] The Selectmen appointed a Land Bank Committee in 1999, which identifies important conservation and recreation land parcels, negotiates purchase agreements, and presents the agreements to Town Meeting for approval.

Since Spring Town Meeting in 1999, the Land Bank has proposed the purchase of 18 parcels totaling 88 acres for negotiated prices totaling $2,389,100. (See Table 5.1.a) Town Meeting has approved all of these purchases, typically with wide support. The average price per acre of $27, 000 in Yarmouth compares favorably with the Cape Cod average of $26,000. The Land Bank Committee reports that many of the larger vacant parcels still remaining in town are not for sale or otherwise available, and hostile takings have not been contemplated. Still, the types of properties which have been purchased so far is impressive: the Town's most scenic cranberry bog (Beaton Bog on Union Street); 18 acres of woods abutting the Thacher Conservation Area on Pine Street; marsh edge properties in West Yarmouth and Yarmouthport; Chase Brook Park and Packet Landing along Route 28; wellfield protection land in South Yarmouth; and 700 feet of pond shore at the head of Bass River's Mill Pond. (See Table 5.1.a)

All of the parcels purchased using Land Bank funds have been for general open space purposes as defined by the Land Bank Act and entrusted to the care and custody of the Selectmen. These purposes include conservation or recreation. By not assigning a specific use in the Town Meeting vote and in the deeds, it is possible that these land bank parcels could be shifted to one or more uses within the definition. Thus, there is no guarantee that natural areas being acquired will remain natural; they could be converted into manicured playing fields. In the past, Town Meeting devoted natural areas which were acquired to the Conservation Commission, wellfield protection lands to the Water Department, etc.

D. PRIVATE OPEN SPACE LANDS AND FACILITIES (See Maps 5.1,5.2, and 5.3&9A)

Augmenting the town-owned open space lands are approximately 1500 acres of land with varying degrees of legal protection against development. (See Table 5.2) The Cape Cod Council, Boy Scouts of America, Inc. operates 271-acre Camp Greenough as a seasonal camping facility for scouts. Established with an original gift of land under the will of Henry C. Thacher in 1944 at the south end of Greenough Pond, other lands were donated or sold to the Council over the next 30 years. About three quarters of the camp's landholding is protected through reverter clauses in the deeds, which stipulate that if the land is ever to be used for purposes not consistent with the Council's "chartered purpose," then title will be transferred to the Yarmouth Conservation Commission.[105] Approximately 145 acres were acquired without these reverters; those lands could be disposed of by the Council.

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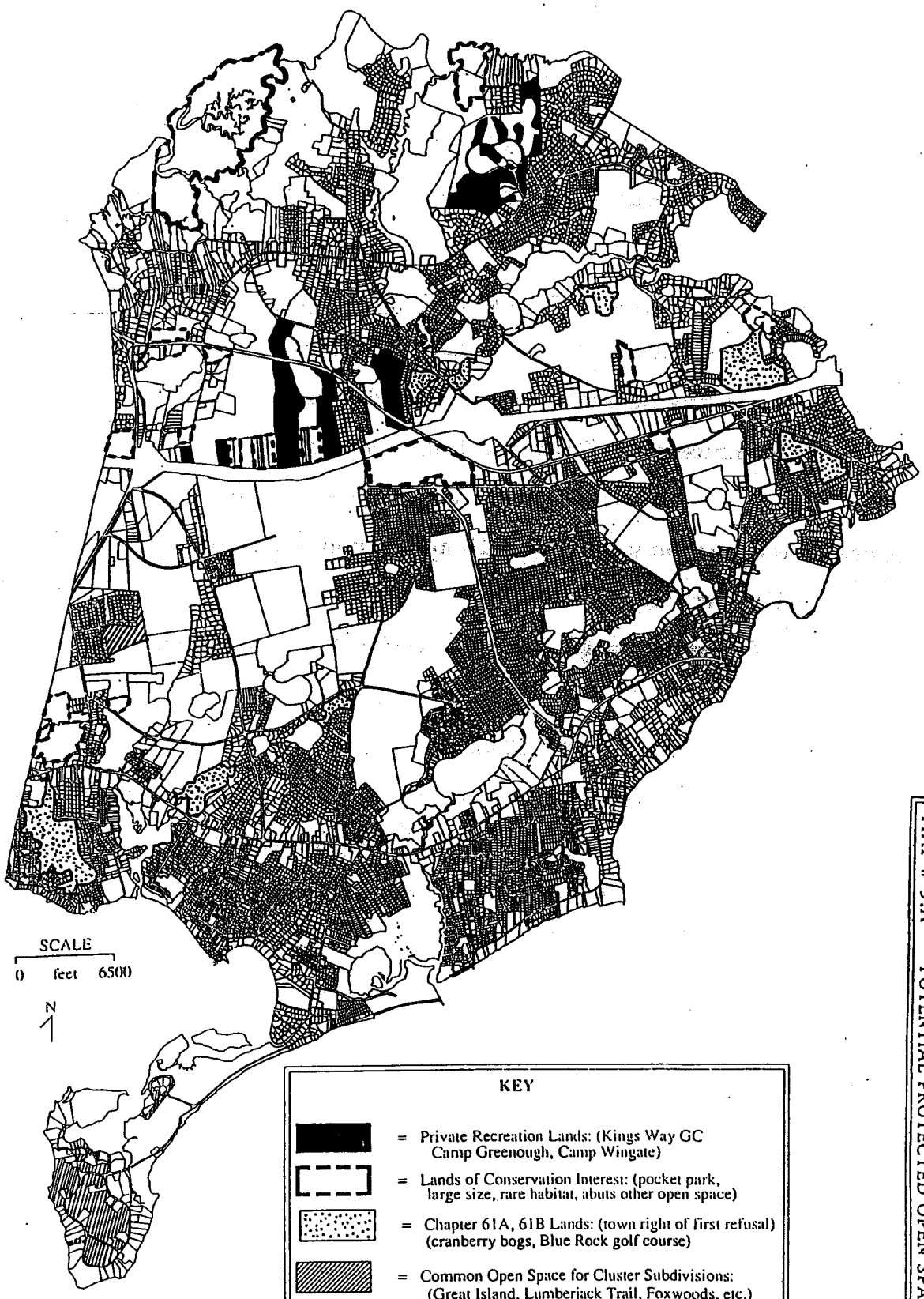
[104] Approximately $1.1 million total was available through town and state receipts in FY2000. (Yarmouth Annual Report, 1999.) The Land Bank Committee's report was missing from the 2000 Annual Report.

[105] Barnstable Registry of Deeds: Book 1228, pages 537,570,573; Book 1244, page 597; Book 1301, page 195. (It is unclear if these reverter clauses are effective in perpetuity or become expired after 30 years unless renewed, a time period now elapsed)

YARMOUTH OPEN SPACE and RECREATION PLAN, 1996
MAP # 9.A POTENTIAL PROTECTED OPEN SPACE



YARMOUTH OPEN SPACE and RECREATION PLAN, 1996
MAP # 9.A POTENTIAL PROTECTED OPEN SPACE

YARMOUTH OPEN SPACE and RECREATION PLAN, 1996
MAP # 5.1 PROTECTED OPEN SPACE

TOWN OF YARMOUTH, MASS.
OPEN SPACE & RECREATION LANDS

KEY

- = TOWN OF YARMOUTH (RECREATION, CEMETERY, WATERFRONT ACCESS)
- = TOWN OF YARMOUTH (CONSERVATION & UNDEVELOPABLE MUNICIPAL LAND)
- = TOWN OF YARMOUTH (WATER DEPT., WELLFIELDS)
- = YARMOUTH CONSERVATION TRUST (also, other private, non-profit; or conservation restriction)
- = MASSACHUSETTS DIVISION OF FISHERIES & WILDLIFE

(Open Space Map prepared March 1996 by The Compact of Cape Cod Conservation Trusts, Inc.)

N

SCALE: 1" = 1,500'

YARMOUTHPORT

DENNIS

FOLLINS POND

MILL POND

Gray's Beach

Callery-Darling

Hamlins Dock Rd

Bray Farm

Bray Farm Rd

Satuckat Rd

N Dennis Rd

Mayflair Rd

Green Hill Farm

S Shore Dr

Old Church St

Rte 6A

TOM MATTHEWS POND

B.R. R & G.Club

White Rock Rd

W Yarmouth Rd

Willow St

Union St

Main St

Weir Village Woodlands

N Dennis Rd

W Great Western Rd

S Yarmouth Rd

DENNIS POND

Porch Pond

N Yarmouth Rd

Rte 6

Route 6

Whites Path

Great Western Rd

N Main St

Old Townhouse Rd

BARNSTABLE

YARMOUTH OPEN SPACE and RECREATION PLAN, 1996
MAP # 5.2 PROTECTED OPEN SPACE

Rte 6
Route 6
Landfill
Old Townhouse Rd
Higgins Crowell Road
Higgins
Bayberry Hills Golf Course
Schools
W. Yarmouth Rd
The Plashes
Higgins Crowell Rd
Camp St
BARNSTABLE
Horse Pond
Buck Island Road
Buck Island Rd
Spray Site D
Little Sandy Pond
Cedar Swamp
Big Sandy Pond
Meadow Green Rd
Mt. Karnduff Rd
Long Pond
Rte 28
Route 28
Town Brook Rd
Hamblin Grove Rd
Abbotts Rd
Carroll Av
Whitewood Av
Bayberry Av
Mill Creek
Pine Av
Glenwood Rd
Crocker Rd
Dunn Av
S. Sea View Av
Leal Ln
Wall Rd
LEWIS BAY
Lewis Pond
Parkers River
S. Sea View Av
Lewis Bay Rd
NANTUCKET SOUND
Great Island

TOWN OF YARMOUTH, MASS.
OPEN SPACE & RECREATION LANDS

KEY

= TOWN OF YARMOUTH
(RECREATION, GOLF, CEMETERY, WATERFRONT ACCESS)

= TOWN OF YARMOUTH
(CONSERVATION & UNDEVELOPABLE MUNICIPAL LAND)

= TOWN OF YARMOUTH
(WATER DEPT., WELLFIELDS)

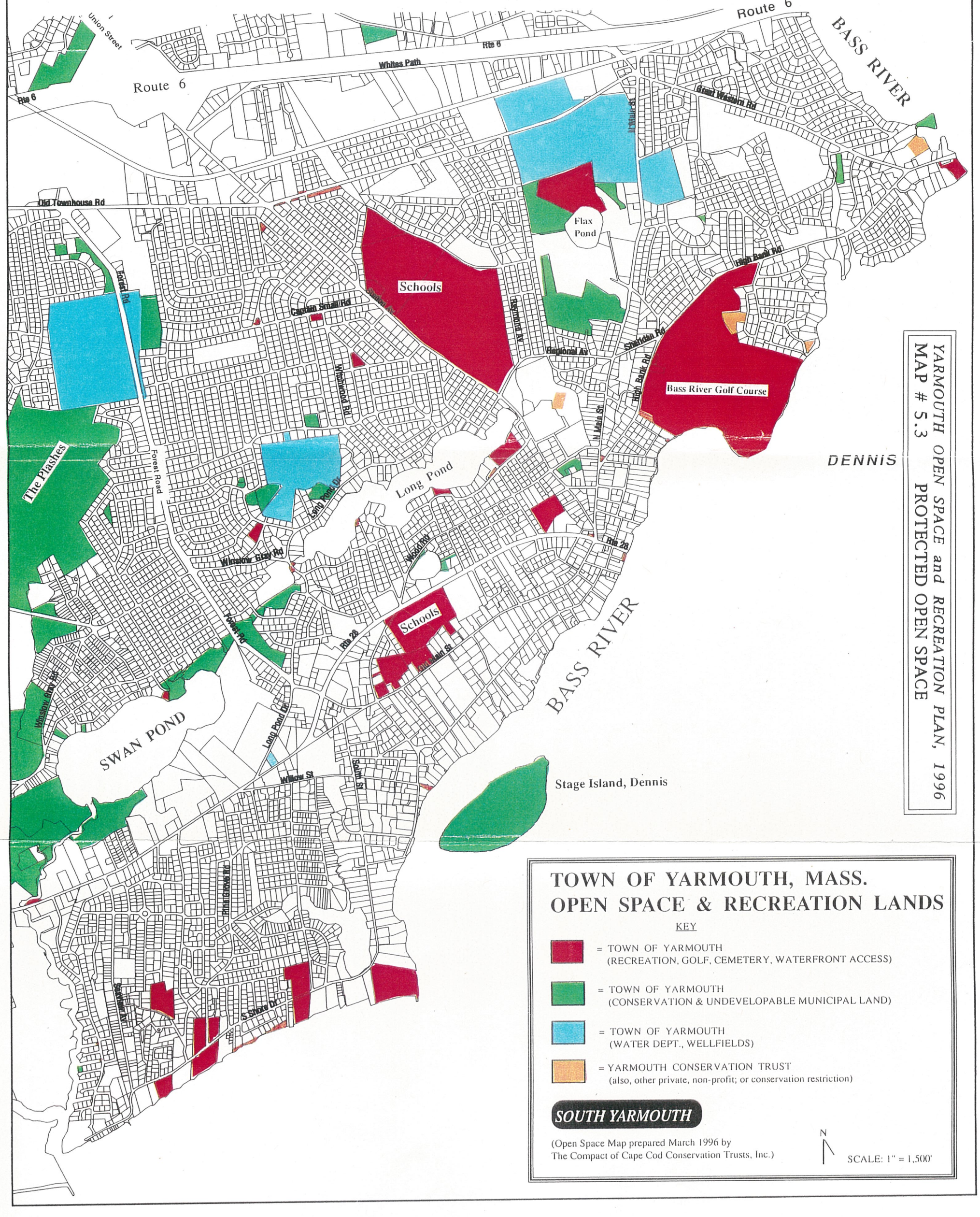
= THE TRUSTEES OF RESERVATIONS;
or, YARMOUTH CONSERVATION TRUST
(private, non-profit lands; or, conservation restrictions)

WEST YARMOUTH

(Open Space Map prepared March 1996 by
The Compact of Cape Cod Conservation Trusts, Inc.)

N

SCALE: 1" = 1,500'



YARMOUTH OPEN SPACE and RECREATION PLAN, 1996

MAP # 5.3 PROTECTED OPEN SPACE

TOWN OF YARMOUTH, MASS.
OPEN SPACE & RECREATION LANDS

KEY

- = TOWN OF YARMOUTH (RECREATION, GOLF, CEMETERY, WATERFRONT ACCESS)
- = TOWN OF YARMOUTH (CONSERVATION & UNDEVELOPABLE MUNICIPAL LAND)
- = TOWN OF YARMOUTH (WATER DEPT., WELLFIELDS)
- = YARMOUTH CONSERVATION TRUST (also, other private, non-profit; or conservation restriction)

SOUTH YARMOUTH

(Open Space Map prepared March 1996 by
The Compact of Cape Cod Conservation Trusts, Inc.)

