

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, JUNE 7, 2021 – 6:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the June 7, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. *The meeting will be televised via Falmouth Community Television.*
2. *Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

AGENDA

6:00 p.m. OPEN SESSION

6:00 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(6) – to consider the purchase, exchange, lease or value of real property - various easements and rights of way for Mayflower Wind power lines

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Wear Orange Day
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for three, special one-day liquor licenses – Silver Beach Improvement Association – Association Courts (corner of West Ave. and Ocean View) – Saturdays, 6/26, 8/21 and 8/28/21 – 5:30 – 10:30 p.m.
 - b. Application for entertainment license for 2021 functions – Historic Highfield – Highfield Hall & Gardens – 56 Highfield Drive, Falmouth

2. Administrative Orders
 - a. Vote to sign Preservation Restriction for the 1790 Dr. Francis Wicks House, 55 Palmer Avenue
 - b. Vote to approve waiver of building fees for rehabilitation of affordable home at 2 Esker Place on request of Falmouth Housing Trust
 - c. Vote to approve waiver of building fees for construction of 3 units of affordable housing at Lewis Neck Road on request of Falmouth Housing Trust
 - d. Vote to affirm transitional mask wearing – municipal government buildings
3. Special Events
 - Recurring - Recommended:**
 - a. Cape Cod Marathon Weekend – Falmouth Running Club – Saturday, 10/30/21 and Sunday, 10/31/21
 - New – Recommended:**
 - a. 4th of July Concert – College Light Opera Company (CLOC) – Library Lawn – Sunday, 7/4/21 – 1:00 – 2:00 p.m.

7:30 p.m. PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Chapoquoit Grill, Inc., located at 410 West Falmouth Highway, West Falmouth. Continued from April 26, 2021; May 24, 2021.
2. Wetland/Dock Hearing – Ladyfair, LLC for permission to maintain and repair an existing licensed pier landward to regain access to the pier and to replace decking in and over the waters of Eel Pond located at 44 Jewelers Avenue, East Falmouth
3. Application for a New All Alcoholic Beverages Common Victualler License and a Bowling Alley License – Town Hall Partners, LLC d/b/a Timber, 23 Town Hall Square, Falmouth

7:45 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
2. Status update on Town Beaches
3. Report – Historical Commission
4. Status update on new senior center programming
5. Stormwater discussion – Matt Patrick
6. Review suggestion to send a follow-up letter to MassDOT regarding truck weight regulation and existing sight lines on Woods Hole Road
7. Consideration/discussion/vote on Transportation Management Committee downtown parking report and recommendations
8. Inquiry into waiver of residency requirement for a constable
9. Review committee liaison assignments
10. Vote to affirm FY22 2% COLA for non-union employees
11. Review and vote to approve minutes of meetings: Public session – March 22, 2021
12. Individual Select Board members' reports
13. Town Manager's report

Douglas C. Brown, Chair
Select Board

OPEN SESSION

#3. PROCLAMATION: Wear Orange Day

Diane Davidson

From: NAN GARRETT-LOGAN [REDACTED]
Sent: Friday, May 7, 2021 9:49 AM
To: Falmouth Selectboard
Subject: Please declare Wear Orange
Attachments: wear orange falmouth select board.docx

Dear Select Board

The Falmouth Gun Safety Coalition is committed to gun violence prevention and has this year received our 501c3 designation. We have been presenting educational programs via zoom to organizations on the Cape and offering across the state to raise awareness and increase knowledge of citizens. We are a member organization of the Massachusetts Coalition to Prevent Gun Violence. The first weekend in June is known nationally as Wear Orange / Gun Violence awareness day/weekend.

The Falmouth Gun Safety Coalition is asking you to join Falmouth with other cities across the country to declare June 4 - 6 Wear Orange Weekend in Falmouth.

For more information about the national program, the FGSC and the MCPGV you may choose to follow the links below.

Please let us know if there are further steps we need to take to make this request to our Select Board.

With thanks for all the time and effort you all put in to the important work of the Select Board
Respectfully,

Nan Logan
Board Member
Falmouth Gun Safety Coalition
[REDACTED]

<https://wearorange.org>

<https://falmouthgunsafetycoalition.org>

<https://www.mapreventgunviolence.org>



PROCLAMATION

Whereas: Hadiya Pendleton was a 15 year old and an honor student, and

Whereas: Hadiya was shot and killed in Chicago in a case of mistaken identity a week after she performed at President Obama's second inauguration, and

Whereas: Hadiya's birthday is June 2, and

Whereas: Wear Orange originated on June 2, 2015 on what would have been Hadiya's 18th birthday, and

Whereas: her parents, Cleopatra Cowley-Pendleton and Nathaniel Pendleton, picked the color orange to honor her and remind us that the color orange is what hunters wear to protect themselves, and

Whereas: the color orange honors the more than 100 people killed and the hundreds more wounded by gun violence every day, and

Whereas: it is observed nationally on the first Friday in June and the following weekend each year as National Gun Violence Awareness Day.

NOW, THEREFORE, WE, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price, as the Select Board of the Town of Falmouth, do hereby **PROCLAIM, June 4, 2021, to be Wear Orange Day and June 5 and 6 weekend to be Wear Orange Weekend** in Falmouth, Massachusetts

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, June 7, 2021.

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

Samuel H. Patterson

SELECT BOARD

SUMMARY OF ACTIONS

1. LICENSES

- a. Application for three, special one-day liquor licenses – Silver Beach Improvement Association – Association Courts (corner of West Ave. and Ocean View) – Saturdays, 6/26, 8/21 and 8/28/21 – 5:30 p.m. – 10:30 p.m.

2021

License Alcoholic Beverages

21-3-WM

Fee: 25

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To Silver Beach Improvement Association, Inc.

(Corner of West Ave. & Ocean View Ave.)

0 West Avenue, North Falmouth, MA

On the following described premises:

Corner of West Ave. and Ocean View Ave. (Association Courts)

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 26th day of June 2021 until the 26th day of June 2021, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Date: Saturday, June 26, 2021. Hours: 5:30 p.m. to 10:30 p.m.

SILVER BEACH IMPROVEMENT ASSOCIATION MUST DESIGNATE A RESPONSIBLE ADULT TO OVERSEE THE EVENT AND MONITOR THE AREA TO ENSURE NO ONE UNDER 21 HAS ACCESS TO ALCOHOL.** 1) Proof of liquor liability insurance required. 2) Alcoholic beverages served on the premises must remain on the premises. 3) Roads must remain passable to the public and to public safety vehicles. 4) Observe Chapter 150 of the Town code relative to noise in consideration of the neighbors. 5) Contact the Falmouth Police Department detail sergeants to make arrangements for proper safety and security measures. 5. All Servers-Bartenders must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 7th day of June 2021

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

2021

License Alcoholic Beverages

21-4-WM

Fee:

25

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell

Wines and Malt Beverages

To Be Drunk On the Premises

To Silver Beach Improvement Association, Inc.

(Corner of West Ave. & Ocean View Ave.)

0 West Avenue, North Falmouth, MA

On the following described premises:

Corner of West Ave. and Ocean View Ave. (Association Courts)

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 21st day of August 2021 until the 21st day of August 2021, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Date: Saturday, 8/21/2021 Hours: 5:30 p.m. to 10:30 p.m.

SILVER BEACH IMPROVEMENT ASSOCIATION MUST DESIGNATE A RESPONSIBLE ADULT TO OVERSEE THE EVENT AND MONITOR THE AREA TO ENSURE NO ONE UNDER 21 HAS ACCESS TO ALCOHOL.** 1) Proof of liquor liability insurance required. 2) Alcoholic beverages served on the premises must remain on the premises. 3) Roads must remain passable to the public and to public safety vehicles. 4) Observe Chapter 150 of the Town code relative to noise in consideration of the neighbors. 5) Contact the Falmouth Police Department detail sergeants to make arrangements for proper safety and security measures. 5. All Servers-Bartenders must be TIPS (or equivalent) certified.

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2021

License Alcoholic Beverages

21-5-WM

Fee:

25

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale of Wine & Malt Beverages

License to Expose, Keep for Sale, and to Sell
Wines and Malt Beverages

To Be Drunk On the Premises

To Silver Beach Improvement Association, Inc.

(Corner of West Ave. & Ocean View Ave.)
0 West Avenue, North Falmouth, MA

On the following described premises:

Corner of West Ave. and Ocean View Ave. (Association Courts)

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 28th day of August 2021 until the 28th day of August 2021, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Date: Saturday, 8/28/2021. Hours: 5:30 p.m. to 10:30 p.m.

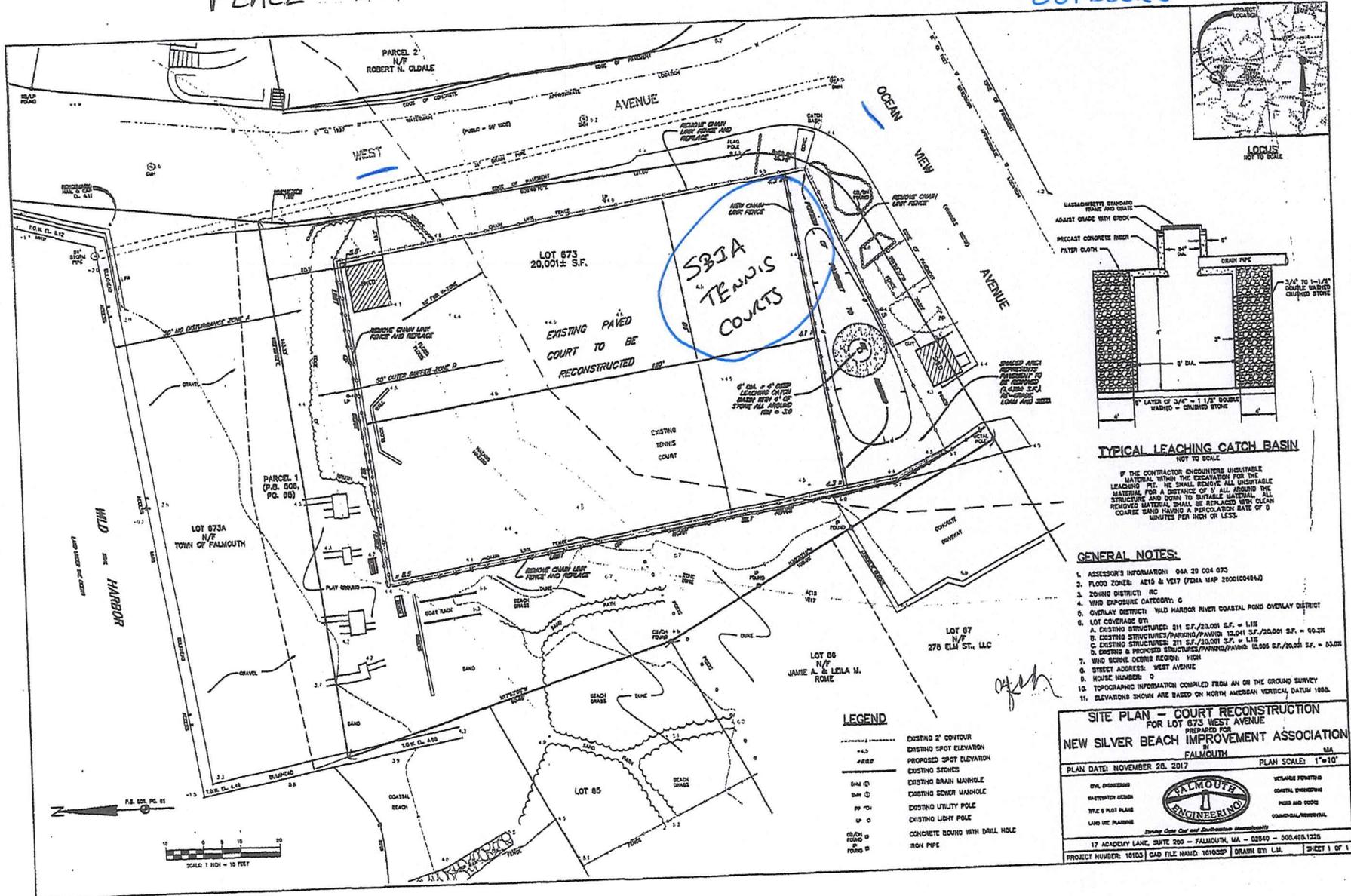
SILVER BEACH IMPROVEMENT ASSOCIATION MUST DESIGNATE A RESPONSIBLE ADULT TO OVERSEE THE EVENT AND MONITOR THE AREA TO ENSURE NO ONE UNDER 21 HAS ACCESS TO ALCOHOL.** 1) Proof of liquor liability insurance required. 2) Alcoholic beverages served on the premises must remain on the premises. 3) Roads must remain passable to the public and to public safety vehicles. 4) Observe Chapter 150 of the Town code relative to noise in consideration of the neighbors. 5) Contact the Falmouth Police Department detail sergeants to make arrangements for proper safety and security measures. 5. All Servers-Bartenders must be TIPS (or equivalent) certified.

