

DRAFT MEMO OF UNDERSTANDING
6/26/2016

This document is intended to record the provisions of an understanding between the Legacy Theater and the plaintiff(s) with the expectation that it will be used as the basis for appropriate formal agreement(s) or other form(s) of enactment. This document does not attempt to suggest or provide the means of enactment or enforcement.

USE

Rather than being exhaustive in nature, the following list is meant to characterize and represent the types of functions which are acceptable uses of the theater space and are consistent with both the mission and reputation of Legacy Theatre and the integrity of the community.

All events will be held within the theater building. The outside space is not to be used for events. The outside space can be used for theatrical intermissions and breaks in between classes and rehearsals.

Theatrical Productions including:

- musical theater
- straight plays
- comedies
- classics
- revues
- one acts
- cabarets
- dance presentations
- new works
- recitals
- poetry reading
- classic and silent film presentations and talk back
- lectures

Concerts including:

- choirs
- chamber orchestra
- choral music
- song cycles
- musical and vocal ensembles

Classes including:

- Adult performing arts classes
- Children's performing arts classes and camps

Civic, Community, and Charitable Programming including or similar to:

- Selectman Debate
- Catholic Charity League Fashion Show
- Make a Wish Awareness Event
- Metropolitan Opera Live in HD

- Compassion Club Fundraiser

Uses such as the following are seen as inappropriate and will not occur:

- rap concerts
- heavy metal concerts
- raves
- open mic
- weddings
- parties (including bachelor parties, birthday parties and bridal showers)

Any event not strictly produced by Legacy Theater, will be scrutinized and approved by the Legacy Theater Artistic Director, bound by the same rules of the theater and overseen by Legacy Staff.

HOURS OF OPERATION

Events will end and the building will be closed to the public by the following times:

- Sunday 5:00
- Monday 10:00
- Tuesday 5:00
- Wednesday 5:00 (10:00 on performance weeks)
- Thursday 10:00
- Friday 11:00
- Saturday 11:00

MONTHS AND EXTENT OF OPERATION

Months of operation and intensity of use will be limited to a schedule similar to the appended "mock schedule". In addition, the following limitations will apply:

- Adult evening and child daytime performing arts classes will consist of 14 weeks of classes meeting no more than twice a week.
- Two one-week performing arts camps during July and/or August.
- Camp hours will be limited to 9:00 am – 5:00 pm with no extended after camp hours for a childcare program.
- Four runs of theatrical performances each year each lasting approximately three weeks with possible extensions due to popular demand. Performances are concentrated in but not limited to summer months.
- Four months of limited activity
- The building will be open to the public no more than 150 days per year.
- It is understood that the number of patrons will be limited to a total of 128 people

ALCOHOL

It is understood and agreed that the Town Zoning Ordinances do not permit the serving of beer, wine, or other alcoholic beverages.

THEATER DESIGN

The theater will be designed and operated in such a way that during show intermissions and down time for other functions people are not inclined to go out on the sidewalk at the front entrance. Legacy will provide signage inside the theater to this effect.

NOISE

The theater will be designed and used in accordance with the Town Noise Ordinance requirements for residential zones. Legacy's efforts to achieve that goal will include:

- Encouraging quick dispersing of patrons following events.
- Exploring the use of landscaping where possible to dampen sound.
- Providing reminders on its website and/or in the program asking patrons to respect neighbors by keeping exterior noise to a minimum and will post signage to that effect within the theater.

SEPTIC

The septic system will be being upgraded in accordance with a design approved by the East Shore Health District.

PARKING

The Legacy Theatre will do all in its power, including website instruction and maps and instructions included with each reservation, to relay the mandate that staff and patrons are to use the available parking lots within the walking vicinity of the theater, unless physically unable to do so. With each ticket sold Legacy will provide directions for parking. For groups of 50 or more, Legacy will provide parking ambassadors at and around the theater to direct patrons to the available parking lots.

Parking lot locations:

- Legacy is pursuing leased parking at the Amtrak property.
- The Town will provide the following maintenance to the existing municipal parking at the ball field and on School Street adjacent to the firehouse:
 - Ball field:
 - New Gravel
 - Striping
 - School Street:
 - Striping
 - Designation and segregation of emergency spaces reserved for fire department use

TRASH

Legacy will maintain the property in a clean state. All trash from staff and patrons will be cleaned up on a daily basis. Legacy will hire an independent trash service to empty dumpsters on a regular basis and as needed at times no earlier than 8 AM and no later than 5 PM.

MISCELLANEOUS

- Any SIGNAGE is required to comply with Section 6.6 of the Town Zoning ordinance.
- Any OUTDOOR LIGHTING to comply with Section 6.7 of the Town Zoning Ordinance in the same manner as projects for which site plan or special exception applications are required.

- Any EXTERIOR IMPROVEMENTS require a zoning permit including design review under Zoning Ordinance Section 5.8 Stony Creek Village District

JOINED PROPERTY

Even if located on a joined lot with the theater, the existing yellow cottage building will remain as residential use only.

CHANGE OF OWNERSHIP

If the theater property changes ownership, the conditions agreed upon will remain in force for any subsequent theater use.

POTENTIAL FORM OF AGREEMENT & MEANS OF ENFORCEMENT

As noted above, this document does not presume to suggest or provide the means of enactment or enforcement. The following potential vehicles have been identified:

- Ongoing court oversight
- Ongoing Zoning Enforcement Officer oversight
- Planning and Zoning action
- Town ordinance
- East Shore Health Department