N

SCALE: 1" = 1,500'

Table 5.2 PRIVATE LANDS HELD AS PROTECTED OPEN SPACE, Yarmouth MA, 1996 2001 update

Map	Parcel	Village	ACRES	OWNER	LOCATION	OPEN SPACE PROTECTION STATUS	ACRES by TYPE
33	V151	SY	0.12	Long Pond Fish Co.	Winslow Gray Rd.	access easement to town herring run to Long Pond	
33	E73	WY	0.3	Big Sandy Association	Cottage Drive	homeowners' association beach on Big Sandy Pond	
66	F108	WY	0.25	Sherman	Colburn Path	homeowners' association park lot	
57	J75	WY	0.28	Horan	Nicole Avenue	homeowners' association beach on Halfway Pond	
81	N13	SY	0.25	Harbor Haven Assoc.	Grandview Drive	homeowners' association beach on Bass River	
90	X13	SY	0.6	Blue Rock Landing Assoc.	Mooring Lane	homeowners' association beach on Bass River	
71	X6	SY	0.29	Salt Box Association	Boat Haul Walk	homeowners' association beach lot, docks on Bass River	1.97
36	T9	SY	0.74	Methodist Society	Willow Street	deed restrictions limited to cemetery use	
101	F4,F5,N1,N2,N3	YP	20.67	Woodside Cemetery Corp.	Summer Street	deed restrictions limited to cemetery use	21.41
73,93	E4,E3,A1,P1	YP	230	Camp Greenough (Boy Scouts)	off White Rock Road	deed reverter clause to Yarm. Conservation Commission	230
73,93	P1,E2,K8,P2,P5	YP	41	Camp Greenough (Boy Scouts)	off White Rock Road	none	
68	***N1***	***YP***	***8.08***	***Camp Greenough (Boy Scou***	***Route 6 North***	***deed reverter clause to donor Ruhan***	
94	D1	YP	40.77	Camp Wingate (Wolfson)	White Rock Road	none	
80	B98	SY	37.96	Blue Rock Golf Course	Great Western Road	none	***127.81***
40	T49, T50	WY	4.75	Horan	Barn Board Lane	common area, cluster subdivision; special permit covenant	
64	V39	WY	5.11	Mattakeese Village Association	Lumber Jack Trail	common area, cluster subdivision; special permit covenant	
120	R1	YP	99.76	Kings Way Properties (golf)	Kings Way Circuit	common area, cluster subdivision; special permit covenant	
1	A33	WY	19.11	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
2	B13	WY	25.02	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
2	B18	WY	1.99	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
2	B22	WY	1.68	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
2	B38	WY	65.93	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
3	C44	WY	2.47	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
4	D70	WY	0.41	Great Island Realty Tr.(Chace)	Wood Duck Road	common area, cluster subdivision; special permit covenant	
4	D73	WY	7.24	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
4	D75	WY	2.24	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
4	D82	WY	1.22	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
5	E53	WY	0.74	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
5	E67	WY	0.95	Great Island Realty Tr.(Chace)	Great Island Road	common area, cluster subdivision; special permit covenant	
7	G57	WY	5.86	Great Island Realty Tr.(Chace)	White Cedar Road	common area, cluster subdivision; special permit covenant	244.48
1	A25	WY	14.73	Great Island Realty Tr.(Chace)	Great Island Road	TTOR perpetual conservation restriction; no public access	
2	B50	WY	7.11	Great Island Realty Tr.(Chace)	Great Island Road	TTOR perpetual conservation restriction; no public access	
5	E52	WY	31.97	Great Island Realty Tr.(Chace)	Great Island Road	TTOR perpetual conservation restriction; no public access	
5	E66	WY	59.27	Great Island Realty Tr.(Chace)	Great Island Road	TTOR perpetual conservation restriction; no public access	
7	G54	WY	10.89	Great Island Realty Tr.(Chace)	Great Island Road	TTOR perpetual conservation restriction; no public access	
7	G56	WY	88.73	Great Island Realty Tr.(Chace)	Great Island Road	TTOR perpetual conservation restriction; no public access	
8	H55	WY	22.58	Great Island Realty Tr.(Chace)	Pine Island	TTOR perpetual conservation restriction; no public access	
4	A108	WY	35.98	Fayette S. Scheuch	Smith's Point Road	TTOR perpetual conservation restriction; no public access	
109	U2	YP	37.4	Historical Society of Old Yarm.	off Strawberry Lane	town perpetual conservation restriction; public trail access	
112	A1	YP	140	Bass River Rod & Gun Club	off Route 6A	town perpetual conservation restriction; public trail access	448.66

Source: Town of Yarmouth, Assessing Records, 1996; 2001;.Barnstable County Registry of Deeds; analysis by The Compact of Cape Cod Conservation Trusts

The Yarmouth Conservation Trust (YCT) was founded in 1986 to provide a private, non-profit vehicle to dedicate natural lands to conservation in town. In its first 15 years, YCT has protected 23 parcels of land totaling 158 acres (half wetland and half upland). Most were donated in fee (outright gifts of land title) with the exception of donated conservation restrictions on five parcels totaling 88 acres. Access is not allowed on the conservation restriction properties. The most significant restriction was donated by the Carter family on Green Hill Farm in Yarmouthport. The Carters extinguished their right to build a 23 lot subdivision and preserved the ancient farm in perpetuity. They also donated 34 acres of salt marsh outright to YCT. In 2000, Cape Cod Hospital conveyed a conservation restriction on 50 acres of old cranberry bogs (Bayview Bogs) as mitigation for hospital expansion. Public access is allowed on lands held in fee by YCT, though it is not actively promoted. (See Table 5.3)

The Woodside Cemetery Corp. operates a private 20.67 acre cemetery next to (and incorporating a portion of) the Botanic Trails in Yarmouthport. The public is allowed to walk there. (See Map 5-D) Woodside's parcels are protected by deed restriction for any use other than for cemetery purposes.[106]

Other institutional lands of conservation interest include a 20 acre parcel of salt marsh on Chase Garden Creek owned by the Massachusetts Board of Regional Community Colleges.

There are a variety of unprotected commercial open space facilities in town. All private cranberry bogs and a nursery on Union Street, as well as Blue Rock golf course, are presently enrolled under the MGL Chapter 61A & 61B current use assessment programs, which defer property taxes while the land is not developed.[107] King's Way (99 acres) golf course also meets the five acre minimum area requirement for Ch.61B enrollment.(See Table 5.4) Camp Kirkland is a 49 acre private summer camp on Elisha's Pond that could be enrolled under Ch. 61B.[108]

There are several open space or "cluster" subdivisions in Yarmouth, in which a common area is provided for the neighborhood, such as 5 acres on Barn Board Lane, 5 acres on Lumberjack Trail, and 17 acres off Buck Island Road. The most recent subdivision on Great Island (1990) set aside large common areas to serve the neighborhood. There are also smaller park lots reserved for subdivision use. (See Table 5.5)

Listed on Table 5.6 are the largest parcels of developable, unprotected land remaining in Yarmouth in 1996.(See Map 9.A) The fate of these parcels represents the last opportunity for Yarmouth to preserve significant blocks of open space. Many of them are strategically located to expand existing conservation areas or serve as the only remaining undeveloped land, or breathing space in densely-built neighborhoods. A cursory status update in 2001 reveals that four parcels have been subdivided or proposed for affordable housing development. Three were donated for Town or private conservation use. The Town acquired two others by taking. The remaining ones are still in private hands.

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[106]Barnstable Registry of Deeds: Book 63, page 23; Book 305, page 354; Book 783, page 412, Book 954, page 15.

[107]Mass. C.61 allows towns to lower the assessment on 10 acre+ parcels of managed timberland; no parcels in Yarmouth are enrolled in this tax deferment program.

[108]In the late 1980's Town Meeting rejected a purchase of Camp Kirkland, YP by the town for recreational purposes. Camp Wingate at Flax Pond, SY was purchased by the town in 1987 as a major outdoor recreational facility

Table 5.3

LAND HOLDINGS of the YARMOUTH CONSERVATION TRUST

			ACREAGE			PRIMARY	DEEDS REF	PLAN REFERENCE			TOWN ASSESSORS'	
ID No.	ACQUIRED	GRANTOR	Upland	Wetland	TOTAL	HABITATS	DEED Bk/Pg	PLAN Bk/Pg/Lot	COMMENTS	STREET ADDRESS	MAP & LOT NUM	LAND VALUE
YCT 1	28-Dec-86	John R. & Anne W. BLIZARD	0	2.02	2.02	shrub swamp	5485/296	421/66		off Thacher Street	Map 122, Lot 56	$52,100 T90
YCT 2A	29-Dec-86	Harry BLACKEY	0.19	0	0.19	dune	LCC109924	LCP 19724-I	abuts YCT 3	5 Sea Robin Rd.	Map 21, Lot 13	$232,300 T90
YCT 2B	29-Dec-86	Harry BLACKEY	0.22	0	0.22	dune	LCC109641	LCP 19724-I	abuts YCT 2	28 Algonquin St.	Map 21, Lot 14	$249,000 T90
YCT 3	23-Jul-87	Robin R. JOLY	2.99	0	2.99	shrub thicket	7460/187	202/31; lot 63	re-recorded 1991	Homers Dock Rd.	Map 140, Lot 49	$152,900 T90
YCT 4	23-Jul-87	Sybil TOWNSEND	0.51	0	0.51	shrub swamp	7209/317			9 Thorwald Place	Map 141, Lot 25	$85,100 T90
YCT 5	23-Aug-90	H. AUCLAIR & D. KELLEY	0	1.01	1.01	cedar swamp	7280/112	- -		48 Albert Street	Map 69, Lot 107	$22,500 T90
YCT 6	28-Oct-90	Thomas C. GARRAHAN	0.21	0.55	0.76	cedar swamp	7341/211	- -		Higgins Crowell Rd.	Map 39, Lot 38	$65,900 T90
YCT 7	02-Dec-90	Bernard Shirley CARTER, Jr	0	34.38	34.38	salt marsh	7371/1	476/83; lot 2	+33 ac CR to YC	off Church Street	Map 131, Lot 15	$59,800 A90
YCT 8	30-Dec-90	Gregory W. DRAKE	0.25	0.12	0.37	pine woods	7400/304	243/3; lot 18		52 Warbler Lane	Map 66, Lot 50	$99,300 T90
YCT 9	30-Dec-90	Lilian & Marie KENRICK	0.25	2.15	2.40	pond; maple swamp	7401/86	174/107;blkA,lot13		30 Tee Way	Map 81, Lot 5	$117,400 T90
YCT 10A	21-Dec-92	Sybil TOWNSEND	0.5	0	0.50	streambank	8374/297	214/117; lot 15A	drains to Whites Brk	22 Homers Dock Roa	Map 141, Lot 66	$70,600 T96
YCT 10B	21-Dec-92	Sybil TOWNSEND	0.55	0	0.55	streambank	8374/297	; lot 16A	drains to Whites Brk	12 Homers Dock Roa	Map 141, Lot 67	$68,100 T96
YCT 11	28-Dec-92	KENRICK FAMILY TRUST	0.88	0	0.88	coastal bank,field	8378/315	297/2; 246/77	cons. restriction	Boat Haul Walk	Map 81, Lot 59	($155,300 T96) 0
YCT 12	29-Dec-92	NATURE CONSERVANCY (Car	32.53	0.25	32.78	field; locust grove	8380/256	476/83; lot 1	CR assignment	38 Church Street	Map 131, Lot 11	0
YCT 13	22-Dec-93	Allen D. BRAGDON	0.72	1.03	1.75	island; salt marsh	8963/28	- -	cons. restriction	252 Great Western R	Map 101, Lot 182	($11,000T93)0
YCT 14	01-Feb-95	Richard & Debra MARTIN,L.CAMPE	0.88	0.65	1.53	pond, maple swamp	LCC136277	LCP3049G; lot 55	Jabez Neds Pond	377 Buck Island Rd.	Map 46, Lot 76	$11,400 T95
YCT 15	28-Dec-95	Norman & Catherine TAUPEKA	0.35	0	0.35	oak/maple woods,dit	9991/315	242/35; lot 17	drains to Follins Por	10 Aunt Dorahs Lane	Map 136, Lot 42	$49,700 T95
YCT 16	14-Nov-96	Edmund & Joy J. FRUEAN	0.42	1.61	2.03	maple swamp, creek	LCC142676	LCP34563B; lot 17	Weir Mill Stream	279 North Dennis Rd	Map 127, Lot 5	$40,000 A96
YCT 17	13-Dec-96	Creative Housing, Inc. (BLACKE	0.25	0	0.25	dune	LCC143038	LCP 19724D-1; lot 44	near YCT 2 & 3	86 Harbor Road, W.	Map 21, Lot 11	$151,000 A96
YCT 18	29-Dec-97	John J. & Virginia M. PESCATE	1.91	0	1.91	pine/oak woods	LCD713018	LCP28480A	cons. restriction	328 Weir Road, Y. P	Map 126, Lot 2	($109,000A97)0
YCT 19A	18-Feb-99	Robert A. HILL	0.42	0	0.42	subdivision lot	12072/164	120/89; lot 11		69 Rainbow Road, W	Map 23, Lot 14	$7,100 T99
YCT 19B	18-Feb-99	Robert A. HILL	0.45	0	0.45	subdivision lot	12072/164	120/89; lot 18		115 Silver Leaf, W.Y	Map 23, Lot 25	$7,600 T99
YCT 20A	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 193	off-site mitigation	Old Town House Road	Map 99, Lot 4	$14,800 T98
YCT 20B	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.36	0	0.36	pine/oak woods	LCC149956	LCP31209G; lot 194	off-site mitigation	Old Town House Road	Map 98, Lot 35	$9,100 T98
YCT 20C	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 195	off-site mitigation	Old Town House Road	Map 98, Lot 34	$9,100 T98
YCT 20D	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 196	off-site mitigation	Old Town House Road	Map 98, Lot 33	$9,100 T98
YCT 20E	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 197	off-site mitigation	Old Town House Road	Map 98, Lot 32	$9,100 T98
YCT 20F	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.36	0	0.36	pine/oak woods	LCC149956	LCP31209G; lot 198	off-site mitigation	Old Town House Road	Map 98, Lot 31	$9,100 T98
YCT 20G	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 199	off-site mitigation	Old Town House Road	Map 98, Lot 30	$9,100 T98
YCT 20H	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 200	off-site mitigation	Old Town House Road	Map 98, Lot 29	$9,100 T98
YCT 20I	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 201	off-site mitigation	Old Town House Road	Map 98, Lot 28	$9,100 T98
YCT 20J	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.43	0	0.43	pine/oak woods	LCC149956	LCP31209G; lot 202	off-site mitigation	Old Town House Road	Map 98, Lot 27	$9,100 T98
YCT 20K	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.64	0	0.64	pine/oak woods	LCC149956	LCP31209G; lot 203	off-site mitigation	Old Town House Road	Map 88, Lot 121	$5,600 T98
YCT 20L	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.6	0	0.60	pine/oak woods	LCC149956	LCP31209G; lot 204	off-site mitigation	Old Town House Road	Map 88, Lot 120	$5,500 T98

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1/8/01

Source: The Compact of Cape Cod Conservation Trusts, Inc.

Table 5.3

LAND HOLDINGS of the YARMOUTH CONSERVATION TRUST

ID No.	ACQUIRED	GRANTOR	Upland	Wetland	TOTAL	HABITATS	DEED Bk/Pg	PLAN Bk/Pg/Lot	COMMENTS	STREET ADDRESS	MAP & LOT NUM	LAND VALUE
YCT 20M	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.39	0	0.39	pine/oak woods	LCC149956	LCP31209G; lot 205	off-site mitigation	Old Town House Road	Map 88, Lot 119	$9,800 T98
YCT 20N	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.39	0	0.39	pine/oak woods	LCC149956	LCP31209G; lot 206	off-site mitigation	Old Town House Road	Map 88, Lot 25	$9,100 T98
YCT 20O	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.57	0	0.57	pine/oak woods	LCC149956	LCP31209G; lot 207	off-site mitigation	Old Town House Road	Map 98, Lot 24	$5,200 T98
YCT 20P	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.03	0	0.03	pine/oak woods	LCC149956	LCP31209G; lot 208	off-site mitigation	Old Town House Road	Map 99, Lot 3	$9,100 T98
YCT 20Q	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 209	off-site mitigation	37 Billingsgate Rd, S.Y	Map 99, Lot 2	$9,000 T98
YCT 20R	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.35	0	0.35	pine/oak woods	LCC149956	LCP31209G; lot 210	off-site mitigation	43 Billingsgate Rd, S.Y	Map 99, Lot 1	$9,000 T98
YCT 20S	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.35	0	0.35	pine/oak woods	LCC149956	LCP31209G; lot 211	off-site mitigation	49 Billingsgate Rd., S.Y	Map 89, Lot 76	$9,000 T98
YCT 20T	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.43	0	0.43	pine/oak woods	LCC149956	LCP31209G; lot 212	off-site mitigation	46 Billingsgate Rd, S.Y	Map 99, Lot 102	$9,400 T98
YCT 20U	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.39	0	0.39	pine/oak woods	LCC149956	LCP31209G; lot 213	off-site mitigation	38 Billingsgate Rd, S.Y	Map 99, Lot 101	$1,200 T98
YCT 20V	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.02	0	0.02	pine/oak woods	LCC149956	LCP31209G; lot 214	off-site mitigation	Old Town House Road	Map 99, Lot 100	$9,200 T98
YCT 20W	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.38	0	0.38	pine/oak woods	LCC149956	LCP31209G; lot 215	off-site mitigation	Old Town House Road	Map 99, Lot 8	$9,100 T98
YCT 20X	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.41	0	0.41	pine/oak woods	LCC149956	LCP31209G; lot 216	off-site mitigation	Old Town House Road	Map 99, Lot 9	$9,300 T98
YCT 20Y	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.37	0	0.37	pine/oak woods	LCC149956	LCP31209G; lot 219	off-site mitigation	122 Astor Way, S. Y.	Map 99, Lot 50	$9,000 T98
YCT 20Z	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.34	0	0.34	pine/oak woods	LCC149956	LCP31209G; lot 220	off-site mitigation	Old Town House Road	Map 99, Lot 51	$8,900 T98
YCT20AA	30-Aug-98	Flax Pond Nom. Trust (DAVENF	0.22	0	0.22	pine/oak woods	LCC149956	LCP31209I; lot 235	off-site mitigation	Old Town House Road	Map 99, Lot 6	$2,000 T98
YCT20BB	30-Aug-98	Flax Pond Nom. Trust (DAVENF	8.17	0	8.17	pine/oak woods	11675/133	--	off-site mitigation	Old Town House Road	Map 88, Lot 114	$127,700 T98
YCT 21	20-Dec-99	Edmund & Joy J. FRUEAN	0.85	0	0.85	red maples/pitch pine	LCC155969	LCP34563B; lot 11		43 Crab Creek Lane, Y	Map 126, Lot 16	$ 90,000A99
YCT 22	18-Oct-00	NATIONAL CREDIT UNION AD	0.35	0	0.35	oak/maple woods,dit	13305/163	242/35; lot 16	drains to Follins Por	18 Aunt Dorahs Lane	Map 136, Lot 63	$38,700 T00
YCT23	04-Dec-00	Cape Cod Hospital	6	44.5	50.50	Bayview bogs	13404/182	276/75	cons. restriction	Bayview Street	Map28,36/lot 23S1	0(?)
		YARMOUTH TOTALS	69.84	88.27	158.11						TOTAL	$2,299,700

1/8/01

Source: The Compact of Cape Cod Conservation Trusts, Inc.