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PLACE EVENTS HELD AT: TENNIS COURTS BETWEEN WEST AVE AND OCEAN VIEW AVE OUTDOORS



Diane Davidson

From: Brian Reid
Sent: Friday, June 4, 2021 12:45 PM
To: Diane Davidson
Cc: Sean Doyle
Subject: RE: One-Day Liquor License Application - New Silver Beach Improvement Assoc.

The Police Department has no objection as long as all alcohol remains within the fenced-in area of the tennis courts.

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
brian.reid@falmouthpolicema.gov

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From: Diane Davidson
Sent: Friday, June 4, 2021 12:21 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Subject: FW: One-Day Liquor License Application - New Silver Beach Improvement Assoc.

Capt. Reid,
Lt. Doyle,

Just following up to find out if Police has any comments on this application.

Thank you,

Diane

From: Diane Davidson
Sent: Thursday, May 27, 2021 1:13 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle - Police Department (sean.doyle@falmouthpolicema.gov) <sean.doyle@falmouthpolicema.gov>; Boyd Demello - Falmouth Fire Rescue Department (boyd.demello@falmouthfirema.gov) <boyd.demello@falmouthfirema.gov>; Rod Palmer - Inspectional Services (rod.palmer@falmouthma.gov) <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>
Subject: One-Day Liquor License Application - New Silver Beach Improvement Assoc.

To all,

Diane Davidson

From: Boyd Demello
Sent: Thursday, May 27, 2021 1:24 PM
To: Diane Davidson; Brian Reid; Sean Doyle; Rod Palmer; Scott McGann; Mallory Langler
Cc: Boyd Demello
Subject: RE: One-Day Liquor License Application - New Silver Beach Improvement Assoc.

Diane,
No issues with Fire Rescue

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>
Subject: One-Day Liquor License Application - New Silver Beach Improvement Assoc.

To all,

Attached please find an application for three, special one-day liquor licenses for the New Silver Beach Improvement Association social gatherings at the association's tennis courts at the corner of West Ave. and Ocean View on June 26, August 21 and August 28 from 5:30 p.m. to 10:30 p.m.

Please review and provide your comments/recommendations to me by Wednesday, June 2, 2021.

Thank you,

Diane

Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov

Diane Davidson

From: Scott McGann
Sent: Thursday, May 27, 2021 4:12 PM
To: Diane Davidson
Subject: RE: One-Day Liquor License Application - New Silver Beach Improvement Assoc.

No issues with Health

Scott McGann R.S.
Director/ Agent
Falmouth Health Department
59 Town Hall Square
Falmouth, MA 02540
508-495-7485
scott.mcgann@falmouthma.gov

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, May 27, 2021 1:13 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>
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Please review and provide your comments/recommendations to me by Wednesday, June 2, 2021.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

- b. Application for entertainment license for 2021 functions –
Historic Highfield – Highfield Hall & Gardens – 56 Highfield
Drive, Falmouth

Number:
21-1-ENT

Fee
\$0.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Highfield Hall & Gardens
56 Highfield Drive
Falmouth, MA 02540
is hereby granted this
Entertainment License

Highfield Hall, 56 Highfield Drive, Falmouth, MA 02540

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

Entertainment must comply with Chapter 150 - Noise, of the Falmouth Town Code.

Valid from: June 7, 2021

Valid until: December 31, 2021

By order of The Falmouth Board of Selectmen

June 7, 2021

This License Must be Posted in a Conspicuous Place upon the Premises



Town of Falmouth

Office of the Town Manager and Select Board
59 Town Hall Square, Falmouth, MA 02540
508-495-7320

ENTERTAINMENT LICENSE APPLICATION

Massachusetts General Laws, Chapter 140, Section 183A as amended by Chapter 694 of 1981

NAME OF ESTABLISHMENT Highfield Hall & Gardens

ADDRESS 56 Highfield Drive | Falmouth, MA

NAME OF OWNER/MANAGER Town of Falmouth | DBA Historic Highfield

MAILING ADDRESS PO Box 494 | Falmouth, MA 02541

TELEPHONE # 508-495-1878 EMAIL tburke@highfieldhall.org

NARRATIVE DESCRIBING ENTERTAINMENT: The attached list is for private parties, ie weddings showers, birthday parties.

**LOCATION OF ENTERTAINMENT: Inside the building

** Attach a Floor Plan showing where on the premises Live Music or Dancing will take place.

DAYS OF OPERATION, check all that apply: MON TUE WED THR FRI SAT X

Hours Entertainment is offered: private parties 4 pm - 10 pm

SUNDAY ENTERTAINMENT: Y/N (Complete State application and include fee.)

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT:

- 1. DANCING: By Patrons Y/N Y Other Dancing Y/N
2. MUSIC: Recorded Y/N Live Y/N tbd No. of Musicians Amplification Y/N N
Type of Instruments see attached form for several functions

I certify that this application contains a true description of the entertainment provided by this establishment and that I have complied with M.G.L. Chapter 140, Section 183A, Paragraph 3, by stating whether as part of the concert, dance exhibition, cabaret and public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

DATE 4/12/21

X [Signature]
OWNER, MANAGER OR AUTHORIZED AGENT

Town Fees:
FILING FEE: \$10.00
PERMIT FEE: \$100.00

SELECT BOARD

Diane Davidson

From: Brian Reid
Sent: Friday, June 4, 2021 1:27 PM
To: Diane Davidson
Cc: Sean Doyle
Subject: RE: Application for Entertainment License for 2021 Season - Highfield Hall

We have no objection.

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
brian.reid@falmouthpolicema.gov

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From: Diane Davidson
Sent: Thursday, June 3, 2021 2:52 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>
Subject: Application for Entertainment License for 2021 Season - Highfield Hall

To all,

Attached please find an application from Highfield Hall and Gardens for its 2021 season entertainment license for your review and comment/recommendation.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

Diane Davidson

From: Boyd Demello
Sent: Thursday, June 3, 2021 2:54 PM
To: Diane Davidson; Brian Reid; Sean Doyle; Rod Palmer; Scott McGann; Mallory Langler
Cc: Boyd Demello
Subject: RE: Application for Entertainment License for 2021 Season - Highfield Hall

Diane,
No issues with Fire Rescue

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321*

Diane Davidson

From: Mallory Langler
Sent: Thursday, June 3, 2021 3:07 PM
To: Diane Davidson
Subject: RE: Application for Entertainment License for 2021 Season - Highfield Hall

Hi Diane,

The only requirement for the Health Dept. is that the caterers for these events are required under regulation to notify us prior to operating in Falmouth.

Thanks,
Mallory

Regards,
Mallory Langler
Assistant Health Agent
Falmouth Health Department
(508)495-7485

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, June 3, 2021 2:52 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>
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Thank you,

Diane

Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov
(508) 495-7321

2. ADMINISTRATIVE ORDERS

- a. Vote to sign Preservation Restriction for the 1700 Dr. Francis Wicks House, 55 Palmer Avenue



Community Preservation Committee 59 Town Hall Square, Falmouth, MA 02540

MEMORANDUM

To: Select Board and Diane Davidson

From: Carole Sutherland, Community Preservation Coordinator

Re: Preservation Restriction for 1790 Dr. Francis Wicks House, 55 Palmer Ave.

Date: May 24, 2021

Dear Select Board,

The Community Preservation Committee (CPC) has taken the responsibility for initiating the drafting and execution of a preservation restriction (PR) for the 1790 Dr. Francis Wicks House, 55 Palmer Avenue. The PR protects the town's interest in the structure following the Falmouth Historical Society's 2019 CP Fund project to prepare a historic structure report and rehabilitate the rear ell of the house. April 2019 Town Meeting voted to allocate \$125,100 of CPA historic preservation funding for the project. The PR is for both the interior and exterior of the structure. In the event FHS seeks future CPA funding, this PR would serve as valuable document in the preparation of that application.

The Falmouth Historical Commission (FHC) has agreed to hold this PR on behalf of the Town of Falmouth. The draft document was approved by Frank Duffy as to form in October, 2020, and has been reviewed and signed by both the Falmouth Historical Society and the Falmouth Historical Commission.

We ask that you sign (p. 13) and have notarized this original of the PR included here.

Following your execution of the PR, it proceeds to the Massachusetts Historical Commission for final sign-off. Town Counsel's office will file it when ready with the Barnstable County Registry of Deeds.

Thank you,

Carole Sutherland
Community Preservation Coordinator
59 Town Hall Square
Falmouth, MA 02540
508.495.7436

PRESERVATION RESTRICTION AGREEMENT
between the
TOWN OF FALMOUTH, MASSACHUSETTS
and
FALMOUTH HISTORICAL SOCIETY, INC.

THIS PRESERVATION RESTRICTION (this “Restriction”), is made this ____ day of _____, 2021, between Falmouth Historical Society, Inc. (“Grantor”), a nonprofit Massachusetts corporation, P.O. Box 174, Falmouth, MA 02541, and the Town of Falmouth acting by and through its Falmouth Historical Commission (“Grantee”), a governmental body in the Commonwealth of Massachusetts.

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property located at 55 Palmer Avenue, in the Town of Falmouth, Barnstable County, Massachusetts (hereinafter referred to as the “Property”), being that Property conveyed by Merton C. Fisher, executor of the will of Julia W. Wood, deceased, late of Falmouth to The Falmouth Historical Society in a deed dated and recorded on March 28, 1934 with the Barnstable County Registry of Deeds, Book 499 Page 556, more particularly described in the Legal Description (Exhibit A), attached hereto and incorporated herein by this reference, and shown on an Assessor Parcel Map (Exhibit B), attached hereto and incorporated herein by this reference, said Property including the following building (hereinafter referred to as the “Building”):

This is a two-story Federal-style house with a hip roof. There is a two-story portico centered on the front elevation, and a long one-story rear ell with a combined shed and hip roof. The low foundation is a combination of parged rubble stone (main block), granite block (rear ell) and brick (front portico). A wooden bulkhead provides access to the cellar from the northeast corner of the rear elevation of the main block. Between the bulkhead and the rear ell is a small addition with shed roof. The elevations are clad with non-original light yellow stained (Benjamin Moore, HC-4 “Hawthorne Yellow”) cedar shingles, except the front elevation behind the portico which is clad in vertical flush board. The main block and rear ell are trimmed with a water table and plain cornerboards.

The roof has a molded box cornice with narrow frieze boards below on the main block and molded box cornice with no frieze boards below on the ell. There are no gutters. The front elevation of the main block has two single-window gable dormers. At the top of the hip of the main block there is a low sloped section covered in EPDM, installed ca. 2003. This flat area is surrounded by a wooden baluster, rebuilt ca. 2003, forming a “widow’s walk.”

There are three chimneys for the house – two in the main block and one on the ell. The two in the main block are painted white. The east chimney was rebuilt from the roof up in 2019. The top courses of bricks for the west chimney are painted a green, matching the shutters. The top courses of bricks on the east chimney are painted a darker green. The chimney on the ell is an unpainted, red-brick chimney, likely built in the mid-20th century.

The portico is detailed with four slender Tuscan-style columns at each level of the portico. At the wall plane, there are four matching engaged columns. The pediment is finished with vertical flush boards, and features a round frame with no window opening. The raking and

horizontal cornices of the pediment feature a series of modillion blocks. The railings at the second-floor have a diagonal cross-hatching pattern, while the railing at the first-floor is a series of vertically oriented rectangular balusters. The first level of the portico is accessed from a pair of granite steps. The handrails leading up to the first level are a late-20th century addition.

The wood front entrance door has four panels with applied moldings and two lites at the top of the door. The door casing is a relatively plain architrave with band molding. The second floor of the portico area features benches secured to the railing system. The door at the second floor of the portico features a multi-lite, arched, glazed panel at the top with two wood panels below. Both of these doors have modern screen doors. The ell has three ca. 2005 board and batten style doors, two of which have modern screen doors.

There are a variety of window openings on the building. The windows of the main block on the south, east and west elevations are all wood 6/6, single-glazed double-hung sash. The windows are arranged symmetrically. At the north (rear) elevation of the main block there are two 6/6 windows at the first floor and one 6/6 window at the second floor. The second floor also has a 6/9 window and a 3/6 window. All of the windows on the main block, except the 3/6 window, are set in slightly-projecting frames with flared molded lintels and projecting sills. The lintels on the second story are set into the roof frieze boards. The windows on the side elevations of the ell include 12/12 windows in the first (southern) portion (the Ell Kitchen) and 6/9 windows in northern portions of these elevations. The rear elevation of the ell has a three-part mullied window with nine lites per section. The small addition at the northeast corner of the main block and ell has a wood window with an 8/12 muntin pattern. The rear ell and north addition windows are set in slightly-projecting frames with narrow lintel caps and projecting sills.

Wood storm windows are installed on the eight windows of the south (front) elevation. Aluminum frame Plexiglas deadlite panels are installed on three of the four windows of the west elevation of the main block, the west elevation of the ell, and at the first-floor northwest window of the main block. The windows at the south, east and west elevations of the main block are all fitted with wood louvered shutters. While there are pintles at these windows and the shutters have hinges that would fit on pintles, in most cases, the shutters have been screwed directly to the window casing and the shingle siding. Some shutters may not be original to the building as the pintles and hinges do not appear to line up.

The Building also features many historically significant interior features in the following rooms (hereinafter "Interior Rooms"):

Cellar;

First Story – Entry Hall, Southwest Parlor, Southeast Parlor, Dining Room, including passages between same, and Ell Kitchen, Ell Middle Room, and Ell Rear Room;

Second Floor – Stair Hall, Southeast Chamber, Southwest Chamber, Northwest Chamber including passage from Southwest Chamber, North Central Chamber, and Northeast Chamber, and Rear Stairway;

Attic

Architectural Descriptions of the Interior Rooms and the Property are contained in Exhibit D, and Annotated Building Floor Plans are contained in Exhibit E.

WHEREAS, the Building is historically significant for its architecture, associations, and/or archaeology, retaining integrity of craftsmanship, setting, materials and design, is significant for its architecture and historical associations in Falmouth, featuring notable exterior and interior details, and is included in the Falmouth Village Historic District established by the Town of Falmouth on October 20, 1975, and is included in the Falmouth Village Green National Register District established on March 27, 1996, and is, therefore, included in the State Register of Historic Places; and qualifies for the protections of perpetual preservation restrictions under M.G.L. Chapter 184, sections 31-33;

WHEREAS, Grantor and Grantee recognize the architectural, historic and cultural values (hereinafter "Preservation Values") of the Building, including Interior Rooms, and Property, and have the common purpose of preserving the aforesaid Preservation Values and significance of the Building and Property;

WHEREAS, the Building's and Property's Preservation Values are documented with the following;

Massachusetts Historical Commission Inventory Building Form prepared in March, 1989 by William H. Rockett and Bonnie L. Hamilton (Exhibit C), attached hereto and incorporated herein by this reference,

Architectural Descriptions of Interior Rooms and Property prepared by Eric Dray in September, 2020 (Exhibit D), attached hereto and incorporated herein by this reference,

Annotated Building Floor Plans prepared by Building Conservation Associates Inc. in December, 2019, and annotated by Eric Dray in August, 2020 labeling Interior Rooms subject to this Restriction indicated with red labels (Exhibit E), attached hereto and incorporated herein by this reference,

Photographs taken by Eric Dray in August and September, 2020 (Exhibit F), attached hereto and incorporated herein by this reference. Archival prints of these photographs will be stored by the Grantee at Falmouth Town Hall, Historical Commission files.

Exhibit A - Legal Description, Exhibit B - Assessor map, Exhibit C - MHC Inventory Building Form, Exhibit D - Architectural Descriptions of Interior Rooms and Property, Exhibit E - Annotated Building Floor Plans, and Exhibit F - Photographs are hereinafter referred to as the "Baseline Documentation," which Baseline Documentation the parties agree provides an accurate representation of the Building as of the effective date of this grant;

WHEREAS, the grant of a preservation restriction by Grantor to Grantee on the Property will assist in preserving and maintaining the Building and its architectural, historic, and cultural features for the benefit of the people of the Town of Falmouth, Barnstable County, the Commonwealth of Massachusetts, and the United States of America;

WHEREAS, the Town of Falmouth appropriated Community Preservation Act funds in Article 39 of the Town Meeting convened on April 9, 2019, to develop a historic structure report and to restore the rear roof section, all work completed in 2020;

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept a preservation restriction (the "Restriction") in gross in perpetuity over the Property, the exterior of the Building, and Interior Rooms, pursuant to the Act.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Grantor does hereby irrevocably grant and convey unto the Grantee this Restriction in gross in perpetuity over the Property.

1. Purpose. It is the purpose of this Restriction to assure that the architectural, historic, and cultural features of the exterior of the Building, Interior Rooms and the Property, as described and documented in the Baseline Documentation and Exhibit G (Restriction Guidelines), will be retained and maintained forever substantially in their historically-appropriate condition for preservation purposes and to prevent any use or change to the exterior of the Building, Interior Rooms, or the Property that will significantly impair or interfere with the Property's Preservation Values (the "Purpose of this Restriction"). Characteristics that contribute to the architectural and historical integrity of the Property including include, but are not limited to, the setting and location of the Building; and architectural features, materials, appearance, and workmanship of the Building. All Exhibits shall be attached to and recorded with this Restriction.

2.1 Grantor's Covenants: Covenant to Maintain. Grantor agrees at all times and to the best of its ability to maintain the exterior of the Building, Interior Rooms and the Property in sound structural condition and good state of repair in accordance with the terms of this paragraph (allowing for historically-accurate restoration that may be made from time to time). It is the Grantor's intent that the exterior of the Building and Interior Rooms be maintained in a physical appearance and composition that is as close to its current appearance and composition as is reasonably possible. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the exterior of the Building and Interior Rooms in sound structural condition and a good state of repair. Subject to the casualty provisions of Paragraphs 7 and 8, this obligation to maintain shall require repair, restoration, replacement, rebuilding, and reconstruction of the Building whenever necessary in accordance with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 C.F.R. 67 and 68), as these may be amended from time to time (the "Secretary's Standards"), and in accordance with the Restriction Guidelines in Exhibit G.

2.2 Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this paragraph:

- (a) the exterior of the Building and Interior Rooms (or any portion thereof) shall not be demolished, removed, moved or razed except as provided in Paragraphs 7 and 8;
- (b) the dumping of ashes, trash, or rubbish is prohibited on the Property; and
- (c) no above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to any utility easements already recorded;

3.1 Conditional Rights Requiring Approval by Grantee. Without the prior express written approval of the Grantee, which approval may not be unreasonably withheld but which may be subject to such reasonable conditions as Grantee in its discretion may determine, Grantor shall not make any changes to the exterior of the Building, Interior Rooms or Property, including the alteration, partial removal, construction, remodeling, or other physical or structural change, including signs or advertisements (excepting a plaque giving notice of the historic significance of the Building or Property in accordance with Paragraph 6), any change in material or color or any change to the

footprint, size, mass, ridgeline, and rooflines of the Building, and removal, replacement or alteration of any character-defining features, such as doors and surrounds and cornice trim. Activities by Grantor to maintain the exterior of the Building and Interior Rooms which are intended to be performed in accordance with the provisions of Paragraph 2.1, and which are of a minor nature, shall not require the prior approval of the Grantee. For the purposes of this section, interpretation of what constitutes ordinary maintenance of a minor nature is governed by the Restriction Guidelines (Exhibit G).

3.2 Review of Grantor's Requests for Approval. Where Grantee's permission is required under Paragraph 3.1, Grantor shall submit to the Grantee two copies of information (including plans, specifications, and designs where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to the Grantee a timetable for the proposed activity sufficient to permit the Grantee to monitor such activity. Within forty-five (45) days of the Grantee's receipt of any plan or written request for approval hereunder, the Grantee shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Grantee shall provide Grantor with written suggestions for modification or a written explanation for the Grantee's disapproval. Any failure by the Grantee to act within forty-five (45) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by the Grantee of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted so long as the request sets forth the provision of this section relating to deemed approval following the passage of time, provided that nothing herein shall be construed to permit Grantor to undertake any of the activities prohibited hereunder.

3.3 Archaeological Activities. The conduct of archaeological activities, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by Grantor and approved in writing by the Grantee and the State Archaeologist of the Massachusetts Historical Commission pursuant to M.G.L. c. 9, § 27C and 950 C.M.R. 70.00.

4. Standards for Review. In exercising any authority created by the Restriction to inspect the exterior of the Building, Interior Rooms or the Property; to review any construction, repair, restoration, alteration, reconstruction or construction; or to review casualty damage or to reconstruct or approve reconstruction following casualty damage, the Grantee shall apply the Secretary's Standards and the Restriction Guidelines in Exhibit G.

5. Public Access. This Restriction does not require public access.

6. Grantor's Reserved Rights. Subject to the provisions of Paragraphs 2.1, 2.2, and 3.1, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by the Grantee without further approval by the Grantee:

- (a) the right to engage in all those acts and uses that: (i) are permitted by governmental statute or regulation; (ii) do not substantially impair the Preservation Values of the Building and Property; and (iii) are not inconsistent with the Purpose of this Restriction;
- (b) pursuant to the provisions of Paragraph 2.1, the right to maintain and repair the exterior of the Building and Interior Rooms strictly according to the Secretary's Standards. As used in this subparagraph, the right to maintain and repair shall mean the use by Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose

of retaining in good condition the appearance and construction of the exterior of the Building, the Interior Rooms, and Property. The right to maintain and repair as used in this subparagraph shall not include the right to make changes in appearance, materials, colors, and workmanship from that existing prior to the maintenance and repair without the prior approval of the Grantee in accordance with the provisions of Paragraphs 3.1 and 3.2;

- (c) subject to prior review and approval by Grantee, under the terms and conditions of paragraphs 3.1 and 3.2 herein, which approval shall not be unreasonably withheld, the right to new construction on the Property not attached to the Building, and not blocking the view of the Building from public ways, subject to all applicable licenses, permits, and approvals, provided in addition that any new construction shall meet the Secretary's Standards; and
- (d) the right to provide and maintain a plaque on the Property giving notice of the historical significance of the Building, subject to Grantee's reasonable approval.

7. Casualty Damage or Destruction. In the event that the exterior of the Building or Interior Rooms shall be materially damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify the Grantee in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs to or reconstruction of the exterior of the Building or Interior Rooms of any type, other than emergency work to prevent further damage to the structural integrity of the Building, shall be undertaken by Grantor without the Grantee's prior written approval of the work. Within seventy-five (75) days of the date of damage or destruction, if required by the Grantee, Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Grantor and the Grantee, which report shall include the following:

- (a) an assessment of the nature and extent of the damage;
- (b) a determination of the feasibility of the restoration of the exterior of the Building or Interior Rooms and/or reconstruction of damaged or destroyed portions of the exterior of the Building or Interior Rooms; and
- (c) a report of such restoration/reconstruction work necessary to return the exterior of the Building or Interior Rooms to the condition existing at the date hereof.

8. Review After Casualty Damage or Destruction. If, after reviewing the report provided in Paragraph 7 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, Grantor and the Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and the Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, Grantor and the Grantee agree that restoration/reconstruction of the exterior of the Building or Interior Rooms is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction, Grantor may, with the prior written consent of the Grantee, alter, demolish, remove or raze the Building, and/or construct new improvements on the Property. In the event that the Building is razed or removed with the approval of the Grantee, Grantor and Grantee may agree to seek to extinguish this Restriction in accordance with the laws of the Commonwealth of Massachusetts and Paragraph 21 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9, Grantor and the Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts arbitration statute then in effect, and all other applicable laws, rules, regulations, and ordinances.