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YARMOUTH OPEN SPACE and RECREATION PLAN, 2001

MAP # 5. D. a CAPE COD PATHWAYS

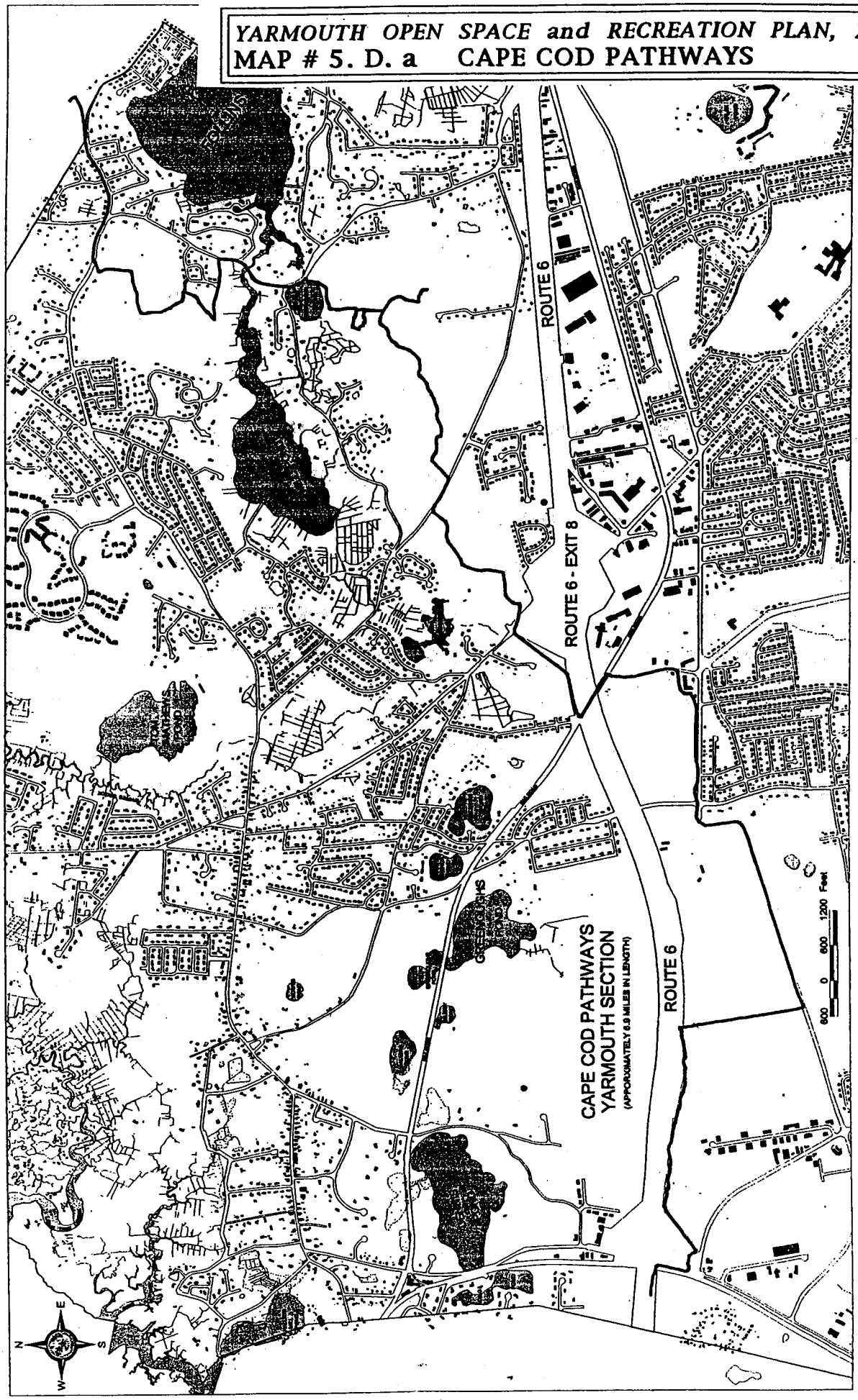


TABLE 5.4. CURRENT USE ASSESSMENT PROGRAM LANDS, 1996, 2001

PROGRAM	OWNER/OPERATOR	FACILITY	LOCATION	ACRES		Map/Lot
Chapter 61						
	none					
Chapter 61A						
	Rocky Bog Cranberry Co.	Peter LeSage Bog	Weir Rd, Y.P.	15.43		105/H6
	Middletown Cranberry Co.	Beaton Bog	Union St, Y.P.	16.39		94/W1
	Mello-Wilson Cranbery Corp.	Chase Swamp Bog	Route 28, W.Y	36.92		25/A16
	Mystic Cranberry Co.	Smith Hammond Bog	Knob Hill Rd., Y.P.	69.77		98/R6
	Cranberry Bog Homeowners	Five Acre Bog	Buck Island Rd, W.Y.	14.85		41/S54
	Cape Cod Hospital	Bayview Bog	Park Street, W.Y.	94.8		23/S1
	John Holbrook	Holbrook Farms (berries)	Union St., Y.P.	9.9		94/M15,N16,N17
Chapter 61B						
	Davenport Realty Trust	Blue Rock Golf Course	North Main St, S.Y.	44.32		80/B98
	Bass River Rod & Gun Club,Inc.	Bass River Rod & Gun Club	off Main St., Y.P.	159.51		112/A1
				461.89		TOTAL ACRES

Source: Yarmouth Assessors' Office, 1996

TABLE 5.5. SUMMARY OF OPEN SPACE LANDS, TOWN OF YARMOUTH, MASSACHUSETTS, 1996 (2001 Update)

MANAGEMENT	PROTECTED ACRES	UNPROTECTED ACRES	PUBLIC USE ALLOWED	COMMENTS
Recreation Commission; Parks Dept.	242.88	0	242.88	
Water Superintendent	*947.91*	14.01	63	unprotected water tower sites, two parcels have nature trails
School Committee & D-Y Reg. Dist.	0	209.57	209.57	four schools & fields; gyms
Board of Selectmen / Highway Dept.	0	237.35	0	landfill, septage plant, spray site
Town Board of Selectmen	*86.36*	34.88	121.24	*Land Bank lands - Beaton Bog*
Town Board of Selectmen	0	79.45	79.45	lots with conservation potential
Town Conservation Commission	*1696.15*	0	1696.15	dedicated to conserv. purposes
MA Division of Fisheries & Wildlife	56.4	0	56.4	Chase Garden Creek marsh
Yarmouth Conservation Trust	*158.11*	0	*72.19*	private, non-profit
The Trustees of Reservations	271.26	0	0	2 Great Is. conservation rests.
Chapter 61, 61B lands	0	0	0	private
Common space, cluster subdivisions	0	*246.35*	0	homeowner assoc. unprotected
Town Park & Cemetery Department	62.18	0	62.18	town-owned
Methodist; Woodside	21.41	0	21.41	private
Blue Rock Golf Course	0	37.96	37.96	c. 61B, commercial; open to public
King's Way Golf Course	99.76	0	99.76	commercial; open to public
Bass River Golf Course	121.08	0	121.08	town-owned
Bayberry Hills Golf Course	310.3	0	310.3	town-owned
Camp Greenough (Boy Scouts)	*156*	*145*	0	deed reverter to ConCom
Camp Wingate (Wolfson)	0	40.77	0	private; commercial
Bass River Rod & Gun Club	140	0	140	town holds conservation restr.
Botanic Trails (Hist. Soc. Old Yarm.)	37.4	0	37.4	town holds conservation restr.
Chapter 61A lands (cranberrying)	0	248.16	0	private; c.61A, commercial
Town-owned cranberry bogs	*153*	0	*153*	leased to private growers
Holbrook Farms (nursery, berries)	0	9.9	0	assessed under c.61A
OPEN SPACE ACRES	***4,560***	***1,303***	***3,524***	
	PROTECTED ACRES	**UNPROTECTED ACRES**	**PUBLIC USE ALLOWED**	
TOWN LAND MASS (acres) of	15,400			*Developed Land (1997)*
Yarmouth (2001)	***30%***	***8%***	***23%***	*53%*
Comparison:				
Dennis MA (1998)	24%	- -	22%	*55%*
Sandwich MA (1999)	23%	15%	23%	*33%*

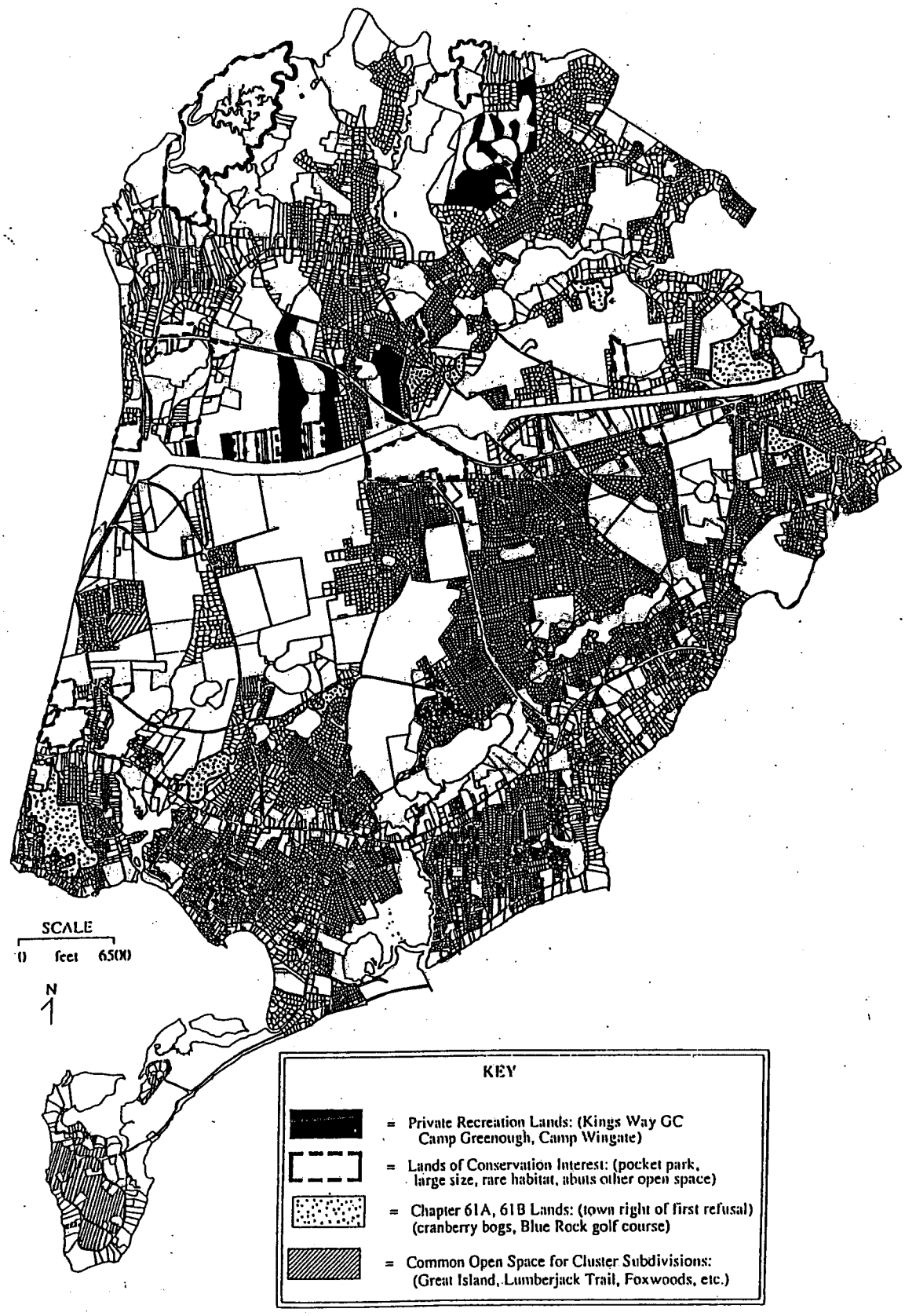
The terms "PROTECTED" AND "UNPROTECTED", (and resulting classifications) are derived from the Massachusetts Open Space Planning Guidelines, 1990.

Table 5.6 [109]
Large, Unprotected, Undeveloped Land Parcels, Yarmouth, 1996 (*2001 status in italics*)

MAP/LOT	ACRES	LOCATION	COMMENTS
44/14&21	26.20	Camp Street, W. Y.	Abuts town cons.area; *proposed for 136 units*
150/32	22.60	Hockanom Road, Y.P.	Mostly salt marsh; *abuts Land Bank lot*
93/5	18.40	Willow Street, Y. P.	Abuts Barnstable & Rt.6; divided into 4 lots
109/5	12.17	W.Gr. Western Rd, Y.P.	Abuts town wellfield
99/52	10.67	Whites Path, S. Y.	Abuts wellfied & proposed bike trail
113/35	8.60	Summer Street, Y. P.	mostly old bog; *gift to Yar. Cons. Trust, 2001*
95/27	8.30	Route 6 North, Y.P.	*donated to Boy Scout Council, 1996*
99/103	8.20	Old Town House Rd. S.Y.	*Town tax taking; abuts 18 acres owned by YCT*
104/13	8.16	Summer Street, Y. P.	Abuts scout camp; *divided into 5 industrial lots*
78/20	8.08	Capt. Nickerson Rd. S.Y.	*Town purchased 1997 for watershed drainage*
45/80	7.70	Buck Island Road, W. Y.	Abuts town cons. area: *donated to ConCom 2000*
119/30	7.12	Wild Rose Terrace, Y. P.	Mostly swamp; *abuts town cons. area*
51/16	6.56	Pleasant Street, Y.P.	Open space in dense development
115/91	6.26	Starbuck Lane, Y. P.	Mostly swamp; abuts town wellfield
94/1	5.70	Corporation Road, Y.P.	Abuts boy scout camp; industrial zone
94/8	5.60	Route 6 North, Y. P.	Abuts boy scout camp
100/59	5.59	Off Fairwood Rd. S.Y.	Abuts Blue Rock GC; divided into 6 lots
94:5	5.00	Route 6 North, Y.P.	Abuts boy scout camp

[109] Yarmouth Assessors' Office, 1996. There are other large parcels in town capable of being subdivided, but because they already have at least one dwelling unit on them, they have been excluded from this list.) 2001 update based on 2001 assessing records and deeds research.

YARMOUTH OPEN SPACE and RECREATION PLAN, 1996
MAP # 9.A POTENTIAL PROTECTED OPEN SPACE



E. RECREATIONAL FACILITIES

1. Public Recreation Facilities

The most frequented town recreation areas, beyond the saltwater beaches and playgrounds, are the Old Town House Road Park, the beaches and trails at Flax Pond and Little Sandy Pond. The last was purchased in the 1987 municipal land package and, thanks to a $350,000 gift to the town from a private citizen, was cleaned and redeveloped into a popular attraction.[110]

South Yarmouth has the most active recreation facilities, primarily at the schools and Flax Pond, which are within walking distance of much of the village's homes. West Yarmouth's schoolgrounds and fields are not handy to most of the population, being about 1.5 miles north of Route 28 on Higgins Crowell Road. Fortunately, new facilities at Little Sandy Pond are closer to Route 28. Yarmouthport has a dearth of active recreational facilities including no playing fields or tennis courts.