9. Insurance. Grantor shall keep the Building insured by an insurance company rated "A-" or better by Best's, or is current-day equivalent, as the case may be, for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver annually and within ten (10) business days of any additional written request by the Grantee, certificates of such insurance coverage. Upon presentation of evidence by the Grantee that the insured value is less than the actual replacement value, then the Grantor shall purchase additional insurance sufficient to cover the actual replacement value. In the event that such a presentation has been made that the insurance is insufficient, the Grantor shall pay for the Grantee's cost in procuring such evidence. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

10. Hold Harmless. Grantor hereby agrees to protect, hold harmless, and defend Grantee, its boards, commissions, appointees, agents, directors, employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the exterior of the Building, Interior Rooms and the Property; the presence or release in, on, or about the Building and the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or other damage occurring on or about the Building and the Property; unless such injury, death, or damage is caused by Grantee or its boards, commissions, appointees, agents, directors, employees, or independent contractors.

11. Written Notice. Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be mailed postage prepaid by overnight courier, facsimile transmission, registered or certified mail with return receipt requested, or hand delivered as follows:

To Grantor: Falmouth Historical Society, Inc.
P.O. Box 174
Falmouth, MA 02541

To Grantee: Town of Falmouth by and through
Falmouth Historical Commission

Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

or to such address as any of the above parties shall designate from time to time by written notice to the other. In the event no current address is known or can be reasonably obtained for the party to which notice is intended to be given, then the party giving notice shall publish such notice in a newspaper of general circulation covering on at least a weekly basis the Town of Falmouth, or its modern-day functional equivalent.

12. Evidence of Compliance. Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidences the status of this Restriction to the extent of Grantee's knowledge thereof.

13. Inspection. Upon reasonable prior notice to Grantor, there is hereby granted to Grantee and its representatives the right to enter the Property and Building at reasonable times and in a reasonable manner for the purpose of inspecting the same to determine compliance with this Preservation Restriction Agreement. Grantee shall inspect the property a minimum of one time per year.

14. Grantee's Remedies The rights hereby granted shall include the right to enforce this Agreement by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Property to its condition prior to the time of the injury complained of (it being agreed that Grantee shall have no remedy at law), and shall be in addition to and not in limitation of any other rights and remedies available to Grantee; provided, however, prior to commencement of any legal proceedings the Grantee shall first send a written notice of its intention to pursue legal action with a statement of the factual and legal basis of such claim and within thirty (30) days of receipt of such notice by the Grantor both parties shall enter in good faith into mediation with a mutually agreeable neutral third-party trained in resolving disputes. The expense of mediation shall be split evenly between the parties.

Provided that a violation of this Agreement is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred, Grantor covenants and agrees to reimburse Grantee all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Agreement or in taking reasonable measure to remedy, abate any violation thereof. By its acceptance, Grantee does not undertake any liability or obligation relating to the condition of the Property, including with respect to compliance with hazardous materials or other environmental laws and regulations. This Agreement shall be enforced by Grantee in its sole discretion. Nothing herein shall impose upon the Grantee any affirmative obligation or liability relating to the condition of the Property. Failure by the Grantee to enforce any provision or condition set forth herein, or to exercise any rights hereby conveyed, shall not constitute a release or waiver of any such right or condition.

15. Notice from Government Authorities. Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Building and the Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

16. Notice of Proposed Sale. Grantor shall promptly notify Grantee in writing of any proposed sale of the Property and provide the opportunity for Grantee to explain the terms of the Restriction to potential new owners prior to sale closing.

17. Runs with the Land. Except as provided in Paragraphs 8 and 21, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all persons hereafter claiming under or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Property shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Property by reason of a *bona fide* transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

18. Assignment. In the event that Grantee shall cease to function in its present capacity, Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national organization that is a charitable corporation or trust qualified under the Act to hold a preservation restriction, provided that any such conveyance, assignment or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out. Grantor shall give prior written approval of such conveyance, assignment, or transfer by Grantee, such approval not to be unreasonably withheld.

19. Alternate Designee. Grantee may, at its discretion, remove and replace its designee to administer, manage, and enforce this Restriction, provided that any new designee is qualified as such under the Act and other applicable law.

20. Recording and Effective Date. Grantor shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the Barnstable County Registry of Deeds. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the Barnstable County Registry of Deeds.

21. Extinguishment. Grantor and Grantee hereby recognize that an unexpected change in the conditions surrounding the Property may make impossible the continued ownership or use of the Property for the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must meet all the requirements of the Act and the Laws of the Commonwealth for extinguishment, including approvals by the Town of Falmouth and the Massachusetts Historical Commission following public hearings to determine that such extinguishment is in the public interest.

In the event of a sale of the Property, any proceeds of sale attributable to improvements in the Building funded by the Grantor's Community Preservation Fund shall be deposited into the Grantor's Community Preservation Fund in accordance with M.G.L. c. 44B ("Chapter 44B").

Should the Grantee's Community Preservation Fund no longer exist for any reason, such as the Grantor having opted out of Chapter 44B, the proceeds shall be used in a manner consistent with the preservation purpose set forth herein as a continuing trust.

22. Condemnation. If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid in the manner as set forth in Paragraph 21.

23. Insertion in Subsequent Instruments

Grantor shall insert a reference to this Agreement, such reference to include Registry book and page number of this Agreement, into any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title or any lesser estate in the Property. Concurrently, with its entering into any such deed or other legal instrument, Grantor shall give written notice to Grantee of same. Failure by Grantor to comply with the requirements of this Paragraph 23 shall not affect the validity, enforceability or priority of this Agreement or any lien arising hereunder.

24. Interpretation. The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction:

- (a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to affect its Purpose and the transfer of rights and the restrictions on use herein contained.
- (b) This instrument may be executed in two counterparts, one of which is to be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the entire agreement of the parties.
- (c) This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law or private agreement either in existence now or at any time subsequent hereto.
- (d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.
- (e) The invalidity or unenforceability of any provision of this Restriction shall not affect the validity or enforceability of any other provision of this Restriction.

25. Amendment. If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the

qualification of this Restriction or the status of Grantee under any applicable law. Any such amendment shall be consistent with the protection of the Preservation Values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural and historic values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the Barnstable County Registry of Deeds. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

TO HAVE AND TO HOLD, the said Preservation Restriction, unto the said Grantee and its successors and permitted assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have set their hands under seal on the days and year set forth below.

GRANTOR: Falmouth Historical Society, Inc.
By and through its President, Board of Directors

Patricia Dottore
Patricia Dottore

and

Falmouth Historical Society, Inc.
By and through its Treasurer, Board of Directors

Gary Vostok
Gary Vostok

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 19th day of May, 2021, before me, the undersigned notary public, personally appeared Patricia Dottore, provided to me through satisfactory evidence of identification which was MA Drivers lic to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Patricia Dottore signed it voluntarily for its stated purpose, as President, Board of Directors, of Falmouth Historical Society, Inc.



Megan Kehoe
Notary Public
My commission expires:

Barnstable, ss.

On this 19th day of May, 2021, before me, the undersigned notary public, personally appeared Gary Vostok, provided to me through satisfactory evidence of identification which was MA Drivers license to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Gary Vostok signed it voluntarily for its stated purpose, as Treasurer, Board of Directors, of Falmouth Historical Society, Inc.



(seal)

Megan Kehoe
Notary Public
My commission expires:

APPROVAL AND ACCEPTANCE BY TOWN OF FALMOUTH

On _____, 2021, the Falmouth Select Board, by majority vote, voted to Approve and Accept this Agreement.

GRANTEE: **TOWN OF FALMOUTH, MASSACHUSETTS**
Select Board:

Douglas C. Brown, Chair

Nancy R. Taylor, Vice-Chair

Samuel H. Patterson

Megan English Braga

Onjalé Scott Price

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2021, before me, the undersigned notary public, personally appeared Douglas C. Brown, provided to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Douglas C. Brown signed it voluntarily for its stated purpose, as Chair, Town of Falmouth Select Board.

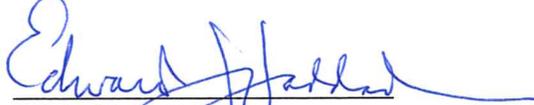
Notary Public
My commission expires:

(seal)

ACCEPTANCE BY FALMOUTH HISTORICAL COMMISSION

On February 3, 2021, the Falmouth Historical Commission, by majority vote, voted to Approve and Accept this Agreement.

Historical Commission:



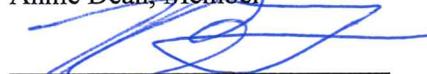
Ed Haddad, Chairman



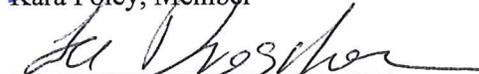
Christian Valle, Vice-Chairman



Annie Dean, Member



Kara Foley, Member



Lee Drescher, Alternate

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 3 day of February, 2021, before me, the undersigned notary public, personally appeared Ed Haddad, provided to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that Ed Haddad signed it voluntarily for its stated purpose, as Chair, Town of Falmouth Historical Commission.



Notary Public

My commission expires: 3/11/2022

(seal)

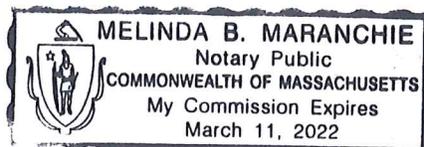


EXHIBIT B Assessor Map

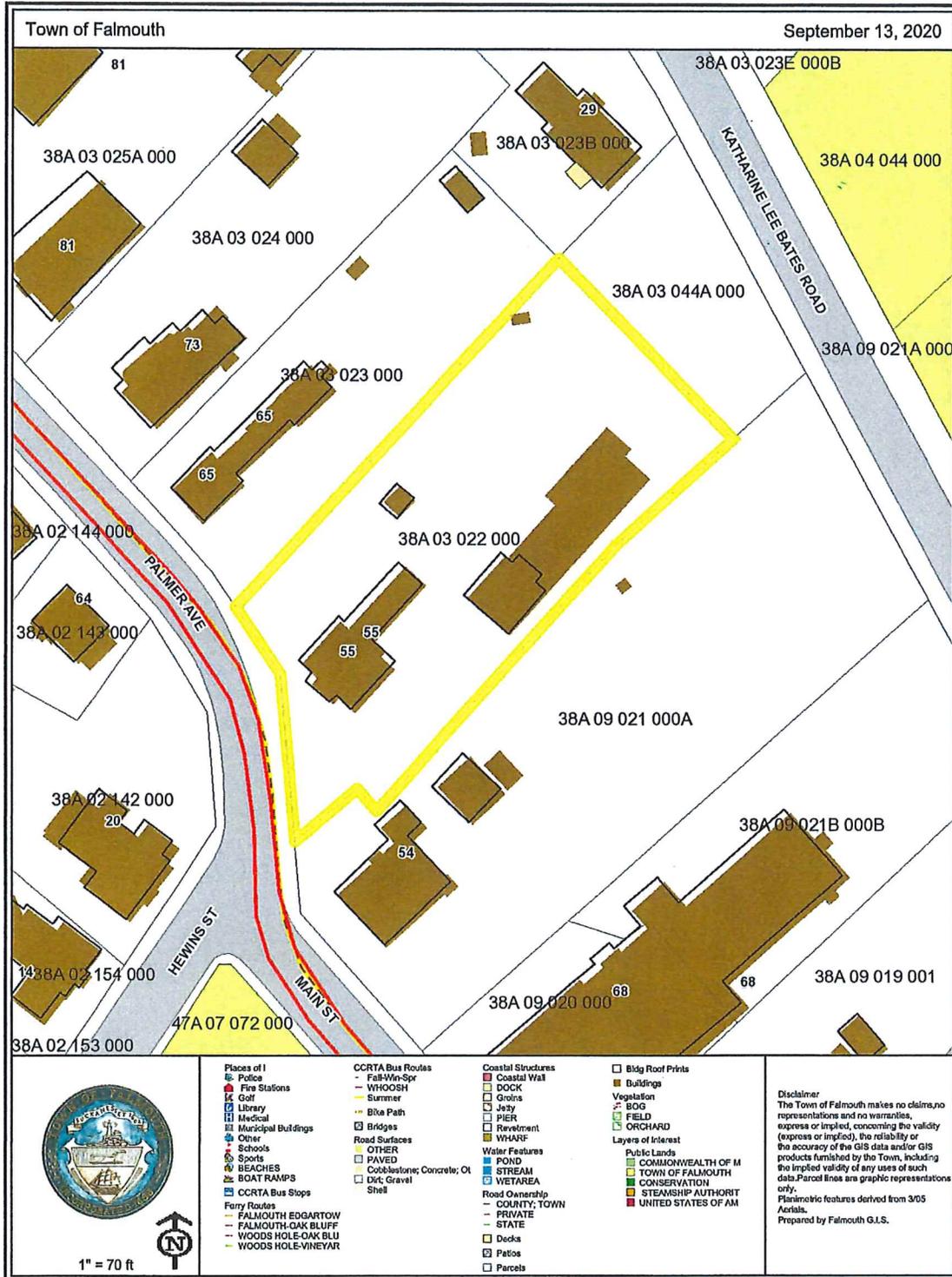


EXHIBIT C
MHC INVENTORY BUILDING FORM, prepared in March, 1989 by William H. Rockett
and Bonnie L. Hamilton