An example of how the inequitable distribution of facilities by villages has affected residents is the Yarmouthport Playground, located on the green formed by Playground Street and Old Church Street. When the playground, which includes a tot lot, was installed in the late 1980's it attracted not simply neighborhood children, but families from all over Yarmouthport (and anecdotally, out of town) since it was the only facility of its kind on Yarmouth's Northside. The parking of cars along the green and noise from the busy facility aroused the ire of neighbors. The pent-up demand for such a playground, usually sited behind a school (of which Yarmouthport has none), caused its service area to expand beyond what was acceptable to the neighborhood.

One unresolved situation is the oft-sought proposal to develop the abandoned Route 28 drive-in property (Crowe's Purchase, 21 acres on Parker's River, WY) bought by the town in 1987 into a town marina.. Wetlands protection regulations appear to stymie efforts to connect the drive-in land to the river, since a small amount of salt marsh would need to be dredged. In 2001, Town Meeting approved a $100,000 appropriation to complete designs and permitting for a marine park on the site, which would include a 1,000 foot long handicapped trail and boardwalk, a shellfish propagation facility, small sundries shops, and a limited service marina, oriented towards recreational boat usesrs. A 2001 town-wide survey found some support (60% in favor) of creation of such a marina.

For a complete inventory of saltwater recreational facilities, see the Coastal Resources Element of the Local Comprehensive Plan.[111]

According to the town Recreation Division, there were 19.5 playing fields in town, most owned by the Dennis/Yarmouth School District, but available for town recreational use, before the advent of Old Town House Road Park. In 1994, ten of the fields were rated in excellent condition, five were rated good, and 4.5 were rated in poor shape.[112] Irrigation at the Little Sandy Pond Utility Field improved its rated condition from "poor" to "good".

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[110] Yarmouth Assessors' Office

[111] Martha Horn, "Coastal Resources Inventory". Town of Yarmouth, November 1995

[112] Linda Sears, Yarmouth Recreation Division, "Memo on Field Usage, Present and Future Needs', July 27, 1994

2. Private Recreational Facilities

Augmenting town recreation lands and facilities are a number of private, commercial enterprises. South Yarmouth hosts the Blue Rock Golf Course, Mid-Cape Racquet Club, TRC-Cape Bowl, South Yarmouth Tennis Club, Bass River Sports World, Ship Shops Marina, and Pirate's Cove Miniature Golf. West Yarmouth contains three miniature golf courses, Skippy's Marina and Hyannis Marina. Yarmouthport has no private recreational facilities open to the public, (other than King's Way Golf Course) though there are plenty of outdoor walking opportunities on the many large conservation areas.

3. Special Recreational Features

a. Cape Cod Pathways In 1995 Yarmouth's Board of Selectmen endorsed the concept of Cape Cod Pathways, a county-wide effort to create a Cape network of linked walking trails, primarily using existing trails and public open space. Despite its densely developed character, Yarmouth has potential to create a cross town network relatively easily, owing to its large blocks of protected lands. Cooperation among various town departments, including Conservation, Recreation, Golf, Water, Highway, and Selectmen, and some private landowners, all of which have jurisdiction over key components of the Pathways system, will be needed.

In 1997 the Yarmouth Conservation Commission and the Compact of Cape Cod Conservation Trusts, Inc. collaborated on designing a Pathways trail system through town. In March 1997 the Yarmouth Selectmen adopted the plan, the first Cape Cod town to designate a through-route.[113] Four interconnected trails were laid out, as follows:

Sears Path: 7 miles from Dennis town line west to Bayberry Hills Golf Course
Baxter Path: 2 miles from Little Sandy Pond to Higgins Crowell Road
Crowell Path: 3+ miles from Syrjala Conservation Area to Oliver Bogs
Matthews Path: 2+ miles from Hawes Run east to Bassett's Pond.
In addition to these 15 miles of trail, a northerly trail (Matthews Path) was tentatively identified on the northside of town. This section (8+ miles) still needs a specific layout. (See Map 5.D). Since that time, the Conservation Department has used a global positioning system (GPS) to exactly locate and plot the trails on the Town's computerized geographic information system (GIS) through the Planning Division.

Also worth noting is Yarmouth's strong protection over the years offered to 1.5 mile long Hockanom Road, an ancient way (one that existed in 1847) which is protected under state law against abandonment. The southernmost portion (1200 feet) of the road is paved and serves as the frontage for a residential subdivision. The direct way then crosses what is now King's Way Golf Course (3,000feet) running beneath Kings Circuit in two oversized metal culverts (large enough to accommodate vehicles). Hockanom Road then divides Whites Brook Marsh from the west side of a new (1994-95) subdivision called Salt Works Cove for 1200 feet. The final 1500 feet of the way runs through town-owned land at Bray Farm. It is unclear what legal protection is afforded to the ancient way as it traverses the seven lots at Salt Works Cove. In 2000, owners of new dwellings there blocked the access path as it crossed their front yards and confrontations with walkers resulted. The Town is presently in litigation to secure the footpath and the November 2001 Town Meeting will be asked to take the trail easement by eminent domain. (This did not happen.)

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[113] Yarmouth Conservation Commission and the Compact of Cape Cod Conservation Trusts, Inc., "Report on Yarmouth Pathways: A project of Cape Cod Pathways", 1997

b. Bike Trails

A bike trail runs along the north side of Mayfair Road, Yarmouthport, from Route 6A into Dennis. Another segment has been established at Bayberry Hills Golf Course and through Old Town House Road Park. A proposal to extend it east to Dennis and west to Willow Street near the NStar offices in West Yarmouth has been made. The design has been done for the Willow Street section, but no funds have been appropriated yet. The section to Dennis along the old railbed, transferred to the Town from the MBTA in 1999, still needs the Town of Dennis to solve the problem of crossing Bass River on the old trestle. Construction began in 2001 on a new bike path along the north side of Buck Island Road, running east from Camp Street to Winslow Gray Road. Leach basins will be installed to upgrade the previous direct discharge of road runoff into three south side streams. Bike trails to connect through to other towns is an important priority as identified in the 2001 town survey, (Questions #15 and #28).

c. Old Town House Road Park

The Recreation Committee redeveloped about 15 acres at the east end of the closed town landfill into a major recreational facility. (See Figure 5.3) The park has two soccer fields and two ballfields, with lights and irrigation, volleyball court, tot lot, picnic area, two basketball courts, shuffleboard/horseshoe area, and walking trails. A bike trail extends through the length of the park into the golf course expansion area. In 1997 the state approved $1,000,000 in reimbursement from the Urban Self Help Program to match a local sum approved by Town Meeting. Initial vandalism at the Park was discouraging, but its heavy use has proven its popularity since opening in 1999. In 1999 the Massachusetts Recreation and Park Association presented Yarmouth with its "Design of Facility" Excellence Award for this park.[114]

F. Recreational Programs

The staffed town Recreation Division, overseen by an appointed commission of volunteers, provides a wealth of offerings for residents and visitors of all ages throughout the year. The most popular youth programs (not all town-operated) in terms of numbers of participants are Youth Soccer (500+ in 1994 increased to 1,000 in 2000), and Boys' and Girls' Basketball (300+ in 1993, 470 in 2000),[115] Sailing Program (500+in 1993; 340 in 2000), Instructional Swimming (350 children in 1994; 294 in 2000), Boys' and Girls' Baseball (325+ in 1994; 166 in 2000), and Boys' and Girls' Basketball (300+ in 1993; 274 in 2000).[116] The Flax Pond Summer Adventure Programs, financed entirely through user fees, is extremely popular (463 enrollees in 2000), providing a mix of activities, sports and arts for kids. Other youth offerings include tennis, volleyball, golf and softball. A goal of the department is to keep activities affordable to maximize opportunities for all; scholarships and fee waivers are available. This objective continues to be met through Town Meeting subsidy.

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[114] Yarmouth Annual Report, Report of the Recreation Division, 1999

[115] Children from Dennis now participate jointly with Yarmouth youths in the soccer program. Still, the Recreation Department estimates that at least 600-700 of the kids are from Yarmouth. Soccer is draining kids from many other programs, particularly baseball at the younger levels.

[116] "Report of the Recreation Department", in Annual Report for the Town of Yarmouth (1992,1993, and 1994 editions), Data for 2000 from Yarmouth Recreation Department, May 2001.

Adult activities include basketball, tennis, men's and women's softball, volleyball and sailing. In 1993 a commitment was made to increase offerings for seniors, including swimming, sailing, tennis, ship model building, gardening and chess. Also in 1993, the Flax Pond Recreation Facility was upgraded to include access for those with special needs. Still, no master plan of improvements to Flax Pond facilities has been completed and the structures continue to deteriorate.[117].

Spectator sports are popular in Yarmouth, which in addition to high school teams, hosts the Yarmouth-Dennis Red Sox of the well-respected Cape Cod Baseball League (summer collegiate) and Yarmouth/United of the Cape Cod Amateur Soccer League.

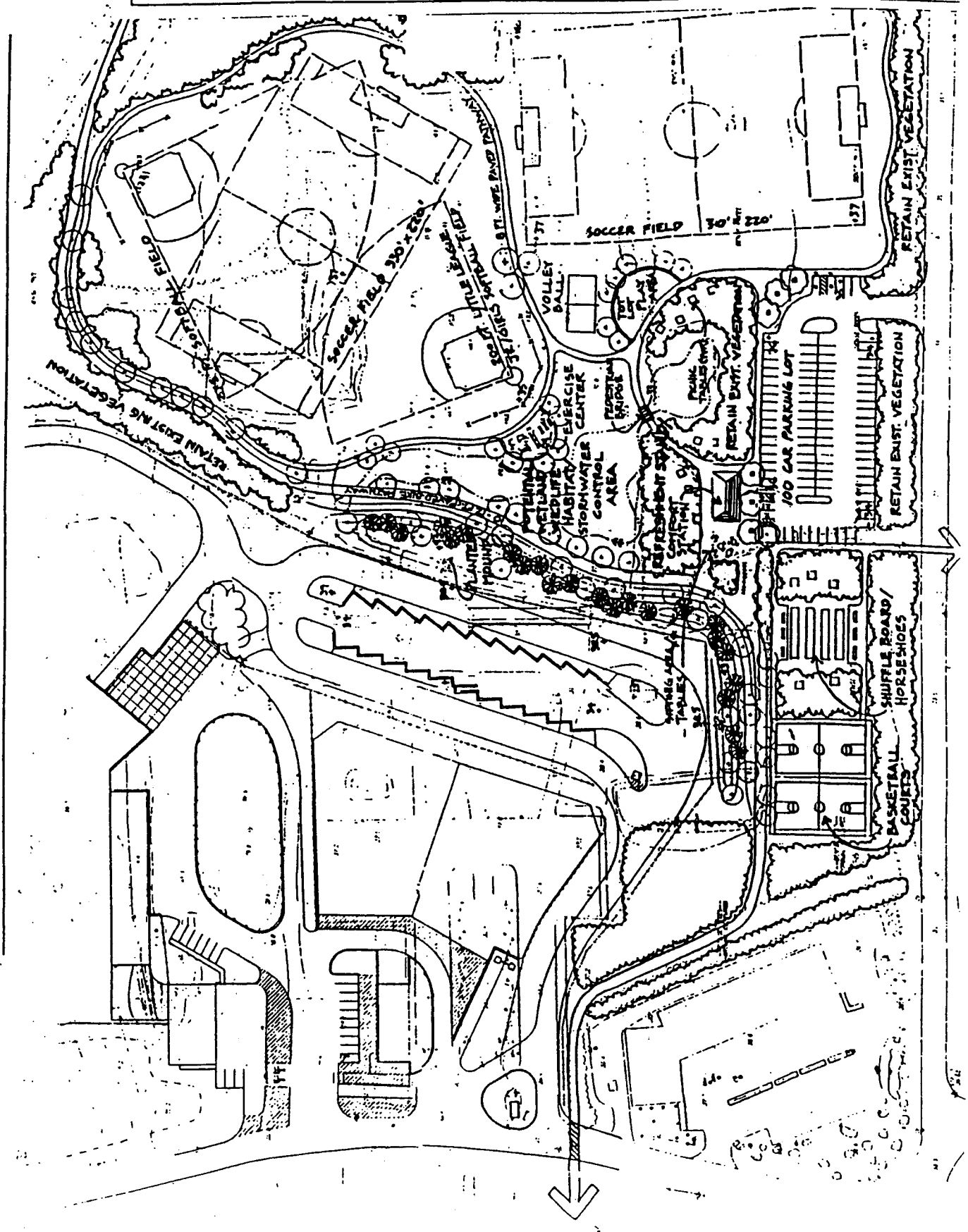
The Recreation Department feels that the lack of centralized indoor facilities, i.e. gymnasiums such as those found in Falmouth's Canty Recreation Center or Harwich's Community Center, severely hampers the continued growth of offerings and size of programs. Plans by the Town of Dennis to encourage a new YMCA on its capped landfill, if successful, may be useful to Yarmouth residents to some degree, but still is not a final answer. Land has been identified at Town Brook Road near Little Sandy Pond as one possible site for an indoor recreation center. A community center was ranked second among the top 12 recreational priorities in a 2001 town-wide survey.

[117]Pat Armstrong, Director, Yarmouth Recreation Division, May ,2001.

TOWN OF YARMOUTH	CONCEPTUAL SITE PLAN FOR OLD TOWN HOUSE ROAD

YARMOUTH OPEN SPACE and RECREATION PLAN, 1996

FIGURE # 5. 3 OLD TOWN HOUSE ROAD PARK PLAN



YARMOUTH COMPREHENSIVE PLAN

CHAPTER 6

VOLUME II

RECREATION AND OPEN SPACE PLAN

REVISED VERSION
ENDORSED BY SPECIAL TOWN MEETING
27 NOV 2001

VOLUME II
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COMMUNITY GOALS

A. Description of Process

In order to determine what the people of Yarmouth want with respect to conservation, recreation and open space in their town, the Town of Yarmouth conducted a series of surveys which asked residents how they felt about acquiring additional open space and what improvements they felt were needed at open space and recreation lands and in its programs. Questions were asked about how residents perceive Yarmouth now and what the focus of long range planning should be.

In general, the surveys found that the adult population of Yarmouth seemed satisfied with the Town's offerings of open space and recreation. Beaches were rated good, and youth programs were well regarded. Though a majority of the respondents believe there is now enough protected open space in Yarmouth, there is still support for additional open space protection. Perhaps this means the town should be increasingly selective about what is preserved. Some of the answers indicate that education and awareness of outdoor offerings is more a problem than lack of facilities. For instance, very few people use the nature trails, but more walking trails was cited as the top future need.

In 2001 the Town surveyed residents again to determine needs and priorities. Over 5,000 responses were received. Most respondents were still not as knowledgeable about the Town's programs and facilities as they could be, but most thought they were satisfactory. Bass Hole boardwalk was the most popular facility and Smuggler's Beach at Bass River the most used beach.

Respondents chose additional bike trails, a community center and new non-sports programs for children as the most important recreational needs for the future. Most people (80%) support continued land acquisition for open space. Walking, swimming, biking, and golfing were their top rated pursuits of respondents. Only 3% of surveyees claimed to be hunters. (A statistic shared nationally.)

B. Statement of Open Space and Recreation Goals

The uniqueness of Yarmouth lies in its large areas of protected open space, used passively and actively, despite being overall, Cape Cod's most densely developed town. One could argue that it was because of Yarmouth's intensely felt development pressures over the years that led to the strong citizen support to set aside parcels against the development. One need only wander in the maze of small lot residential streets near Route 28 to appreciate how important "breathing space" is to a Yarmouth resident. It can still be found at the wide Nantucket Sound beaches, but also in the preserved woodlands of the interior.

Yarmouth's challenge is to preserve the natural and recreational qualities which make it unique, while promoting these features appropriately to attract tourism and bolster the economy. It is very clear that providing recreational opportunities for its citizens and visitors is more than a matter of placing saltwater beach maps in the hands of all. The ability to provide pocket parks of open space in dense subdivisions is important; after all, this is where most of the people are.

Yarmouthport still needs some active facilities placed in its domain. There are opportunities to bring open space to the people, by way of pathways and bike trails, instead of sending people off to find the open space. Yarmouth must also seize the day and integrate its assemblage of open spaces into a community vision, as envisioned by the Pathways Project, while tending to individual village needs. **Finally, as the Town becomes more of a year-round community and less of a seasonal resort, and as the populations median age rises, the importance of year-round programs and indoor facilities become magnified.**

ANALYSIS OF NEEDS

ANALYSIS OF NEEDS

A. Summary of Resource Lands Protection Needs

A 1991 town survey found overwhelming agreement with the statement that "protection and conservation of the town's beaches, ponds and waterways is an item of concern." There was also broad support (73%) for acquiring open space. The 2001 survey reinforced that finding. In fact, in 2001, 79% of people support more open space acquisition.

Most of the large blocks of undeveloped land in Yarmouth have either been acquired by the Town or subdivided for residential development. The town's focus, then, should be to seize opportunities in the margins; that is, to enhance the value and utility of existing land holdings by acquiring or otherwise protecting smaller adjacent parcels or linkage properties. Opportunities to acquire additional South side beachfront, now largely developed, may present themselves after the next vicious hurricane when landowners might be paid not to rebuild, as Falmouth did on its Surf Drive in 1992 after Hurricane Bob. Additional access to water bodies, particularly inland ponds and bogs, should be pursued. The town should also stay alert to changes proposed in lands which are quasi-protected now by temporary restrictions, such as current use assessment lands (especially cranberry bogs), summer camps, and undesignated-use municipal lands.

Land is the resource base for many natural features, including water quality. Land can be preserved through regulatory or non-regulatory means. Regulatory means include mandatory cluster sub-divisions, open space set-asides, and minimum lot size increases. Non-regulatory methods to preserve crucial resource land in Yarmouth include the following approaches:

Fee acquisition (conveying full title to land)

- ❑ Donation: immediate or installment: to Town of Yarmouth Conservation Trust
- ❑ Purchase: friendly sale, eminent domain, bargain sale, installment sale
- ❑ Bequest
- ❑ Tax title transfer

Less-than fee protection (conveying partial rights to property)

- ❑ Access easement
- ❑ Conservation restrictions
- ❑ Lease
- ❑ Remainder interest/reserved life estate
- ❑ Option/rights of first refusal
- ❑ Tax-deferral programs: MGL 61,61A,61B
- ❑ Differential assessment program: Special Act 797 of 1979

To determine which protection technique is best suited to each target parcel, the following set of circumstances should be evaluated:

1. *Needs of Community*
   * Is the parcel desirable for access and active use, or resource protection and passive use?
   * Are acquisition funds available (cash donations, town appropriation, outside grants?)
   * Is the parcel needed immediately or in the future?
2. *Needs of the landowner*
   * Are income tax or property tax advantages or cash most important for landowner's financial situation?
   * Is continued privacy an issue?
   * Is the landowner sympathetic to public protection?
3. *Size and value of parcel*
   * Is the parcel large enough to protect what needs protection or serve as a linkage?
   * Is the entire parcel needed or only a portion?
4. *Development pressures*
   * Will the parcel likely be available later if not acquired now?
   * Is the real estate market likely to push prices beyond reach or is the market declining for the foreseeable future?
5. *Maintenance*
   * Can the community manage the property better than current landowner, given expected levels and types of use?

In general, it is recommended that parcels proposed for active use, such as parks, swimming beaches or boating facilities, be publicly owned for liability reasons. Resource protection uses may not require public ownership. (For a complete analysis of acquisition techniques, see Appendix F of the 2001 Plan.)

B. Summary of Recreation Needs

Yarmouth is a moderate size town, with great natural beauty, and large numbers of its residents would like it to stay that way. The Town's wonderful views and environment of native plants and wildlife are aspects which residents and visitors wholeheartedly enjoy. Many of its important natural resources, including beaches, woods, fish, and shellfish, are also recreational resources. These have an economic aspect as well, as Yarmouth has many businesses that serve the tourist attracted by its unique charm and beauty. The purpose of this plan is to identify means by which to protect these valuable resources which are vital to the town's environment, while promoting appropriate use of these resources to enhance the Town's communal well-being.

The 1988 Massachusetts Statewide Comprehensive Outdoors Recreation Plan (SCORP) found that the Cape Cod and the Islands region was deficient in facilities for golf, tennis and ice-skating. Critical planning needs were listed as expanding coastal access and water recreation (swimming, fishing and boating,) developing trail corridors, and conserving wildlife habitats and water supply areas. [1] The 1994 Yarmouth survey found that residents agreed that walking trails and saltwater beaches continue to be a top priority, in addition to a community center.

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[1] Massachusetts Department of Environmental Management, Massachusetts Outdoors! For Our common Good, 1988 - 1992, vol. 1, p.104.

Judged against some objective standards, [2] Yarmouth's supply of recreational facilities generally meets or exceeds the demand generated by its winter population of 21,174 (in 1990), but falls short when the summer population's (58,800 estimate in 1990) demand is taken into account. (See table 7.2, following) The greatest lack appears to be in playground space and ballfields, particularly during the summer season, when use of these facilities is obviously at its peak. To meet demand, the Recreation Department recommends additional development of two regulation size soccer fields, two youth baseball fields, two regulation softball fields, and a regulation sized baseball field on the order of Red Wilson Field where the Yarmouth-Dennis Red Sox play.[3] It is unlikely that Yarmouth will ever have the space, funds or population necessary to support an indoor skating rink, though many of its youths yearn for one. Hockey and skating is very popular in Yarmouth, but the teams must play home games in nearby Dennis or Hyannis.

Though Yarmouth has a large amount of recreational beach in theory, many survey respondents bemoan the lack of access and parking available to reach the beach. Off-site shuttle service to the beaches is not an endearing concept to most respondents. And, despite the proximity of town beaches to the population clusters of the South side, only six percent walk to the beach or get dropped off. Perhaps this is related to the relatively large number of seniors in town, who need or want to drive. Or perhaps it is because most people are laden with provisions for beach bathing and need transport. In any case, speaking practically, lack of parking will continue to be a ceiling to public beach use.

The recreational needs of Yarmouth's aging population can perhaps best be met by incorporation of sensitive design features into open space and recreation areas, such as handicapped access, resting benches and sidewalks. Simple items like the safe crosswalks from the Senior Center to Old Townhouse Road Park are other examples.

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[2]National Park Service Standards and National Recreation and Park Association Standards, cited in Orleans, MA. Open Space and Recreation Plan, 1994 p. 84.

[3]Linda Sears, yarmouth Recreation Department, "Memo of Field Usage, present and Future Needs," July 27, 1994, p. 2

FACILITY	PLANNING STANDARD	AVAILABLE SUPPLY	YEAR-ROUND DEMAND	SUMMER DEMAND	COMMENTS
	(units per persons)	(units)	(21,174 people)	(58,000 people)	
TRAILS	(miles)	(miles)	(miles)	(miles)	
Nature/ Hiking	1 per 2500	8.3	8.5	23.2	six formal guided trails
Equestrian	1 per 6250	0	3.4	9.3	informal use in town woods
Bicycle	1 per 2000	3	10.6	29	Mayfair Road + (8 miles proposed)
FAMILY PLAY	(areas)	(areas)	(areas)	(areas)	
Playground,Tot Lot & Sitting Parks	1 per 1000	12	21.1	58	only one in Yarmouthport
PICNIC AREAS	(tables)	(tables)	(tables)	(tables)	
	1 per 300	25 est	70.5	193.3	7 sites (including Route 6 rest area)
COURT GAMES	(courts)	(courts)	(courts)	(courts)	
Tennis	1 per 1500	30	14.1	38.6	14 public + 16 commercial
Basketball	1 per 1000	9	21.1	58	6 public + 3 commercial
Volleyball	1 per 3000	3	7	19.3	public
DIAMOND SPORTS	(fields)	(fields)	(fields)	(fields)	
Baseball	1 per 3000	3	7	19.3	at schools
Softball	1 per 3000	8	7	19.3	at schools & Flax Pond, Sandy Pond
ICE ARENA	1 per 10,000	0	2.1	5.8	2 rinks in neighboring towns of Dennis and Barnstable
FIELD SPORTS	(fields)	(fields)	(fields)	(fields)	
Soccer	1 per 10,000	4	2.1	5.8	at schools
Football	1 per 20,000	2	1.1	2.9	at schools
Utility	?	3	?	?	at schools & Flax Pond, Sandy Pond
GOLF COURSE	(holes)	(holes)	(holes)	(holes)	
(NPS Standard)	18 per 125,000	72	3	8	Public: Bayberry Hills; Bass River
(TOY Standard)	18 per 25,000	72	15	42	Private-open: King's Way; Blue Rock
SWIMMING					
Pools	1 per 20,000	0	1.1	2.9	some at Route 28 motels
Beaches	50 sq. ft. per person	36 acres	24 acres	65 acres	sand acreage; not including parking

SOURCE: National Park Service Standards and National Recreation and Park Association Standards

YARMOUTH OPEN SPACE AND RECREATION

SURVEY 2001

A. Yarmouth Open Space and Recreation Survey, 2001
2001 Update and Revisions:

Methodology: A 28 question survey designed by town conservation, park and recreation officials was distributed to every household via a town census mailing (13,000 count) in the winter of 2000-2001. A total of 5,969 surveys were completed and tabulated, a phenomenal 46% response rate. (See Appendix F of 2001 Plan.) In 1994, 5,490 returned a similar survey (Appendix A in 1996 Open Space Plan.)

1. Selected Results:

- Most respondents were generally satisfied with town outdoor facilities and recreational offerings.
- Family size of most respondents was small (2. 10 household members on average) and older (half of household members are over 55). All three villages were widely represented in the response.
- About 47% of respondents were very familiar with the town recreation facilities (compared with 43% in 1994.) Better marketing is still needed to inform the other half. The Town web site could help on this aspect.
- The most popular beaches are Smuggler's and Seagull on Nantucket Sound and Gray's Beach at Bass Hole. The most visited non-beach facilities are the Bass Hole Boardwalk, libraries, golf courses, senior center, Old Town House Park and the Yarmouthport Playground.
- About six in ten believe that the town should have a skateboard park somewhere and support a new marina on Parker's River, but they are low-level priorities for most people.
- The Route 28 shuttle bus is not used much to reach beaches or recreation sites.
- The only real complaint about town beaches is that they should be kept cleaner, particularly of seaweed and in the bathrooms. Consider cleaning twice per day instead of at dawn. Leave bathrooms open later daily and seasonally, Off-season beach strolling is quite popular.
- Additional biking and walking trails are the top priority for many residents. A full-service indoor community center, -like Falmouth's, is the second priority, ahead of new outdoor facilities.
- Children's programs and an indoor pool are other top ranked priorities. Tennis and rollerblading seem increasingly popular.
- Most people want more walking or nature trails, even though less than half of respondents use them. The most popular existing trails are the cranberry bogs, Botanical Trail and Dennis Pond. Better identification of trail locations through the Cape Cod Pathways project might help.
- About one in ten persons is an active shellfisher. Yet as many as 300 people can be seen clamming in Lewis Pond on a given Sunday. Start a class?
- About six in ten want to keep Bray Farm as an historic working farm. Other ideas proposed are a riding stable, community gardens, high ropes course, educational center, or revenue-producer.
- A final open-ended query about future needs elicited varied responses: cleaner beaches, more teen sites and activities, better coordination between town and school programs, more bike trails and more open spaces.

A problem identified by the Recreation Department is that its popular facilities at Flax Pond and Little Sandy Pond can only be open to the public for use six months out of the year in order to satisfy requirements imposed by the Board of Appeals when the town sought a waiver from paving the parking lots and entrance drives. Consequently, gates have to be locked in the off-season, and the facilities go lacking on warm weather days in the winter and spring. This is expected to be exacerbated at Little Sandy Pond in 2002 when the new bike trail along Buck Island Road opens and more users can be expected there. The 136 units to be developed as part of The Villages at Camp Street affordable housing complex represent even more potential users that could strain the facility.

Another capacity issue involves the Senior Center. Though very popular among seniors and outside groups for meetings, a deed restriction prohibits it from being used for general public recreational programs. [4] Thus, it cannot fulfill the need for an indoor recreational site for most programs.

Consequently, the Recreation Division feels there is a need for a stand-alone multi-purpose indoor community recreation center, similar to the Gus Canty Recreation Center operated by the Town of Falmouth[5]. This facility would not only enable the schools to conduct their own programs at school facilities without displacing other town programs, but, if located convenient to major neighborhoods, such as near Little Sand Pond, could create a year-round indoor analog to the popular and successful Old Town House Road Park. About 60% of 2001 survey respondents approve the idea, though the division needs to present the case for it to be a major town priority in capital planning. A feasibility study for re-use of the Department of Public Works sand pit parcel on Buck Island Road, opposite Town Brook Road, could include an assessment of this community center.

The Recreation Department has identified other gaps to be examined, including the lack of programs aimed towards teens and a lack of skateboard parks or BMX bike tracks (very popular in other towns, and supported by the 61 % of respondents in the 2001 survey). There are also general problems with carrying capacity and scheduling of existing facilities. An influx of immigrants in the past decade has brought a special population with many needs, not excluding outdoor recreational ones.

The town sailing program, which continues to be popular, needs a home. There is a real shortage of qualified lifeguards owing to the improved economy and lack of training facilities. A large new multipurpose field is needed, even after the Old Town House Park was opened, to accommodate football, soccer and lacrosse. Youth golf instruction needs support facilities.

2. Special Needs: Access by the Disabled

The federal Americans with Disabilities Act (ADA) of 1990 states that public facilities, including town lands, should meet federal guidelines for accessibility for handicapped persons. New design guidelines are expected to be in place late in 200 1, which will propose to strike a balance between "resource impacts and access." The guidelines will pertain to new facilities or those substantially altered. For instance, the Town should incorporate the new guidelines into any master planning conducted for Flax Pond. The Town's goal has been to implement this law by having an example of each *type* of outdoor facility accessible to handicapped persons, and eventually to have *every* open space area accessible, wherever feasible. For example, Dennis Pond has a very shallow grade from parking area to water's edge for swimming, making it a more practical site to offer handicapped access, as opposed to Little Sandy Pond, where there is a steep slope from the town parking area to the beach. The Town needs to refine its property inventory for opportunities where handicapped experiences can be provided. On its open space and recreation properties, the Town remains committed to providing full experiential access, wherever environmentally and financially feasible. The 1993 upgrade to the Flax Pond buildings to full access was one successful example, and at-grade ramps have been installed at Smuggler's Beach and others. In addition, new handicapped comfort stations were installed at Parker's River Beach, Flax Pond and South Middle Beach. The town has also signed two percent of all parking spaces at town parks and beaches for handicapped-use only. [6] The Conservation Department has identified the Syrjala and the Meadowbrook Conservation areas as being most appropriate for segments of handicapped trails owing to level

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[4] Pat Armstrong, Director, Yarmouth Recreation Division, May 2001.

[5] Yarmouth Annual Report of the Recreation Division 2000

[6] Yarmouth Park Division, April 1993

grades there. In 1996 the Meadowbrook boardwalk was upgraded for handicapped use. It will have to be rebuilt after a 2001 fire set by vandals.

In 1996, the Conservation, Recreation and Parks Departments conducted the town's first disabled access inventory of lands under their control which experience the most usage: seven conservation areas and 15 parks and beaches. The results of this survey are provided in Appendix E of the 1996 report. They indicate proposed upgrades of facilities, contingent upon available staff and funding. Some of the upgrades have been completed, including a new walkway onto Seagull Beach (it will reach high water mark if state funds are secured to rebuild the bath house), and a water access and sitting deck at Flax Pond for wheelchairs.

3. Land Management/Facility Maintenance Needs

Daily maintenance of conservation areas falls to the Town's Natural Resources Department, with policy guidance from the Conservation Commission. Part of the land management problem stems from a lack of available staff to act as steward for the large number of town properties. Town meeting may want to deputize other town officials, such as health agents, in addition to police and harbormaster, to bolster enforcement of MGL c. 270 s. 16, which designates fines and vehicle seizure for illegal dumping on public land , which continues to be a serious problem. Other towns have addressed the situation by enlisting volunteer stewards to adopt specific parcels. But in Yarmouth, for instance ' only one of three people would be theoretically willing to volunteer time to help clean beaches and woodlands.

According to the 1994 survey, most people do not feel that there are conflicts among the various user groups of town lands. Perhaps this is due to the fact that most people do not take advantage of Yarmouth's many conservation areas. Making people aware of Yarmouth's fine holdings might go a long way in making people feel more invested in the land's stewardship. The publication of "Yarmouth's Walking Trails" booklet by the Yarmouth Conservation Trust is a start in the right direction. Cape Cod Pathways can also be a unifying force in rallying practical support.

The 2001 residents survey, however, made it clear that there is a perceived conflict between dog walker's and other outdoors enthusiasts. (See Question #12.a and 12.6 and #28 in Appendix F.) While most people do not own dogs, nevertheless most feel there should be an area designated for dogs to use, implying that most people feel that should be a segregated use. It is probably more of an issue on the beaches off-season than in the "woods".