FORM B - BUILDING

Area Form No.
 21

FAL 21

MASSACHUSETTS HISTORICAL COMMISSION
 80 Boylston Street
 Boston, MA 02116

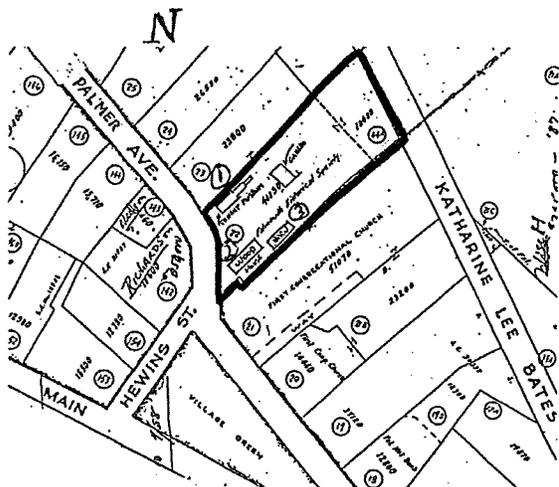


Town Falmouth
 Address 55 Palmer Av
 Historic Name Wood House
 Use: Present Falmouth Historical Society Museum
 Original Dr Francis Wicks residence/office

DESCRIPTION

Date 1790
 Source Falmouth Historical Society Archives, Town Records

Style Federal Colonial
 Architect
 Exterior wall fabric wood shingles
 Outbuildings Hallett Barn, gazebo
 Major Alterations 1930's, restored as museum, 1950's two small rooms and hallway made into dining room
 Condition good
 Acreage part of 2 acre park
 Setting North of Village Green



UTM REFERENCE

USGS QUADRANGLE

SCALE

Recorded by William H Rockett and Bonnie L Hamilton
 Organization Falmouth Historical Commission
 Date 3/25/89

EXHIBIT A

LEGAL DESCRIPTION

The land in said Falmouth with the buildings thereon bounded, and described as follows in a deed recorded at Barnstable County Registry of Deeds, March 28, 1934, Book 499, Page 556:

Beginning at a stone bound in the easterly line of Palmer Avenue at land of Eliza R. S. Chute; thence by said Palmer Avenue north 8° east ninety seven and $13/100$ (97.13) feet to a bound; thence by said Palmer Avenue north 20° west forty seven and $2/100$ (47.02) feet; thence north $55^{\circ} 54'$ east by land supposed to belong to Margaret A. Conant two hundred sixty eight and $37/100$ (268.37) feet to land sold to Harry V. Lawrence; thence by said Lawrence land south $30^{\circ} 33'$ east one hundred thirty nine and $55/100$ (139.55) feet to land of Eliza R. S. Chute; thence south $59^{\circ} 45'$ west by said Chute land eighty nine and $65/100$ (89.65) feet to a stone bound; thence still by said Chute land south $54^{\circ} 4'$ west one hundred ninety nine and $71/100$ (199.71) feet; thence north $27^{\circ} 26'$ west eighteen and $82/100$ (18.82) feet to a stone bound; thence south $59^{\circ} 34'$ west forty eight and $65/100$ (48.65) feet to said Palmer Avenue and the point of beginning.

55 Palmer Av

NATIONAL REGISTER CRITERIA STATEMENT

The Falmouth Historical Society was founded in 1904 with the objective of preserving and exhibiting what is historically important in illustrating the history of Falmouth. The Wood House, 1790, and Hallett Barn, c 1795, and the Conant Museum, c 1784, are located on more than an acre of land on Palmer Avenue, Falmouth, MA, adjacent to the Village Green. In addition to the three buildings named, a gazebo, Memorial Park, formal garden, and herb garden are also part of the complex and add to the attractive setting.

The buildings and grounds are open to the public for guided tours during the summer months and 4-500 adults and 500 4th grade children are given tours each year. In the Conant Museum research facilities are available year round and a fireproof vault protects valuable historical documents.

ARCHITECTURAL SIGNIFICANCE Describe important architectural features and evaluate in terms of other buildings within the community.

This is one of the most elegant and imposing of the houses around the green. Built in the Federal style, this large colonial with hip roof, twin chimneys, and widows walk, has a strikingly wide two story open portico with a pediment roof and modillion cornice. At the time it was built it would have been the most impressive building on the village green and probably in the town.

In the entrance hall and stairway there is 18th century handblocked French wallpaper; this is composed of panels from two sets: 'The Parks of France' and 'The Gardens of the Bagatelle,' and was made by Arthur and Robert in Paris. The paper was brought home by Captain Nathaniel Eldred when he returned from France with his bride in 1795. This hung in the hall of the Eldred homestead in West Falmouth until it was given to the Society by Mr and Mrs Carleton Bourne in 1948. It was removed by experts from the Museum of Fine Arts in Boston and hung in the front hall of the Historical Society.

HISTORICAL SIGNIFICANCE Explain the role owners played in local or state history and how the building relates to the development of the community.

The original owner of this gracious home was Dr Francis Wicks, one of the first, along with Dr Hugh George Donaldson, to advocate inoculation for smallpox; he had a medical office at the back part of the house. Dr Wicks had served as a medical corpsman during the American Revolution. Later owners included Dr Samuel Crosswell, Mrs S E Gould, Captain Warren N Bourne, and Julia Wood, granddaughter of Captain Bourne. The house was bequeathed by Julia Wood to the Falmouth Historical Society, after being empty for 3 years during the depression, and is now a museum.

Furniture, accessories, and paintings have been donated to the Society by descendants of Falmouth's old families and reflect periods of Falmouth's history from the pre-revolutionary period to the post-civil war era. The rooms on the first floor of the Wood House include the entrance hall, with open railed stairway to the second floor, the DAR room, the Victorian parlor, and a large formal dining room (originally two smaller rooms and hallway which have been combined).

NATIONAL REGISTER OF HISTORIC PLACES
CONTINUATION SHEET

There are two kitchens, the main kitchen and the summer kitchen, both with fireplaces and ovens used for cooking. The kitchens have been restored with utensils from the 18th and 19th centuries. At the rear of the first floor is the furnished 18th-19th century doctor's office. Upstairs are two 19th century bedrooms, a nursery and a room used to exhibit antique quilts.

Near the Wood house, but not attached, is the Hallett Barn, c 1795, with wide sliding doors for carriage or sleigh. Lofts are used for hay or storage. Farming tools and household equipment are displayed as well as a one-horse sleigh.

BIBLIOGRAPHY and/or REFERENCES

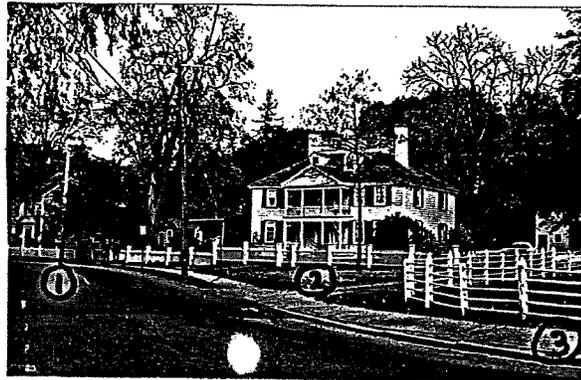
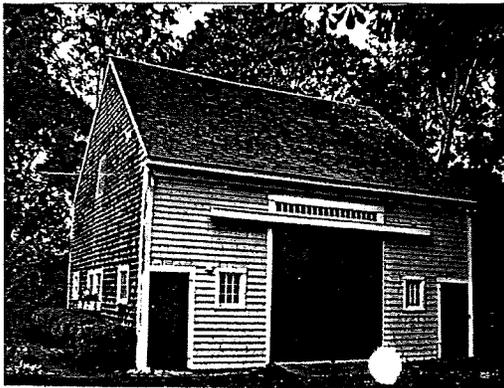
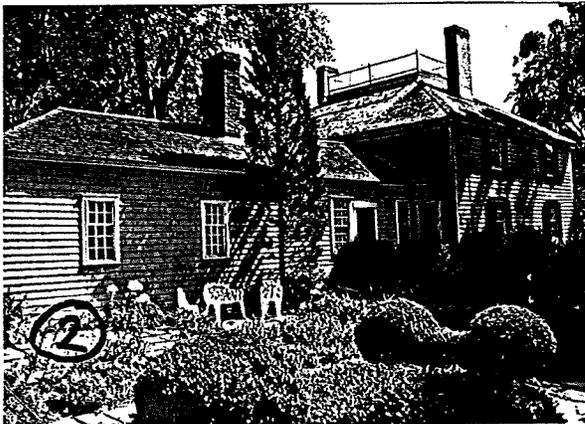
Falmouth in Eighteen Hundred and Fifty by William H Hewins, town Clerk, 1924

Book of Falmouth, edited by Mary Lou Smith

History of Falmouth Charles Jenkins

Suckanesset, a History of Falmouth Ma, Theodate Geoffrey, 1930

1951 Open House Guide, description of Wood House, Falmouth Historical Society



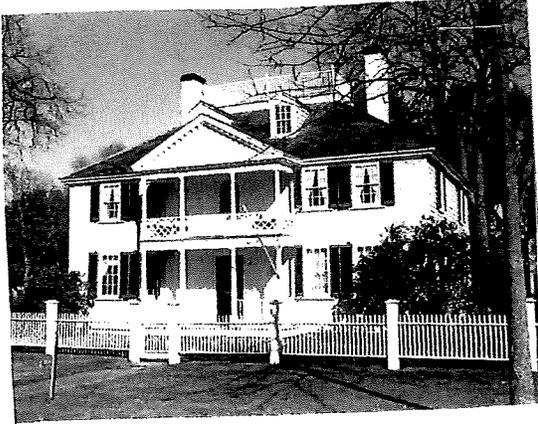


EXHIBIT G

RESTRICTION GUIDELINES

1. PREAMBLE

The purpose of these Guidelines is to assist the Grantor and the Town of Falmouth, and its designated agent, the Falmouth Historical Commission (the Grantee) in retaining the substance and character of the Building located at 55 Palmer Avenue, Falmouth, Barnstable County, Massachusetts (the Property), by establishing standards and procedures for maintenance and improvements in accordance with the principles established in this Preservation Restriction (the Restriction).

These Guidelines are administered by the Grantee. All references herein to approval by the Grantee refer to the process established in Paragraph 3 of the Restriction.

2. GENERAL PROVISIONS

In view of the importance to the Town of preserving the Property's character and integrity, both with respect to the Property and in context with the surroundings, the following overall guidelines shall apply:

2.1 The appearance of the Building shall be maintained and not altered, including the exterior and designated Interior Rooms. All changes must be approved by the Grantee.

2.3 Necessary reconstruction or replacement of any portion of the Building shall reproduce the existing exterior of the Building and Interior Rooms, except as specifically indicated in these Guidelines. The Building may not be elevated from its original foundation height, or have its roofline raised.

2.4 Alterations shall maintain the character of the Building and Interior Rooms and shall be designed to have minimal impact on the view from the street. All changes and additions must be approved by the Grantee.

2.5 Modifications of landscaping and site features shall be in keeping with the character of the Property, and have minimal impact on the view of the Building from the street, subject to approval by the Grantee.

3. GENERAL REQUIREMENTS AND REVIEW PROCEDURES

3.1 Work Subject to Review

3.1.1 Approval by the Grantee is not required for ordinary maintenance and replacement of existing fabric on the Exterior and Interior Rooms in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (36 C.F.R. 67 and 68), as these may be amended from time to time (the "Secretary's Standards") and these Guidelines. The right to maintain and repair shall mean the use by the Grantor of in-kind materials and colors, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Property.

The right to maintain and repair shall not include the right to make changes in appearance, materials, material colors and workmanship from that existing prior to the maintenance and repair without the prior approval of the Grantee.

3.1.2 All other non-maintenance changes and additions to the Exterior and Interior Rooms are subject to review by the Grantee. Approval of any proposed work must be granted in writing by the Grantee in advance of the commencement of construction.

3.2 Review Standards and Procedures

3.2.1 Review procedures, including those conducted for emergency repair and replacement, shall generally be conducted in accordance with applicable provisions of the following:

3.2.2 Secretary's Standards.

3.2.4 Determinations by the Grantee relating to work subject to review shall be based on the primary objective of retaining the substance and character of the Property, in accordance with the general provisions of Paragraph 2 of these Guidelines.

3.3 Submittal and Documentation Requirements

Material required for review may include such documentation as scale drawings, renderings, specifications, and product descriptions and samples.

3.4 Qualifications of Consultants and Contractors

3.4.1 All design work shall be performed by an architect currently licensed in Massachusetts, preferably with historical renovation and reconstruction experience.

3.4.2 All construction, except simple maintenance projects, shall be performed by contractors currently licensed in Massachusetts, preferably with a minimum of five years of experience in historical renovation and reconstruction.

4. BUILDING RENOVATION AND CONSTRUCTION STANDARDS

4.1 General Standards

The purpose of these Restriction Guidelines is to clarify Paragraphs 3 and 6 of the terms of the Restriction, which deals with alterations to the Building, Interior Rooms and the Property. Under this section, permission from the Grantee is required for any major alteration. Alterations of a minor nature, which are part of ordinary maintenance and repair, do not require Grantee review.

5. SPECIFIC STANDARDS

The following standards are included to establish a general level of quality for all work, and are considered essential to achieve the Town's primary objective for the Property. Reference should also be made to the Dr. Francis Wicks House Historic Structure Report 2020, prepared by Building Conservation Associates, Inc. (the "Wicks Report"). A copy of the Wicks Report will be held at the offices of the Grantor and Grantee.

EXTERIOR

1. *Doors*: Doors must be restored if possible, and if not must be replaced-in-kind.
2. *Dormers and Skylights*: New dormers and skylights are not permitted.

3. *Elevation cladding*: All exterior elevation cladding must be repaired, or replaced-in-kind if repair is not possible, including flushboard within the front portico, unless otherwise recommended in the Wicks Report.
4. *Foundation*: If repointing is needed, the mortar must match the joint depth, profile and color of existing mortar, and be of a composition that is similar or compatible to the existing mortar. If replacement fieldstones, brick or granite are required, they must match the existing in color, and size and finish. Sealants are not permitted on the masonry or mortar.
5. *Light Fixtures - Building Attached*: Light fixtures may be used but must be minimal in appearance, appropriate to the Building.
6. *Mechanical Equipment*: Window mounted HVAC or other ventilation equipment are not permitted. Openings made for HVAC or other equipment on the exterior of the Building must be located in a manner that does not detract from the Building.
7. *Paint*: Changes in exterior paint colors must be historically appropriate and must be approved by the Grantee. The existing exterior paint/stain colors likely date to the early-20th century and are representative of the Colonial Revival style. This color scheme should be retained. If the Grantor decides to restore the paint scheme to an earlier period, the new paint scheme must be based on information from the Wicks Report and other physical evidence.
8. *Roof material*: Wood cedar roofing shingles must be replaced-in-kind.
9. *Trim and Decoration*: Existing ornamental trim, including window and door surrounds, roof balustrade and front porch details, must be retained if possible and if not, replaced-in-kind.
10. *Windows and Storm windows*: All existing wood, single-glazed windows must be retained if possible, and if not possible, must be replaced-in-kind. Storm windows or storm panels are allowed provided they match the color of the underlying window surround and the meeting rails must align with the meeting rails of the window sash.

INTERIOR

Major alterations to the Interior Rooms will be governed by the Secretary's Standards and by the Wicks Report.

PROPERTY

Exterior landscape features: Exterior landscape features, including plantings, trees, walkways and fences must not obscure the view of the Building from the street. The design of any new landscape structure, such as fences, must be appropriate in design and materials.

- b. Vote to approve waiver of building fees for rehabilitation of affordable home at 2 Esker Place on request of Falmouth Housing Trust



TOWN OF FALMOUTH
Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, Massachusetts 02540

TO: Julian M. Suso, Town Manager
FROM: Peter Johnson-Staub, Assistant Town Manager *PJS*
SUBJECT: Waiver of Fees for Rehabilitation of 2 Esker Place and Construction of 3 Affordable Single-Family Homes on Lewis Neck Road
DATE: June 4, 2021

Consistent with the Select Board Fee Waiver policy, the Board has voted to approve requests from non-profit builders to waive building permit fees for a number of affordable housing projects in recent years. Fees associated with direct service or material costs such as water connection fees have not been waived for prior projects. The Falmouth Housing Trust has submitted applications for fee waivers for the two projects named above. Housing Coordinator Carla Feroni and I have reviewed the request and both meet the eligibility for fee waiver: the projects only include deed restricted affordable units and the pro forma indicates the profit margins are below 20%. We recommend that building fees be waived for these two projects.

Attachments:

- Falmouth Housing Trust Fee Waiver Request, 2 Esker Place
- Falmouth Housing Trust Fee Waiver Request, Lewis Neck Road

CC: Carla Feroni, Housing Coordinator
Karen Bissonnette, Falmouth Housing Trust

//Fee Waivers - Falmouth Housing Trust 6-3-2021



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Richard Sacchetti

David Sutkowy

Executive Director

Karen L. Bissonnette, CFRE

Falmouth Housing Trust

P.O. Box 465

Falmouth, MA 02541

Tel. (508) 540-2370

FalmouthHousingTrust.org

Tax ID: 04-2936558

May 4, 2021

Mr. Julian Suso
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Julian,

Falmouth Housing Trust has submitted our application to the Affordable Housing Fund for 2 Esker Place today.

You may know that Falmouth Housing Trust purchased this property last week from the family of Reverend and Mrs. Richard Crowell who had the first home in Esker Place, this was in 1992. Reverend Crowell had been the minister at St. Barnabas, where I have been a member since I was a child and he was my minister. When he retired, they needed a home and Falmouth Housing Trust worked with them to find housing. Subsequently, Rev. Crowell became a Board member of FHT.

This house was done as a LIP with the Town. Unfortunately, after Rev. and Mrs. Crowell died, their children didn't know quite know what to do with the house and never followed through with selling and it has been unoccupied for over 8 years. It is in very bad shape with animal infestation, water damage and significant mold.

I and my Board are very excited that I was able to work with the family to purchase this blighted home so that FHT can renovate and sell it, which will keep it a deed restricted property. The original deed rider is only for 40 years and the new one will be in perpetuity.

As you know, the cost of construction has gone up significantly over the last year and I am hoping that the Town can waive the fees in connection with the renovation of this home.

I am writing to request that all Town fees associated with the permitting and development of this houses be waived in accordance with the Select Board Fee Waiver Policy adopted February 11, 2016.

As required by the criteria, I have attached the development pro forma where you can see that Falmouth Housing Trust is not taking a development fee for the project. In addition, Falmouth Housing Trust will be contributing \$25,000 in resources which will be raised from generous community members. This will be in addition to what we hope the Affordable Housing Fund will commit.

As you know Falmouth Housing Trust is a non-profit 501 c 3 whose sole intention is to build and maintain community workforce housing for moderate income individuals and families who are essential to our community.

Thank you for your consideration and please contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Karen".

Karen L. Bissonnette
Executive Director

Uses of Funds

The Contractor certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

Direct Construction:

105 . Who prepared the estimates? Greg Clancy-Clancy Construction

Name

Signature

106 . Basis for estimates? 20 YEARS IN BUSINESS [Signature] 4/28/21

DV	Trade Item	Amount	Description
107 .	3 Concrete	\$0	
108 .	4 Masonry	\$0	
109 .	5 Demolition	\$6,000	
110 .	6 Rough Carpentry	\$22,000	
111 .	6 Finish Carpentry	\$12,000	
112 .	7 Waterproofing		
113 .	7 Insulation	\$7,000	
114 .	7 Roofing	\$12,000	framing, roofing, siding materials
115 .	7 Sheet Metal and Flashing		
116 .	7 Exterior Siding		see roofing
117 .	8 Doors/windows	\$20,000	door, windows, materials
118 .	8 Finish Materials	\$12,000	
119 .	8 Gutters	\$1,000	
120 .	9 Lath & Plaster	\$14,000	Blueboard/plaster
121 .	9 Drywall		
122 .	9 Tile Work	\$5,000	materials and labor
123 .	9 Acoustical		
124 .	9 Wood Flooring	\$8,000	
125 .	9 Resilient Flooring		
126 .	9 Carpet	\$4,000	
127 .	9 Paint & Decorating	\$12,000	interior and exterior
128 .	10 Kitchen/Bath counters	\$3,000	
129 .	11 Special Equipment		
130 .	11 Cabinets	\$10,000	
131 .	11 Appliances	\$4,000	
132 .	12 Closets	\$3,000	
133 .	13 Decks and Stairs	\$5,000	
134 .	13 Special Construction		
135 .	14 Elevators or Conveying Syst.		
136 .	15 Plumbing & Hot Water	\$15,000	fixtures, plumbing, labor
137 .	15 Heat & Ventilation	\$5,000	
138 .	15 Air Conditioning		
139 .	15 Fire Protection		
140 .	16 Electrical	\$18,000	labor and fixtures
141 .	Plans, Permits	\$3,000	
142 .	Porta Potty, Dumpster, Cleaning	\$4,000	
143 .	Subtotal Structural	\$205,000	
144 .	2 Plans		
145 .	2 Permits		
146 .	2 Roads & Walks		
147 .	2 Cleaning		
148 .	2 Driveway, Lawns & Planting	\$10,000	
149 .	2 Geotechnical Conditions		
150 .	2 Environmental Remediation		
151 .	2 Demolition		
152 .	2 Porta Potty/Dumpster		
153 .	Subtotal Site Work	\$10,000	
154 .	Total Improvements	\$215,000	
155 .	1 General Conditions		
156 .	Subtotal	\$215,000	
157 .	1 Builders Overhead/payroll	\$13,000	
158 .	1 Builders Profit	\$22,000	
159 .	TOTAL	\$250,000	

160 Total Cost/square foot: N/A

Residential Cost/s.f.: N/A

Development Budget:

	Total	Residential	Commercial	Comments
161 . Acquisition: Land	\$37,000			
162 . Acquisition: Building	\$0			
163 . Acquisition Subtotal	\$37,000	\$0	\$0	
164 . Direct Construction Budget	\$250,000	\$250,000		(from line 159)
165 . Construction Contingency	\$12,500	\$12,500		5.0% of construction
166 . Subtotal: Construction	\$262,500	\$262,500	\$0	

General Development Costs:

167 . Septic Inspection	\$395			
168 . Survey and Permits	\$1,600			
169 . Clerk of the Works	\$0			
170 . Environmental Engineer	\$2,000			Site Engineering
171 . Bond Premium	\$0			
172 . Legal/Closing Fees	\$5,000			
173 . Title and Recording				
174 . Accounting & Cost Cert.	\$0			
175 . Marketing and Rent Up	\$6,600			Includes Marketing/ Lottery with Housing Assistance Con
176 . Real Estate Taxes	\$3,350			Back taxes
177 . Insurance	\$2,000			
178 . Water bill	\$1,450			Past usage
179 . Appraisal	\$500			
180 . Utilities	\$0			
181 . Construction Loan Interest	\$3,000			
182 . Inspecting Engineer	\$0			
183 . Fees to:	\$0			
184 . Fees to: Monitoring	\$3,000			
185 . MIP	\$0			
186 . Credit Enhancement Fees	\$0			
187 . Letter of Credit Fees	\$0			
188 . Other Financing Fees	\$0			
189 . Development Consultant	\$0			
190 . Other:	\$0			
191 . Other:	\$0			
192 . Soft Cost Contingency	\$1,445			5.0% of soft costs
193 . Subtotal: Gen. Dev.	\$30,340	\$0	\$0	

194 . Subtotal: Acquis., Const and Gen. Dev.	\$329,840	\$262,500	\$0
--	-----------	-----------	-----

195 . Capitalized Reserves	\$0			
196 . Developer Overhead	\$0			
197 . Developer Fee	\$0			

198 . Total Development Cost	\$329,840	\$262,500	\$0	TDC per unit	#DIV/0!
199 . TDC, Net	\$329,840	\$262,500	\$0	TDC, Net per unit	#DIV/0!