Vandalism continues to be a problem at several facilities. Despite the showcase appeal of Old Town House Road Park, miscreants broke the windows of the bathhouse before the park truly opened in 2001, considerable damage occurred at the Flax Pond buildings. Video surveillance has been suggested to stem this problem, but no funding in sight.

Yarmouth has been in the forefront on Cape Cod in exploiting opportunities for redevelopment, including open space restoration efforts; that is, to create natural or landscaped areas where they are not. The Yarmouth Conservation Trust has led the way in this instance, providing leadership and infusions of volunteer help and fund raising for Anniversary Park, Sea Holly Park and, recently, Chase Brook Park. The former project involved town acquisition and demolition of an abandoned gas station on 0. 1 acre at the Bass River intersection. A sitting park, with gaslights, brick paving, flowers and park benches was installed at the congested corner. At Sea Holly, a dilapidated motel was dismantled, restoring the view up the Parker's River marshes from the Route 28 crossing. Parking for four or five cars was arranged with the nearby ZooQuarium. In addition, an overlook/fishing platform was erected and landscaped by the Trust. (See Appendix D.) These case studies were cited prominently on the cover of a 2001 publication touting "undevelopment" as a

forward-thinking example for the rest of Cape Cod.[7] The Town's reuse of the closed landfill into an additional nine-hole golf course for Bayberry Hills (opened May 2000) and Old Town House Road Park is another fine example of restoration opportunity.

The most glaring need for redevelopment is the Flax Pond facility, where the buildings are becoming dilapidated and leaky roofs prevent indoor classes during rainy day summer programs. No funds are on the horizon for this effort.

In 1998 the Yarmouth Selectmen appointed an ad-hoc Public Lands Safety Committee to evaluate every town-owned parcel of land for its suitability for hunting. A map and set of policies were adopted and published. [8]More than half of the parcels are open to hunting, though subject to safety setbacks and other restrictions. It is hoped that this map will limit conflicts between the hunters and other outdoor recreation users.

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[7]The Compact of Cape Cod Conservation Trusts, Inc., "Take Back the Cape: Opportunities for Undevelopment, Park Creation and Environmental Restoration." 2001

[8]Town of Yarmouth, "Hunting Areas and Policies," (no date).

GOALS AND OBJECTIVES

B. GOALS AND OBJECTIVES

The goals described in this section are the long-range aspirations of the Town of Yarmouth for the protection of natural resources and the provision of recreational opportunities for its citizens and visitors. The objectives are conceptual steps to be undertaken to achieve these goals. Specific, tangible actions to implement the objectives are found in the **Action Plan.**

These goals and objectives were developed by the Open Space and Recreation Planning Committee with input from the community through public opinion surveys and public hearings. Previous town studies, particularly the 1996 Yarmouth Open Space and Recreation Plan, was consulted for current applicability and compatibility. The goals and policies of the 1996 Cape Cod Commission Regional Policy Plan and the 1988 Massachusetts Statewide Comprehensive Outdoor Recreation Plan were also referenced for compatibility, where appropriate.

GOALS

1. Conservation: Protect and enhance Yarmouth's fragile environmental resources, including water quality, scenic beauty and unique habitats.

2. Open Space: Preserve and manage sufficient areas to maintain a healthy natural environment, provide habitat for wildlife, encourage outdoor recreation and retain community character.

3. Recreation: Meet all residents' and visitors' recreational needs by providing a balanced, year-round recreational program with adequate indoor and outdoor facilities, while protecting sensitive natural resources and keeping costs affordable.

1. CONSERVATION GOAL: Protect and enhance Yarmouth's fragile environmental resources, including water quality scenic beauty and unique habitats.

A. Protect and Enhance Coastal/Saltwater Resources: Preserve coastal water quality that will enable fishing, shell fishing, swimming and boating to continue for residents to enjoy and as a mainstay of the town's tourist economy and support native industries of commercial fishing and shell fishing.

B. Protect Freshwater and Wetland Resources: Preserve the quantity and quality of groundwater, ponds and freshwater wetlands which provide wildlife habitat.

C. Preserve Unique Natural Features: Protect and preserve the value of identified lands for wildlife habitat, rare plants and animals, uncommon woodlands (such as cedar swamps), and historic resources, through regulatory and non-regulatory means.

D. Mitigate Natural Hazards of Storm Flooding and Sea Level Rise: Promote sound land use principles to prevent acute storm damage and chronic sea level rise from causing undue threats to public safety and natural resources.

E Manage Town's Open Space Properties to Protect Natural Resources while Encouraging Appropriate Public Use: Evaluate town-owned un-designated use open space to dedicate

portions to conservation use and develop management plans which ensure maximum natural resource protection, while enhancing recreational access for purposes such as walking, fishing, and small craft boating.

F. Prevent Degradation and Abuse of Open Space Areas: Provide cost-effective means of patrol and maintenance for town-owned open space to prevent overuse, dumping and resource degradation.

G. Coordinate Protection of Natural Resource Areas with Multiple Jurisdictions: Cooperate with nearby jurisdictions, such as the neighboring towns and Massachusetts Division of Fisheries and Wildlife, to design compatible and integrated management of coastal and freshwater resource areas, migratory wildlife and other natural resources.

2. 0PEN SPACE : Preserve and manage sufficient areas to maintain a healthy natural environment, provide a habitat for wildlife, encourage outdoor recreation and retain community character:

A. Protect Environmentally Sensitive Lands: Acquire or protect, through regulatory and non-regulatory mechanisms, lands in or near sensitive natural or unique areas or existing protected open space lands identified in this plan.

B. Protect and Retain Lands of Recreational Value: Dedicate and advertise appropriate areas of town-owned open space to recreational use and encourage retention of existing private recreational facilities, particularly campgrounds and golf courses.

C. Protect the Town's Scenic Resources: Preserve the natural features, cranberry bogs, and waterfront of Yarmouth and ensure that views of these features are available to residents and tourists alike.

D. Protect Significant Historical Sites or Areas: Acquire or protect lands and structures, particularly along, but not limited to Route 6A and Bass River, which contribute to the unique Cape Cod character of the Town, provide historical, pre-historic or educational perspectives, and/or meet the criteria of the National Register of Historic Places or the Massachusetts Historic Commission.

E. Promote an Integrated, Cost-Effective Open Space Acquisition Program: Except when development threat is imminent and/or public ownership necessary to accomplish an intended public purpose, use cost-effect land protection tools, with tax incentives, such as donations, conservation restrictions and current use assessment, to retain open space in the community, working in alliance with non-profit organizations, such as the Yarmouth Conservation Trust.

F. Coordinate Open Space Protection with Regional Jurisdictions: Cooperate with nearby jurisdictions to promote protection of regional open space resources, such as the Cape Cod Commission re gional greenbelt system, Sagamore Lens Project and Cape Cod Pathways.

3. RECREATION Meet all residents' and visitors' recreational needs by providing a diversified selection of year-round recreational programs with adequate indoor and outdoor facilities distributed evenly in each village, while protecting sensitive natural resources and keeping costs within a limited municipal budget.

A. Meet Local Recreation Needs through Balanced Offering of Programs: Develop and/or expand recreational programs which address the needs of citizens and tourists, including those of different age (youth, adults and seniors), incomes and abilities, subject to availability of funds.

B. Upgrade Active Recreation Facilities to Provide Better Service: Develop, relocate and/or expand recreation facilities to meet local recreation needs, subject to availability of funds.

C. Enhance Fresh and Salt Water Bathing and Boating Facilities: Design creative, efficient means to expand mooring/docking areas, and encourage expansion of sandy beach areas and ancillary support land, particularly in West Yarmouth.

D. Encourage Alternative Transportation on Safe Routes to Reduce Congestion, Conserve Energy and Improve Air Quality: Promote walking and bicycle paths around town and connecting to long distance trail systems.

E. Provide Access to Open Space and Outdoor Recreational Facilities for Persons with Varying Physical and Other Abilities: Ensure that experiences available at selected conservation areas, trails, parks, and playgrounds area accessible to people with a variety of levels of mobility, sense awareness and mental capacity, mindful of site characteristics and financial considerations.

F. Cooperate with other Town Departments to Develop Municipal Land for Multiple Use: Identify areas of conservation land and well fields, where passive recreation can be enhanced, such as installing trails, and picnic areas, as appropriate.

G. Provide Public Education and Promotion of Community Recreation Programs: Ensure that programs and facilities are well known in the community, to residents and visitors.

H. Coordinate Management of Recreation Resources Which Cross Town Boundaries: Cooperate with nearby jurisdictions to promote protection of regional recreational resources, such as the Cape Cod Rail Trail, and Cape Cod Pathways regional trail network.

RECREATION AND OPEN SPACE

ACTION PLAN

C. ACTION PLAN

The following actions are designed to implement the Goals and Objectives and to address the needs identified in the Analysis of Needs. They are also intended to conform, to the maximum extent practical, given Yarmouth's distinctiveness, with the "Recommended Town Actions" of the Cape Cod Commission Regional Policy Plan (RPP) of 1991 (amended, 1996). Each specific action is subject to additional directed town approval and/or appropriation. The recommended agent with responsibility for implementing the action is identified at the end of each action and the year in which the action is presumed to occur.

For the purposes of this 2001 Update, italicized comments are included to indicate progress on the actions cited in the 1996 plan.

1. CONSERVATION ACTION

A. Coastal Resources/Saltwater Quality

1. Prohibit direct discharge of untreated stormwater and wastewater into coastal waterways (complies with Policy 2.1.1.5 of RPP). Mitigate untreated stormwater discharges through the use of vegetated swales, leaching catch basins and other best management practices (2.1.1.8 of RPP). Stormwater Advisory Committee, Board of Health and Department of Public Works. Ongoing.

Progress through 2001: *The Stormwater Advisory Committee has been folded into department staff. Engineering Department is conducting a town-wide inventory of stormwater discharge pipes. A pavement management program for Bass River has been completed. Leaching catch basins have been installed at Crosby Street and North and South Cove Landings. Similar work is underway at Follins Pond Road Landing. The parking lot at the Bass River Golf Course has been upgraded to limit discharge and erosion corrected.*

2. Nominate portions of waterways as federal EPA No Discharge areas for boats (2.2.Town.A or RPP). Coordinate with regional health officials on marine head pumping options (2.2.Town.Gof RPP). Harbormaster, Board of Health and Conservation Commission. 1997.

Progress through 2001: *The Harbor Management Plan (now underway) will recommend nomination of the entire town as a no-discharge zone.*

B. Freshwater/Wetland Resources

1.Amend local wetland protection bylaw to protect vernal pools. (2.3.Town.B of RPP). Conservation Commission and Town Meeting. 1996.

Progress through 2001: *Bylaw amended in 1997 to increase vernal pool definition to 3,000 square feet.*

2.Evaluate and, if necessary, mitigate stormwater drainage patterns into Dennis Pond and Long Pond (2.3.Town.D of RPP). Conservation Commission and Board of Health. 1998.

Progress through 2001: *Trenches and basins were added when Summer Street rebuilt near the Dennis Pond Beach. A basin was added to catch the first-flush from storms at Lyman Lane at Long Pond.*

C. Unique Areas

1.Identify and certify all vernal pools (2.4.Town.A of RPP). Conservation Commission. By 2000.

Progress through 2001: *High school Science Department assisting in identifying vernal pool sites. None certified yet.*

2. **Pursue acquisition of the Treasure Island cedar swamp near the Hyannis line for conservation use. Conservation Commission 1996.**
Progress through 2001: *Acquired all 38 acres in fee in 1998 as donation/mitigation as part of the Thunder Falls mini-golf settlement under the wetlands act.*

3. **Pending evaluation, dedicate appropriate portions of un-designated town-owned land (80 acres) as conservation land under MGL c. 40, s. 8C. Conservation Commission and Board of Selectmen. 1997**
Progress through 2001: *No action taken.*

4. **Pursue acquisition of upland acres (15 acres) abutting the Smith-Hammond (McCarthy) Bogs north of Route 6.. ConCom and Land Bank. 2002.**

D. Flooding/Sea Level Rise

1. **Amend zoning bylaw to prohibit new non-water dependent construction in the Federal Emergency Management Area (FEMA) V-flood zones, except where the height of the first floor elevation meets or exceeds the 100-year storm wave height (2.2.2.1 & 2.2.2.2. of RPP). Planning Board and Town Meeting. 1999.**
Progress through 2001: *No action taken.*

2. **Amend local wetlands protection bylaw to accommodate inland migration of saltwater wetlands, where feasible, based on a 2-foot sea level rise. (2.3.Comm.E. of RPP). Conservation Commission. 1998.**
Progress through 2001: *No action taken. Conservation Commission adheres to a 35 foot undisturbed vegetated buffer setback from wetlands.*

E. Natural Resource Management

1. **Develop natural resource inventory and management plan for major conservation areas, particularly Weir Village Woodlands, identifying appropriate types and levels of recreational use. Conservation Commission and Natural Resources Department. Ongoing.**
Progress through 2001: *No action taken on planning, though wildlife habitat enhancement has been performed, in conjunction with the USDA Natural Resources Conservation Service WHIP program, at the Ray Syrjala Conservation Area. New action desired: Restore grasslands and control invasive at selected conservation areas, in conjunction with Mass Wildlife.*

2. **Evaluate conservation significance of town-owned parcels, acquired through tax-title foreclosure. If significant, dedicate to conservation land under MGL c. 40, s. 8C. Conservation Commission and Board of Selectmen. 1998.**
Progress through 2001: *No action taken.*

3. **Prepare and distribute public information about hurricane preparation, wetland protection, septic upgrades, flood-proofing, and boating safety. Various Departments. On going.**
Progress through 2001: *Board of Health published septic upgrade brochure. Department of Natural Resources distributed boating safety brochure. Conservation Department and Garden Club educates on wetlands during nature walks.*

F. **Patrol/Land Maintenance**

1. **Deputize appropriate town officials, including health agents, in addition to police and harbormasters, to bolster enforcement of MGL c. 270, s. 16, preventing illegal dumping on public land.conservation Commission & Town Meeting. 1997.**

Progress through 2001: Complete.

2. **Encourage non-profit groups, such as the Yarmouth Conservation Trust, and volunteers to organize land clean-ups of public and private open space. Conservation Commission. 1996.**

Progress through 2001: *Town participates in Coastsweep annually. Garden Club organizes Sea Gull Beach clean-ups.*

3. **Evaluate landfill/transfer station fees and collection policies to discourage residents to dispose of bulk items in unauthorized areas. Explore alternative means of legal disposal. Board of Health and Selectmen. 1996-97.**

Progress through 2001: *No action taken, but household hazardous waste is collected at transfer station twice annually instead of annually.*

4. **Regulate motorized and non-motorized bicycle use on nature trails. Conservation Commission and Natural Resources Department. 1997.**

Progress through 2001: *Ongoing patrols by Conservation Department and Natural Resources. County inmates are used in trail clean-ups.*

G. **Regional Coordination**

1. **Evaluate Cape Cod Pathways proposed routes and dedicate specific town land to that effect. Conservation Commission, Water Department & Recreation Commission. 1996-97.**

Progress through 2001: *Town-wide trail plan adopted in 1997. Refinement through GPS by Conservation Department completed. All trails dedicated. north-south though are still needed.*

2. **Seek approval for bike trail extension to Barnstable and Dennis town lines. Recreation Commission and Selectmen. 1997-2000.**

Progress through 2001: *Design completed for Barnstable extension. State transfer of Dennis extension completed; no design work yet.*

2. OPEN SPACE ACTIONS

A. Protection/Sensitive Lands

1. By means of regulatory or non-regulatory methods (see Analysis of Needs A.), protect lands which meet one or more of the following criteria: 1997-98.

Progress through 2001: *Since the establishment of the Land Bank in Yarmouth in 1998, the Town has acquired over 80 acres worth $2.8 million. Acquisitions have been made with resource protection values in mind. Further refinement of ranking systems of still-available open space is needed.*

A. Lands within or adjacent to designated protected open space (Map 5.1,5.2,5.3) or potential open space (Map 9.A);
B. Lands within or adjacent to fresh and saltwater bodies, beaches, (salt and fresh water), wetlands, (marshes, swamps, bogs, meadows, ponds, and creeks), and floodplains;
C. Lands containing vernal pools or which provide refuge for federally or state listed endangered, or threatened species or species listed as a special concern:
D. Lands providing wildlife corridors which allow movement and migration of wildlife indigenous to Yarmouth;
E. Lands useful for multiple public purposes or enhancement of Cape Cod Pathways.

Conservation Commission or Town Meeting. Ongoing.

B. Protection/Recreational Lands

1. By means of regulatory or non-regulatory methods (see Analysis of Needs A), protect lands which meet one or more of the following criteria: 1997

Progress through 2001: *Since the establishment of the Land Bank in Yarmouth, in 1998, the Town has acquired over 80 acres, worth $2.8 million. Acquisitions have been made with resource protection values in mind. Further refinement of ranking systems of still-available open space is needed.*

a. Lands which abut existing public and private recreation and open space lands (6.2.Town.D of RPP);

b. Lands which could be designed to promote hiking or bicycle trails;

c. Lands which could allow for expanded recreational facilities in parts of town presently undersupplied, particularly Yarmouthport, and including lands within existing densely developed sub-divisions.

Recreation Commission and Town Meeting. Ongoing.

2. Encourage private golf courses and campgrounds to apply for property tax reduction via MGL c. 61B application for current use assessment. Recreation Director and Assessors. 1996.

Progress through 2001: *No action taken; Selectmen opposed.*

C. Protection/Scenic Resources

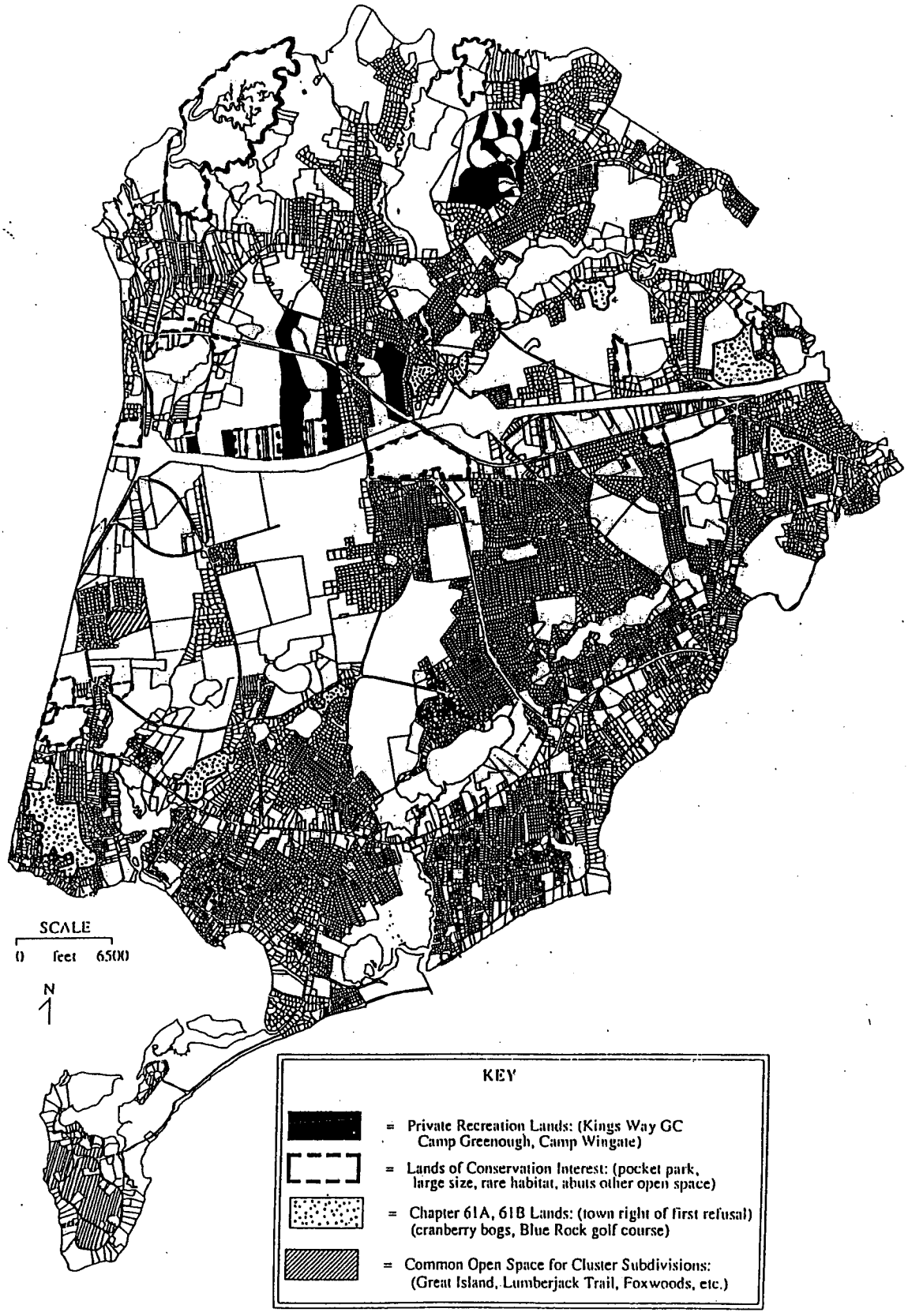
1. Encourage use of construction and design standards contained in "Designing the Future to Honor the Past": Design Guidelines for Cape Cod, Cape Cod Commission, 1994. Planning Board.

Progress through 2001: Ongoing

2. Where feasible, require placement of new utility lines underground. (7.2 Town.J of RPP) Planning Board

Progress through 2001: *Ongoing*

YARMOUTH OPEN SPACE and RECREATION PLAN, 1996
MAP # 9.A POTENTIAL PROTECTED OPEN SPACE



D. Protection/Historic Resources

1. **Purchase Cellar House property adjacent to Packet Landing on Bass River, site of the first ferry service, for park purposes and historic preservation. Route 28 Task Force, using ISTEA Enhancement Program funding. 1996.**

Progress through 2001: Complete; design plans and stormwater improvements are underway.

2. **Install proper signage and covenants to protect public usage of ancient ways, particularly Hockanom Road, Yarmouthport. Planning Board and Park Department. 1996.**

Progress through 2001: Sign installed; town pursuing litigation or easement taking from abutters to preserve way.

E Cost-Effective Program

1. **Conduct mailings and hold workshops for large landowners describing tax benefits (income tax, property tax, estate tax) associated with land preservation options, such as the 1989 town conservation restriction program. Conservation Commission, Selectmen, Assessors and Conservation Trust. 1996-97.**

Progress through 2001: Ongoing; Conservation Trust has worked with landowners.

2. **Adopt a policy to acquire tax title lands and evaluate for conservation, open space or recreation significance before deciding to dispose of them (6.2.Town.E of RPP) Selectmen. 1997.**

Progress through 2001: No action taken.

F. Regional Coordination

1. **Identify and map strategic parcels needed to implement open space greenbelt system, particularly parcels providing connections to the Cape Cod Pathways (6.2.Town.A of RPP). Conservation Commission. 1997.**

Progress through 2001: Ongoing

2. **Encourage cluster subdivisions designed to protect significant linkage in the greenbelt system (6.2. Town a of RPP). Planning Board : Ongoing**

***Progress through 2001*:** On-going

3. RECREATION ACTIONS

A. Recreation Programs

1. Develop additional adult and senior recreation programs, using town funds and fees. 1996-98.
Progress through 2001: *New programs include exercise classes at Senior Center, arts and computer instruction; new facilities for adults and seniors include horseshoe and bocce courts at Old Town House Road Park, new 9 holes of golf at landfill and added instruction. Also, regional old-timers softball league very popular with Yarmouth seniors.*

2. Work cooperatively with other town departments to develop bike paths and walking trails linking various outdoor and recreation facilities. Recreation Department. Ongoing.
Progress through 2001: *Ongoing; Old Town House Road Park connected to bike trail.*

3. Review and update recreation program offerings as community needs dictate. Recreation Department. 2000.
Progress through 2001: *Ongoing; expansion without extra tax subsidy support needed.*

B. Active Recreation Facilities

1. Recreation Facilities Action

a. Finalize conceptual plan for new multi-use recreation park and golf course at Old Town House Road (landfill reuse). Seek state Urban Self-Help reimbursement and other sources to augment town funds.
Recreation Commission and Golf Commission 1996.
b. Develop plans for management of future Old Town House Road Park at landfill.
Recreation Department and Golf Commission. 1197.
c. Finalize management plan for Old Town House Road Park at landfill.
Recreation Department and Golf Commission. 1998.
d. Open Old Town House Road Park at landfill.
Recreation Department and Gol Commission. 1999.

Progress through 2001: *Plans completed and facility built; $1 million received from Urban Self Help Program. Park dedicated in 1997. Golf opened in 2000.*

2.Make necessary repairs to buildings and land at Flax Pond. Park Department and Recreation Department, with town funds. 1996.
Progress through 2001: *Little action taken on buildings, roofs still leaking, master plan needed. Walking trails have been cleared and marked. Handicapped access to pond has been installed. Drainage improvements needed*

3. Develop additional playing fields, distributed evenly through town, in order of priority: two soccer fields, two youth baseball fields, two adult softball fields, one regulation baseball complex. Recreation Department. 1997-2001.
Progress through 2001: Two new soccer fields installed at Old Town House Road Park (OTHR); one youth baseball field at OTHR Park; one adult softball field installed at other OTHR Park.

4. **Build or reuse existing structure for centrally located indoor community recreation center. Recreation Commission. By 2001.**
Progress through 2001*: No action taken, still needed.*

C. Beach/Boating Facilities

1. **Dredge Old Mill Creek channel behind Colonial Aces, to expand mooring potential and enhance water quality. Conservation Commission and Department of Public Works, using county dredge to save costs, if possible. 1997.**
***Progress through 2001**: Dredging completed for tidal flushing but not moorings.*

2. **Upgrade existing boat ramps at Bayview Beach and Englewood Beach. Examine additional boat trailer parking needs. Park Division and Waterways Committee. 1997-98.**
***Progress through 2001:** No action taken, still needed.*

3. **Acquire Red Rose Inn at Englewood Beach for future recreation use (sailing program and storage, classrooms, park, parking), using state grants and town funds. Recreation Division and Park Division. 1997.**
***Progress through 2001**: No action taken, rejected by Town Meeting. Delete.*

4. **Design site utilization plan for public marina and town park at drive-in property on Parker's River (Crowe's Purchase), using town funds and state grants. Planning Department, Recreation Department and Parks Department. 1997.**
***Progress through 2001:** Design done, Town Meeting approved $100, 000 for implementation and permitting; still a high priority.*

D. Alternative Transportation

1. **Develop the railroad bed east of the transfer station as a recreational corridor. Recreation Commission and Public Works. 1999.**
***Progress through 2001**: No action taken, still needed. State has NOT transferred the rail-bed into Town ownership. Design issues over Bass River crossing.*

2. **Study feasibility of siting an off-site parking facility and shuttle service for South side beaches in summer. Selectmen and Recreation Commission. 1998.**
***Progress through 2001**: No action taken. 2001 survey indicates very little use of existing Route 28 shuttle buses.*

3. **Install additional bicycle racks at beaches, parks and in commercial areas. Department of Public Works.**
***Progress through 2001**: Ongoing.*

4. **Promote Cape Cod Pathways as on off-season tourist attraction as well as year-round recreation network. Conservation Commission and Recreation Commission. Ongoing.**
***Progress through 2001:** No action taken, awaiting map and brochure production of trail system.*

5. **Explore feasibility of sidewalks along South Shore Drive and Seagull Beach Road. Recreation and Park Divisions. 1997**
***Progress through 2001:** Seagull Beach Road sidewalk is part of an overall improvement plan for the town's second most popular beach, Seagull Beach. An urban self-help grant from the state is being sought to not only install sidewalk, but replace parking lot, improve drainage and entrance drive and extend beach walkway to sea level.*

E. Handicapped Accessibility

1. **Install a new handicapped accessible walkway at Meadowbrook Conservation Area. Use federal Housing and Urban Development (HUD) grant for funding. Conservation Commission and Recreation Commission. 1996.**
***Progress through 2001**: Walkway installed in 1997; burned by vandals in 2001. Insurance proceeds needed for rebuilding. Department of Natural Resources.*

2. **Complete walkway and deck area at Flax Pond to provide water access for handicapped. Recreation Commission, with HUD grant. 1996.**
***Progress through 2001**: Complete.*

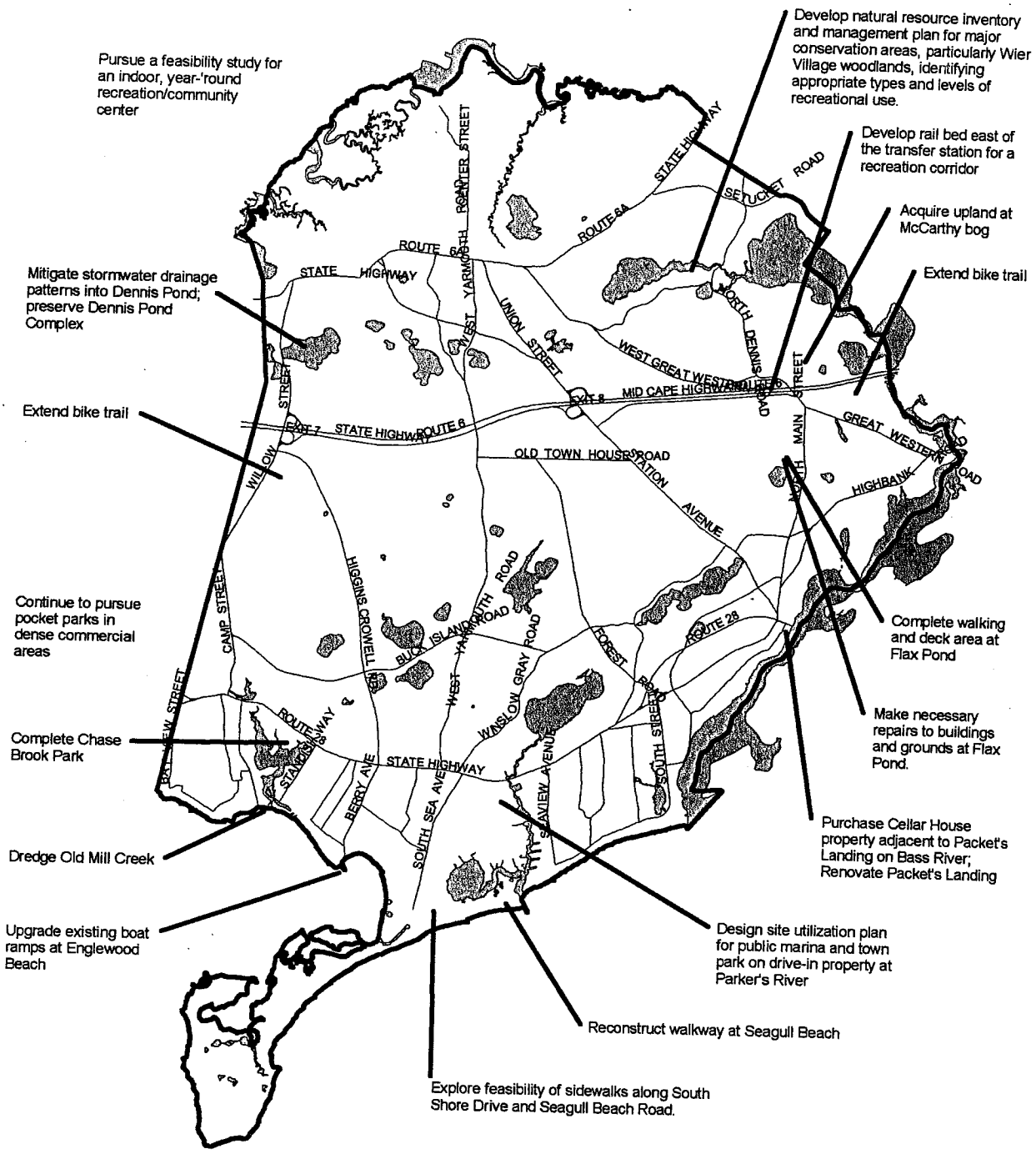
3. **Re-construct walkway at Seagull Beach to provide accessibility to *high* water mark. Recreation Commission and Park Department, with HUD grant.**
***Progress through 2001**: Walkway reconstructed onto beach; extension to high water awaiting reconstruction of bathhouse in 2001-02.*

F. Regional Coordination

1. **Appoint a local coordinator and/or committee to participate in and advise on the Cape Cod Pathways program of the County Commissioners. Selectmen. 1996.**
***Progress through 2001**: Conservation Division is coordinating action.*

2. **Update Open Space and Recreation Plan for continued state eligibility. Planning Division. 2001**
***Progress through** 2001: Consultant hired; Plan update drafted.*

Article 2
November 2001 Special Town Meeting
Map # 6-10



TOWN OF YARMOUTH

COMPREHENSIVE PLAN

RECREATION AND OPEN SPACE
CHAPTER 6
Revised - November 2001

YARMOUTH GIS

SELECTED REFERENCES

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CATALOG OF NON-REGULATORY METHODS

OF OPEN SPACE PRESERVATION

APPENDIX F.