Additional Detail on Development Pro-Forma:

200 . Gross Syndication Investment	<input type="text"/>
Off-Budget Costs:	
Syndication Costs:	
201 . Syndication Legal	<input type="text"/>
202 . Syndication Fees	<input type="text"/>
203 . Syndication Consultants	<input type="text"/>
204 . Bridge Financing Costs	<input type="text"/>
205 . Investor Servicing (capitalized)	<input type="text"/>
206 . Other Syndication Expenses	<input type="text"/>
207 . Total Syndication Expense	<input type="text" value="\$0"/>
208 . Current Reserve Balance	
Reserves (capitalized):	
209 . Development Reserves	<input type="text"/>
210 . Initial Rent-Up Reserves	<input type="text"/>
211 . Operating Reserves	<input type="text"/>
212 . Net Worth Account	<input type="text"/>
213 . Other Capitalized Reserves	<input type="text"/>
214 . Subtotal: Capitalized Reserves	<input type="text" value="\$0"/>
215 . Letter of Credit Requirements	<input type="text"/>
216 . Total of the Above	<input type="text" value="\$0"/>

Check: Line 214 is the same as line 195.

Please Answer The Following	Dev. Reserves	Initial Rent-Up	Op. Reserves	Net Worth	Other	Letter of Credit
Who requires the reserves?						
Who administers the reserves?						
When and how are they used?						
Under what circumstances can they be released?						

Unit Sales (For Sale Projects Only):

217 . Gross Sales From Units	<input type="text" value="\$220,000"/>
218 . Cost of Sales (Commissions, etc.)	<input type="text" value="\$"/>
219 . Net Receipt from Sales	<input type="text" value="\$220,000"/>

Debt Service Requirements:

220 . Minimum Debt Service Coverage	<input type="text"/>
221 . Is this Project subject to HUD Subsidy Layering Review?	<input type="text" value="No"/>

Optional user comments

- c. Vote to approve waiver of building fees for construction of 3 units of affordable housing at Lewis Neck Road on request of Falmouth Housing Trust



TOWN OF FALMOUTH
Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, Massachusetts 02540

TO: Julian M. Suso, Town Manager
FROM: Peter Johnson-Staub, Assistant Town Manager *PJS*
SUBJECT: Waiver of Fees for Rehabilitation of 2 Esker Place and Construction of 3 Affordable Single-Family Homes on Lewis Neck Road
DATE: June 4, 2021

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- Falmouth Housing Trust Fee Waiver Request, Lewis Neck Road

CC: Carla Feroni, Housing Coordinator
Karen Bissonnette, Falmouth Housing Trust

//Fee Waivers - Falmouth Housing Trust 6-3-2021



April 13, 2021

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Susan Roman, *Treasurer*
Joan Bates, *Secretary/Clerk*
Troy B. G. Clarkson
Addie M. Drolette
Savannah Fabbio
David Garrison
Tom Manchester
Tammy Rausch
Richard Sacchetti
David Sutkowy

Executive Director

Karen L. Bissonnette, CFRE

Falmouth Housing Trust
P.O. Box 465
Falmouth, MA 02541
Tel. (508) 540-2370
FalmouthHousingTrust.org
Tax ID: 04-2936558

Mr. Julian Suso
Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Julian,

Falmouth Housing Trust has submitted our application to the Zoning Board with the hearing date scheduled for May 13. We are anticipating their approval to move forward on building three affordable deed restricted homes on Lewis Neck Road.

I am writing to request that all Town fees associated with the permitting and development of these houses be waived in accordance with the Select Board Fee Waiver Policy adopted February 11, 2016.

As required by the criteria, I have attached the development pro forma where you can see that Falmouth Housing Trust is taking far less than the allowable 20% development fee for the project. In addition, Falmouth Housing Trust will be contributing over \$300,000 of its own resources which has been raised from generous community members.

As you know Falmouth Housing Trust is a non-profit 501 c 3 whose sole intention is to build and maintain workforce housing for moderate income individuals and families who are essential to our community.

Since we submitted the budget for this project to the Town's Affordable Housing Fund almost a year ago, costs have risen significantly and it would be very helpful to have the fees waived and use our resources to help the community's affordable housing crisis.

Thank you for your consideration and please contact me should you have any questions.

Sincerely,


Karen L. Bissonnette
Executive Director

*Thanks for your
help and support.*

Uses of Funds

The Contractor certifies that, to the best of their knowledge, the construction estimates, and trade-item breakdown on this page are complete and accurate.

Direct Construction:

105 . Who prepared the estimates?
Name Signature

106 . Basis for estimates?

DV	Trade Item	Amount	Description
107 .	3 Concrete	\$45,000	
108 .	4 Masonry		
109 .	5 Metals		
110 .	6 Rough Carpentry	\$80,000	
111 .	6 Finish Carpentry	\$95,000	
112 .	7 Waterproofing		
113 .	7 Insulation	\$16,000	
114 .	7 Roofing	\$303,500	framing, windows and doors
115 .	7 Sheet Metal and Flashing		
116 .	7 Exterior Siding	\$30,000	
117 .	8 Doors		
118 .	8 Windows		
119 .	8 Glass		
120 .	9 Lath & Plaster	\$30,000	
121 .	9 Drywall		
122 .	9 Tile Work	\$4,000	
123 .	9 Acoustical		
124 .	9 Wood Flooring	\$15,000	
125 .	9 Resilient Flooring		
126 .	9 Carpet	\$15,000	
127 .	9 Paint & Decorating	\$32,000	interior and exterior
128 .	10 Specialties	\$7,000	Mirrors and closets
129 .	11 Special Equipment		
130 .	11 Cabinets	\$30,000	
131 .	11 Appliances	\$15,000	
132 .	12 Blinds & Shades		
133 .	13 Modular/Manufactured		
134 .	13 Special Construction		
135 .	14 Elevators or Conveying Syst.		
136 .	15 Plumbing & Hot Water	\$47,000	
137 .	15 Heat & Ventilation		
138 .	15 Air Conditioning		
139 .	15 Fire Protection		
140 .	16 Electrical	\$42,000	
141 .	Accessory Buildings		
142 .	Other/misc	\$6,000	gutters
143 .	Subtotal Structural	\$812,500	
144 .	2 Earth Work	\$10,000	
145 .	2 Sitework&util	\$160,000	Septic, water, utilities, drainage, driveways, road paving
146 .	2 Roads & Walks		
147 .	2 Site Improvement		
148 .	2 Lawns & Planting	\$24,000	
149 .	2 Geotechnical Conditions		
150 .	2 Environmental Remediation		
151 .	2 Demolition		
152 .	2 Unusual Site Cond		
153 .	Subtotal Site Work	\$194,000	
154 .	Total Improvements	\$1,006,500	
155 .	1 General Conditions	\$0	
156 .	Subtotal	\$1,006,500	
157 .	1 Builders Overhead	\$0	
158 .	1 Builders Profit	\$81,000	
159 .	TOTAL	\$1,087,500	

160 Total Cost/square foot: Residential Cost/s.f.:

Development Budget:

	Total	Residential	Commercial	Comments
161 . Acquisition: Land	\$65,000			
162 . Acquisition: Building	\$0			
163 . Acquisition Subtotal	\$65,000	\$0	\$0	
164 . Direct Construction Budget	\$1,087,500	\$1,087,500		(from line 159)
165 . Construction Contingency	\$54,375	\$54,375		5.0% of construction
166 . Subtotal: Construction	\$1,141,875	\$1,141,875	\$0	

General Development Costs:

167 . Architecture & Engineering	\$5,000	\$5,000		
168 . Survey and Permits	\$20,100	\$20,100		Permits, fees, utilities, water taps
169 . Clerk of the Works	\$15,000	\$15,000		
170 . Environmental Engineer	\$10,000	\$10,000		Site Engineering
171 . Bond Premium	\$0			
172 . Legal	\$10,000	\$10,000		
173 . Title and Recording	\$0			
174 . Accounting & Cost Cert.	\$5,000	\$5,000		
175 . Marketing and Rent Up	\$22,000	\$22,000		Includes Lottery with Housing Assistance Corp.
176 . Real Estate Taxes	\$0			
177 . Insurance	\$4,000	\$4,000		
178 . Relocation	\$0			
179 . Appraisal	\$0			
180 . Security	\$0			
181 . Construction Loan Interest	\$11,000	\$11,000		
182 . Inspecting Engineer	\$0			
183 . Fees to: MassHousing	\$1,250	\$1,250		
184 . Fees to: monitoring	\$3,000	\$3,000		
185 . MIP	\$0			
186 . Credit Enhancement Fees	\$0			
187 . Letter of Credit Fees	\$0			
188 . Other Financing Fees	\$0			
189 . Development Consultant	\$0			
190 . Other:	\$0			
191 . Other:	\$0			
192 . Soft Cost Contingency	\$5,293	\$5,293		5.0% of soft costs
193 . Subtotal: Gen. Dev.	\$111,643	\$111,643	\$0	

194 . Subtotal: Acquis., Const and Gen. Dev.	\$1,318,518	\$1,253,518	\$0
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195 . Capitalized Reserves	\$0			
196 . Developer Overhead	\$20,000	\$20,000		
197 . Developer Fee	\$0			

198 . Total Development Cost	\$1,338,518	\$1,273,518	\$0	TDC per unit	#DIV/0!
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199 . TDC, Net	\$1,338,518	\$1,273,518	\$0	TDC, Net per unit	#DIV/0!
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Additional Detail on Development Pro-Forma:

200 . Gross Syndication Investment

Off-Budget Costs:

Syndication Costs:

201 . Syndication Legal

202 . Syndication Fees

203 . Syndication Consultants

204 . Bridge Financing Costs

205 . Investor Servicing (capitalized)

206 . Other Syndication Expenses

207 . Total Syndication Expense

208 . Current Reserve Balance

Reserves (capitalized):

209 . Development Reserves

210 . Initial Rent-Up Reserves

211 . Operating Reserves

212 . Net Worth Account

213 . Other Capitalized Reserves

214 . Subtotal: Capitalized Reserves

215 . Letter of Credit Requirements

216 . Total of the Above

Check: Line 214 is the same as line 195.

Please Answer The Following	Dev. Reserves	Initial Rent-Up	Op. Reserves	Net Worth	Other	Letter of Credit
Who requires the reserves?						
Who administers the reserves?						
When and how are they used?						
Under what circumstances can they be released?						

Unit Sales (For Sale Projects Only):

217 . Gross Sales From Units

218 . Cost of Sales (Commissions, etc.)

219 . Net Receipt from Sales

Debt Service Requirements:

220 . Minimum Debt Service Coverage

221 . Is this Project subject to HUD Subsidy Layering Review?

Optional user comments

d. Vote to affirm transitional mask wearing – municipal government buildings

FACE COVERING REQUIREMENT FOR MUNICIPAL GOVERNMENT BUILDINGS

Pursuant to G. L. c. 111, § 104, the Falmouth Select Board declares that a disease dangerous to the public health continues to exist in the Town of Falmouth, specifically COVID-19 and the SARS-Cov-2 virus, and exercises its authority thereunder to “use all possible care to prevent the spread of the infection” by issuing the following order.

All persons, including staff members and the public, present in the interior of a municipal government building owned by the Town of Falmouth shall wear a face covering over their mouth and nose, while in common areas. Staff members may remove face coverings only while in private office spaces and maintaining minimum six-foot social distancing.

This order shall not apply to persons under the age of two years, or to individuals of any age who have a medical condition for which a face covering is contraindicated. Per the CDC, face coverings should not be placed on young children under two years old, nor on anyone who has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a mask without assistance. Individuals who cannot wear a face covering may be accommodated by providing services exclusively outdoors, at the discretion of Town staff.

This order shall not apply to voters entering a polling place to vote in an election.

This order does not require the wearing of face coverings in any outdoor space, or inside any privately owned building within the Town of Falmouth.