CATALOGUE OF NON-REGULATORY METHODS OF OPEN SPACE PRESERVATION

1) Fee Acquisition

a) Donation (Outright gift of land)

The landowner gives the entire interest in a property (fee simple title) to the Town or charitable conservation organization, such as the Yarmouth Conservation Trust. The donor is relieved of future property taxes because ownership is relinquished. The donor may receive income tax deductions amounting to the appraised fair market value of the land.

The landowner may impose use restrictions on the deed, such as prohibiting motor vehicles, though these limitations may reduce the value of the gift. The landowner may also donate parts of the property in different years or donate undivided interests in the entire property over successive years, in order to maximize income tax benefits.

Land donations are the easiest, quickest and, obviously the cheapest land acquisition methods for the community. A title exam and hazardous waste survey should be conducted prior to conveyance. Deeds specifying conservation use should read, "to be managed under the authority of MGL Chapter 40, s. 8C, " to ensure the land cannot be devoted to other municipal use. Land donations are subject to town meeting approval, or Selectmen approval if accepted by the Conservation Commission. Gifts of land to the Yarmouth Conservation Trust do not need municipal approval.

The Town continues to rely on donations of property despite the ambitious land purchase program of the 1980s. For instance, in 1994, the Town received five parcels of land (almost 50 acres) from four separate donors. Between 1995 and 2001, the Town received five parcels totaling 50 acres; most significant were the 8-acres cedar swamp abutting Hawes Run and the 38-acre cedar swamp off Camp Street, both in West Yarmouth.

b) Purchase

If funds are available, and the landowner cannot or will not donate the parcel., the Town may wish to purchase the fee simple title to the land. The length of time necessary to complete the transaction depends on negotiations, title research, appraisals and town meeting scheduling. The town meeting must approve the purchase by a two-thirds majority and, if bonds are issued, a simple majority of a town-wide vote is needed to exempt the bond from the tax levy limit (Proposition 2 ½) Direct purchase was used by the Town in acquiring almost 600 acres in the late 1980s.

In November 1998, the Town voters approved a binding referendum question to add three percent (3%) surcharge to their property tax to fund a land bank for Yarmouth through the year 2020.[9] Since that time, the Town has averaged $800,000 in annual receipts for the land bank. The state has also provided 50% matching

[9] Chapter 293 of the acts of 1998

funds to Yarmouth for the first three years. By May 2001, the Town Land Bank Committee had brought forward and received authority to purchase 16 properties totaling 81 acres for $2.8 million. Most were bought for conservation purposes, though the Packet Landing Park and the Beaton Bog were also acquired in whole or in part.

In 2000 the state legislature approved enabling law to allow towns to accept the Community Preservation Act (CPA), a similar program to the Cape Cod Land Bank. The CPA, if adopted, could provide up to another three percent (3%) surcharge on local property taxes in order to buy open space, create affordable housing or restore historic properties. The state will provide matching funds through deeds recording fees. No Cape town has adopted the CPA (only one, Orleans, tried and failed in 2001) and it is unlikely that it will be proposed in Yarmouth any time soon.

The Town has the right to take a key property for public use by eminent domain, if a negotiated price cannot be reached. Even if the Town bases compensation on an accurate appraisal, landowners often feel aggrieved and sue for additional damage awards. Juries typically side with the landowner. Because takings automatically clear away title defects, friendly negotiated sales are often written as eminent domain takings in the town meeting article.

Land purchases can also be structured in installments or at bargain prices to satisfy a landowner's tax needs. A bargain sale is one at a price below fair market value by at least 20 percent (20%). The difference between appraised value and the sale price qualifies as a tax-deductible gift, which can offset the landowner's capital gains tax on the sale.

c) Bequests (Gifts by Devise)

Property can be given for public use after the landowner's death if his or her will specifies such a disposition. This technique allows the landowner full use and enjoyment of the land during his or her lifetime, while removing the asset from savings using this approach and the community gets no immediate use of the property. There is also no assurance that the will won't be altered before decease.

d) Tax Title Transfers

Tax title properties are parcels acquired by a municipality through foreclosure owing to nonpayment of property taxes (G.L.C.60). People may neglect to pay the minor amount of taxes due on their "worthless" [10] wetland parcels and lose their land through foreclosure by the Town. Land values today are generally high enough to dissuade owners from risking the loss of their land through tax default. In the past, though, many properties were acquired by towns through this method.

Once acquired by the community, tax title lands are general purpose municipal lands, usually under the control of the Selectmen. They can be kept, sold by town meeting, or transferred to another town agency for a specific use. The Conservation Commission, for example, could request wetlands and parcels with special resource value. Barnstable and Wellfleet are two Cape towns which have regularly transferred these types -of parcels to their Conservation Commissions. A list of un-designated-use parcels which could be transferred to the Conservation Commission, due to their location abutting conservation land or unbuildable character, is given in Table 7. 1.

[10] Massachusetts General Law, Chapter 40B

TOWN Lands Held for General Use; Potential for Dedication to Conservation Table 7.1

Map	Parcel	Village	Acreage	Reason for Proposed Transfer to Conservation Commission
12	D123	WY	0.23	Wetland on Connecticut Avenue
20	W1	WY	1.88	Salt marsh on Parker's River; abuts Conservation Commission marsh
31	N2	WY	0.35	Wetland on Mill Creek
34	F1	WY	9.82	Abuts R.J. Syrjala Conservation area
35	E102	WY	0.43	Marsh area; abuts Meadowbrook Conservation Area
52	S4	SY	0.01	Buffer to James Pond
52	S5	SY	0.22	Buffer to James Pond
52	W32	SY	0.04	Buffer to James Pond; abuts Conservation Commission land
52	W33	SY	0.06	Buffer to James Pond; abuts Conservation Commission land
52	W5	SY	0.14	Buffer to James Pond
53	F10	SY	0.25	Sarah's Swamp; abuts 61/S29
59	E37B	SY	0.61	Swamp; abuts 59/E39
59	E39	SY	0.71	Swamp; abuts 59/F,37B
61	S29	SY	1.77	Sarah's Swamp; abuts 53/FIO
64	S11	WY	3.19	Abuts Crow Pond
72	G3	WY	4.74	Near state DPW land in Hyannis; Rte.6 greenbelt
82	J2	YP	1.03	Abuts Dennis Pond Conservation area
87	J1	YP	3.43	Abuts Conservation Commission land; Route 6 greenbelt
90	Z1	SY	1.72	Salt Marsh on Bass River; abuts YCT CR
94	A4	YP	1.84	Woodland; abuts Conservation Commission land
94	M14	YP	3	Fresh marsh; abuts Conservation Commission land
108	B1	YP	12	Salt marsh; abuts Conservation Commission land
114	G5	YP	3.36	Abuts Crab Creek Conservation area
114	RI	YP	0.46	Abuts Crab Creek Conservation area
114	R2	YP	0.25	Abuts Crab Creek Conservation area
114	R3	YP	0.16	Abuts Crab Creek Conservation area
122	J14	YP	0.28	Connects to Dennis conservation land; abuts Yarmouth Conservation land
126	T70	YP	3.3	Salt marsh; abuts Conservation Commission land
126	Z68	YP	6.1	Salt marsh; abuts Conservation Commission land
126	Z69	YP	3.5	Salt marsh; abuts Conservation Commission land
129	W1	YP	14,31	Large woodland; abuts Dennis line
132	J14	YP	0.49	Salt marsh; abuts Conservation Commission land
			79.45	**TOTAL ACRES**

a) Reverter Clause

Lands can be transferred to one entity with the stipulation that if the grantee fails to honor the grantor's intent, the title will automatically transfer to a third party who will uphold the grantor's intent. An example of this technique was used in the 1960s when the Thacher/Perera family transferred over 200 acres for use by the Boy Scouts' Camp Greenough in Yarmouthport. The deed requires that title transfer to the Yarmouth Conservation Commission if the Scouts discontinue use of the land for scouting/camping.

2) Less-than-Fee Acquisition

a) Trail Access Easements

Many landowners are familiar with positive easements, such as for drainage, driveways, or utilities. Easements may also be constructed to link open space parcels or to create viewsheds. Unfortunately, most landowners fear the loss of privacy and liability to be concerns sometimes associated with public use. If privacy loss is significant and fair market value is reduced, the Town should lower the tax assessment on the affected parcel accordingly. Massachusetts General Law (c.21, s. 17c) protects landowners from liability if they allow public access without charging admission, so liability fears are probably exaggerated.

The Cape Cod Pathways Project, sponsored by Barnstable County, encourages landowners to participate in the creation of a linked system of walking trails throughout the Cape. This network would rely on land donations, easements, licenses and purchases. [11] In June 1995, a CapeWalk was organized which led 13 walkers (and many other short-timers) from Provincetown to Buzzards Bay in eight days. The CapeWalk took a route through Yarmouth that included Mayfair Road, Bray Farm, Hockanom Ancient Way, Old King's Highway, Botanic Trails and the Dennis Pond Conservation Area. This stretch, with modifications, could serve as the through-route in Yarmouth, though others are possible particularly in the large public landholdings in South and West Yarmouth, north of Route 28. (See 5.C.3.a).

The Department of Environmental Management's (DEM) Sea Path program, which would grant public strolling rights below the high tide line (currently, public trust rights in this intertidal zone are limited to fishing, fowling, and navigation), is not particularly relevant on Yarmouth's Northside, owning to extensive salt marshes fronting the coast, but could be useful along the Southside beaches. The Sea Path program does not address Yarmouth's primary objective, which is providing additional "blanket space" on the beaches and adequate parking.

b) Conservation Restrictions (G.L. 184 s. 31-33)

Conservation restrictions, also called conservation easements, are voluntary, yet binding legal agreements between a landowner and the Town or conservation organization, such as the Yarmouth Conservation Trust. The landowner is offered powerful incentives through estate tax and federal income tax deductions and property tax relief, to keep parcels in an undeveloped state. Since being authorized in 1969, seven restrictions have been approved and 583 acres in Yarmouth (and 20,000+ acres statewide) have been preserved through this technique. The owner keeps control over the land, while the holder of the restriction promises to enforce the terms of protection. The state Secretary of Environmental Affairs and the Selectmen must approve each restriction based on the land's environmental significance or other public benefit.

In 1989 the Yarmouth Selectmen and Assessors, based on work prepared by the Yarmouth Conservation Trust, adopted a set of policies encouraging the use of restrictions as a means of preserving natural areas without the

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[11] Partners for Cape Cod Pathways, "connecting the Cape: Tax Benefits for Landowners", (Barnstable 1996)

town having to purchase them. Only perpetual agreements will be considered. There is no parcel size requirement. Property valuation will be reduced by as much as 95% for lands under permanent restriction. Over 266 acres of land on Great Island are preserved through two permanent conservation restrictions held by The Trustees of Reservations. The Bayview bogs owned by Cape Cod Hospital were placed under conservation restriction in 2000. The Bass River Rod and Gun Club and the Botanic Trails are also under restrictions held by the town. (See Maps 5.1, 5.2 and 5.3.)

c) Lease

The Town could lease private land for open space needs, such as for a community garden. Leases are effective in their flexibility and "trial-run" aspects. A landowner who is reassured by the community's responsible management of the leased land may be more willing to cooperate later, on a more permanent arrangement, such as a donation in fee or conservation restriction.

Leases are recorded in the Registry of Deeds and remain in force until their expiration date, even if the land's title is conveyed. Land leased for public use is typically relieved of property tax obligation. No income or estate tax deduction can be claimed due to the temporary nature of the lease.

d) Remainder Interest/Reserved Life Estate

A landowner can give or sell land to a town while retaining the right to live on or use the property for the rest of his or her life. The landowner keeps a "reserved life estate", while transferring the remainder interest to the Town. The landowner receives a charitable deduction for the value of the land minus the value of the life estate (based on IRS actuarial tables) and minus any depreciation. The landowner typically must still pay property taxes and maintenance costs.

Reserved life estates are typically used by elderly landowners who still need their home, but not their land. Benefits to the community include immediate access to the property and knowledge that, eventually, full control will result.

e) Options/Rights of First Refusal

On option is a right, but not an obligation, to purchase a property at an agreed upon price at a specific time. Options allow a town or land trust the time needed to raise funds for a parcel it knows it wants to acquire. Options are particularly useful in times of development pressure and rising realty markets because they lock in a price and take the land off the market. The Town pays a nominal price for the option itself to indicate genuine intent, and records the option. Landowners derive no tax incentives from this technique, but many landowners would prefer to sell their property for conservation than for development.

Rights of first refusal similarly can buy time for the town to assemble acquisition funds, but are less certain than options. These agreements set neither a purchase price nor an execution date. The town cannot determine when the owner will decide to sell the land - now, later or never-but it gives the public the right to determine the lands fate if and when that time comes. No tax incentives accrue to the landowner from these agreements; civic cooperation may be the only motivation.

f) Current Use Assessment Program

Farms, forest and private recreation lands often receive preferential tax treatment under the current use assessment programs (MGL c.61, 61A, 61B). These programs enable local assessors to value open lands in their current state rather than at their "highest and best use", which in Yarmouth generally means as a housing development or commercial zone. It is similar to a conservation restriction program, in that it is employed strictly at the owner's request. Differences include: no benefit as income tax or estate tax deductions; annual application is necessary; and, the town has automatic right of first refusal in the event of a conversion to another use. A major advantage is that eligibility criteria and property tax reductions are simple and standard throughout the state:

c.61- Ten acres of woodland with a state-approved forest management plan; 95% tax reduction plus stumpage fee,
c.61A- Five acres in agricultural production grossing $500 annually; reduction based on crop type,
c.6 I B- Five acres used for public recreation or resource protection; 76% reduction.

The disadvantage is that property owners can withdraw from the program at any time.

No managed woodlands exist in Yarmouth) so ch. 61 is not applicable. Cranberry bogs, owned privately, are assessed under c. 61A. Ch. 61B is applicable to the private golf courses. (See Table 5.4 & Map 9.A.)

g) Differential Assessment Programs

Private retention of open land could be stimulated by Special Act 797 of 1979, which provides the Selectmen with an option to tax open or vacant land at a rate up to 15 percent less than residentially developed land. It is based on the premise that developed land requires more municipal services and should generate more taxes than open land. The advantage to this program is that it applies indiscriminately throughout the town; everyone gets a tax break for keeping the land undeveloped whether they want it or not. The draw back is that the open space rate reduction of 15 percent is much smaller than the discount offered by other techniques, such as conservation restrictions.

In 1990, only five Massachusetts communities, (Bedford, Concord, Norton, Nantucket and Somerset) used this classification program. It is an equitable conservation option that need not cost the Town a penny. The Town's total tax revenue remains the same; more of the burden is simply shifted onto developed properties. Yarmouth has not utilized a differential in tax rates to date.

3) Private Conservation Organizations (See Table 5.3)

The local land conservation trust is playing an important role in shaping open space protection in Yarmouth. As a private organization, the Yarmouth Conservation Trust (YCT) can work separately from town government, while pursuing shared goals. As a charitable group recognized by the IRS since 1986, it can offer similar tax advantages as the town to a landowner for gifts of land. Land trusts are directly involved in acquiring and managing land for its natural, recreational, scenic or historical qualities. YCT is supported by public memberships and directed by a board of volunteer citizens.

What can non-profit groups do that town agencies cannot? First, they can work quietly and confidentially with landowners, forging relationships patiently (sometimes have to do in government circles) that may result in open space protection, such as a land donation. Second, these groups are an attractive alternative for landowners skeptical about working with "government". Non-profits are not susceptible to the same type of political pressure to which a town agency may be subject, such as converting town conservation land to another use. Finally, these groups can be instrumental in performing much of the pre-acquisition work needed for a town to purchase land, including surveys, title exams, appraisals and options.

YCT is a member of The Compact of Cape Cod Conservation Trusts, which provides technical assistance and professional expertise on matters relating to planning, land acquisition and management, and non-profit administration in addition to linking them to their counterparts across Barnstable County. These groups should supplement, not supplant, the town's role in implementing the Open Space Plan.

The Trustees of Reservations is a statewide land trust, dating back to 1891, which has a limited presence on Cape Cod (primarily Mashpee Pond and Mashpee River.) Its presence in Yarmouth is important, however, since it holds the perpetual conservation restriction on 266 acres of Great Island.