This order shall be effective beginning Tuesday June 1, 2021 at 12:01AM and remain in effect until notice is given, pursuant to the Select Board’s judgment that a disease dangerous to the public health no longer exists and/or face coverings are no longer necessary to prevent the spread of infection in municipal government buildings in the Town of Falmouth.

ORDERED this ___ day of June 2021.

Douglas C. Brown, Chair

3. SPECIAL EVENTS

Recurring – Recommended:

- a. Cape Cod Marathon Weekend – Falmouth Running Club –
Saturday, 10/30/21 and Sunday, 10/31/21

The approval of this event was continued from 5/24/21 to 6/7/21 to allow time for the Cape Cod Marathon and the Falmouth Youth Flag Football to coordinate use of the Falmouth Heights Ball field on Sunday, 10/31/21. The two groups have come to an agreement: The Falmouth Youth Flag Football game will begin at 11:00 a.m., after the Cape Cod Marathon concludes in the Heights.



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME 44th Annual Cape Cod Marathon, Half Marathon and Marathon Relay

NAME Falmouth Running Club, Jack Afarian

MAILING ADDRESS P.O. Box 699, West Falmouth, MA 02574

EVENT DAY & DATE Saturday, October 30, 2021 (Half Marathon and 5K) &
Sunday, October 31, 2021 (Marathon, Relay and Kids Fun Run)

RAIN DATE None.

EVENT LOCATION Main Street and Grassy Area in Town Hall Square

EVENT HOURS 6:00 am – 4:00 pm **SET-UP/BREAK DOWN** 6:00 am / 3:00 pm

NUMBER OF ATTENDEES 3,500 **# OF VEHICLES** 1,000

ADDITIONAL DETAILS Porta-johns on sidewalk in Town Hall Square. See attached for additional porta-john locations, details of road closings, signage and new course maps. Parking at Lawrence School and WHOI Quissett Campus.

CONDITIONS:

1. Locations must be policed for cleanliness following the marathon.
2. Contact Police Detail Sergeants 1 month in advance to provide adequate public safety.
3. Contact Fire Department in advance of event to arrange for a Fire or EMS detail.
4. Contact Inspectional Services Department 30 days prior to event for permit for tents in excess of 400 sq. ft. and to schedule inspections.
5. Contact Health Department in advance of event for temporary food permit and to schedule inspection.
6. Contact Recreation Director 508-457-2567 to adjust start time of half marathon ½ hour earlier to avoid conflict with soccer program at Falmouth Heights ball field on Saturday, 10/30/21 and flag football on Sunday, 10/31/21.

PERMIT FEE \$900.00 **FILING FEE** \$10.00

DEPOSIT \$300.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred.)

SELECT BOARD:

3. SPECIAL EVENTS

New – Recommended:

- a. 4th of July Concert – College Light Opera Company (CLOC) –
Library Lawn – Sunday, 7/4/21 – 1:00 – 2:00 p.m.



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME CLOC 4th of July Concert

NAME College Light Opera Company

MAILING ADDRESS P.O. Box 906, Falmouth, MA 02541

EVENT DAY & DATE Sunday, July 4, 2021

RAIN DATE None.

EVENT LOCATION Falmouth Public Library Lawn, 300 Main Street

EVENT TYPE Musical performance by the vocal company and combo

EVENT HOURS 1:00 p.m. – 2:00 p.m. SET-UP/BREAK DOWN 12:00 p.m./3:00 p.m.

NUMBER OF ATTENDEES 150 NUMBER OF VEHICLES None.

ADDITIONAL DETAILS Free 4th of July concert.

CONDITIONS:

1. Organizers to check the area following the events to ensure that no debris or litter is left behind in the park.

PERMIT FEE -- FILING FEE \$10.00

DEPOSIT -- (Deposit refundable at conclusion of event provided that no litter or damage has occurred)

SELECT BOARD:

_____	_____
_____	_____
_____	_____



Town of Falmouth

Office of the Town Manager & Select Board
59 Town Hall Square · Falmouth, MA 02540

Application for Special Events



CONTACT INFORMATION

Applicant's Name: College Light Opera Company

Mailing Address: P.O. Box 906, Falmouth, MA 02540

Phone: 508-548-0668 Cell Phone: [REDACTED]

E-Mail: joan.mcdonald@collegelightoperacompany.com

PAID
\$10.00
CK# 2307

EVENT DETAILS

Name of Event: CLOC Annual Fourth of July Concert

Type of Event: Musical performance by the vocal company and combo

Event Day & Date: Sunday, July 4, 2021

Rain Date: _____

Event Hours: From: 1 PM To: 2 PM

Setup Date: 7/4/2021 Time: 12 PM ... Breakdown Date: July 4, 2021 Time: 2 to 3 PM

Location Requested:

1st Choice: Falmouth Public Library Lawn

2nd Choice: _____

Number of Attendees: 150 Number of Vehicles: none

Parking Plan: _____

- Will event include chairs, barriers, tents? Yes or No (tent permit application, if necessary)
- Will event include signs? Yes or No (sign permit application, if necessary)
- Will event be a road race? Yes or No (a. include route map, b. see reverse side for road race rules, and sign)
- Will event include use of Shining Sea Bike Path? Yes or No (see reverse side for bike path rules, and sign)
- Will event include food or beverages? Yes or No (temporary food permit application)
- Will event include alcoholic beverages? Yes or No (one-day liquor license application)
- Will event include entertainment? Yes or No What type? _____

ADDITIONAL INFORMATION: (Use of restroom facilities, electricity, etc.) (Attach a narrative describing the event.)

Applicant's Signature: [Signature] Date: 5/19/2021

Joan McDonald
Gen. Manager

- References:
1. Clyde Tyndale, [REDACTED]
 2. Robert Bock, [REDACTED]
 3. Les Wrigley, [REDACTED]

SELECT BOARD

Description:

College Light Opera Company has a long tradition of performing a free Fourth of July Concert for the Falmouth community on the Sunday preceding July 4th at the Falmouth Library Lawn. After a year hiatus due to COVID, we would like to hold the free concert on Sunday, July Fourth, now that the Commonwealth has indicated that gathering restrictions will be ended on May 29, 2021.

The Vocal Company and combo will play an assortment of songs celebrating Independence Day as well as some pieces that reflect our 2021 season.

COVID protocols:

All our student company members will have been fully vaccinated for COVID prior to or upon their arrival to the CLOC campus on June 9th. We also will be periodically testing for COVID and assessing our company members every day for symptoms. Depending upon the requirements of the Town of Falmouth, we would encourage spectators to wear masks. We would also require the vocal company to be socially distanced from spectators by at least 20 feet.

our current protocols are very strict ~~and~~ reflecting CDC + the commonwealth restrictions prior to May 2021. we are updating them and will provide an updated copy for your records.

Joan McDonnell

Diane Davidson

From: Brian Reid
Sent: Friday, June 4, 2021 1:26 PM
To: Diane Davidson; Sean Doyle
Subject: RE: New Special Event Application - CLOC 4th of July Concert

We have no objection to this event.

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
brian.reid@falmouthpolicema.gov

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From: Diane Davidson
Sent: Friday, June 4, 2021 12:20 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Subject: FW: New Special Event Application - CLOC 4th of July Concert

Capt. Reid,
Lt. Doyle,

Just following up to find out if Police has any comments on this application.

Thank you,

Diane

From: Diane Davidson
Sent: Thursday, May 27, 2021 1:00 PM
To: Boyd Demello - Falmouth Fire Rescue Department (boyd.demello@falmouthfirema.gov) <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo (bruce.mogardo@falmouthma.gov) <bruce.mogardo@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Diane Davidson (diane.davidson@falmouthma.gov) <diane.davidson@falmouthma.gov>; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov) <gregg.fraser@falmouthma.gov>; James F. Grady - Department of Public Works (jim.grady@falmouthma.gov) <jim.grady@falmouthma.gov>; Jeremiah Pearson (jeremiah.pearson@falmouthma.gov) <jeremiah.pearson@falmouthma.gov>; Joe Olenick - Recreation Department (joe.olenick@falmouthma.gov) <joe.olenick@falmouthma.gov>; Julian M. Suso - Town Manager (julian.suso@falmouthma.gov) <julian.suso@falmouthma.gov>; Kristin Nickerson <kristin.nickerson@falmouthpolicema.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; Pamela Marshall

Diane Davidson

From: Boyd Demello
Sent: Thursday, May 27, 2021 2:07 PM
To: Diane Davidson; Brian Reid; Bruce Mogardo; Craig O'Malley; Gregg Fraser; Jim Grady; Jeremiah Pearson; Joe Olenick; Julian Suso; Kristin Nickerson; Maggie Clayton; Mallory Langler; Pamela Marshall; Peter Johnson-Staub; Peter McConarty; Rod Palmer; Samantha Moir; Scott McGann; Sean Doyle; Timothy Smith
Cc: Boyd Demello
Subject: RE: New Special Event Application - CLOC 4th of July Concert

Diana,
No issues with Fire Rescue.

Boyd W. DeMello
Fire Prevention Inspector
Falmouth Fire Rescue Department
boyd.demello@falmouthfirema.gov
508-495-2534 - Office
774-836-2436 - Cell Phone

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From: Diane Davidson
Sent: Thursday, May 27, 2021 1:00 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Kristin Nickerson <kristin.nickerson@falmouthpolicema.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Samantha Moir <samantha.moir@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Subject: New Special Event Application - CLOC 4th of July Concert

To all,

Attached please find an application from the College Light Opera Company (CLOC) to hold a 4th of July Concert on the Library Lawn (Main Street) on Sunday, July 4, 2021 from 1:00 p.m. to 2:00 p.m. The group has reached out to the Library Board of Trustees, and the Board advised them to seek permission from the Select Board as well.

Please provide your comments/recommendations by Wednesday, June 2, 2021.

Diane Davidson

From: Scott McGann
Sent: Thursday, May 27, 2021 4:15 PM
To: Diane Davidson
Subject: RE: New Special Event Application - CLOC 4th of July Concert

No issues with Health

Scott McGann R.S.
Director/ Agent
Falmouth Health Department
59 Town Hall Square
Falmouth, MA 02540
508-495-7485
scott.mcgann@falmouthma.gov

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Thursday, May 27, 2021 1:00 PM
To: Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>; Jim Grady <jim.grady@falmouthma.gov>; Jeremiah Pearson <jeremiah.pearson@falmouthma.gov>; Joe Olenick <joe.olenick@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Kristin Nickerson <kristin.nickerson@falmouthpolicema.gov>; Maggie Clayton <maggie.clayton@falmouthma.gov>; Mallory Langler <mallory.langler@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Samantha Moir <samantha.moir@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Subject: New Special Event Application - CLOC 4th of July Concert

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Please provide your comments/recommendations by Wednesday, June 2, 2021.

Thank you,

Diane

Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square

Diane Davidson

From: Maggie Clayton
Sent: Thursday, May 27, 2021 6:28 PM
To: Diane Davidson
Subject: Re: New Special Event Application - CLOC 4th of July Concert

Hi, Diane:

No concerns from Beach Dept.

Maggie Clayton
Acting Beach Superintendent
Town of Falmouth
(774)392-6900

> On May 27, 2021, at 12:59 PM, Diane Davidson <diane.davidson@falmouthma.gov> wrote:

>

> To all,

>

> Attached please find an application from the College Light Opera Company (CLOC) to hold a 4th of July Concert on the Library Lawn (Main Street) on Sunday, July 4, 2021 from 1:00 p.m. to 2:00 p.m. The group has reached out to the Library Board of Trustees, and the Board advised them to seek permission from the Select Board as well.

>

> Please provide your comments/recommendations by Wednesday, June 2, 2021.

>

> Thank you,

>

> Diane

>

> Diane S. Davidson

> Office Manager/Licensing

> Office of the Town Manager and Select Board Town of Falmouth

> 59 Town Hall Square

> Falmouth, MA 02540

> diane.davidson@falmouthma.gov<mailto:diane.davidson@falmouthma.gov>

> (508) 495-7321

>

PUBLIC HEARINGS

1. Application for an alteration of the licensed premises of an all alcoholic common victualler license – Chapoquoit Grill, Inc., located at 410 West Falmouth Highway, West Falmouth. Continued from April 26, and May 24, 2021.

The attorney has requested a continuance to June 21 (waiting for a site plan).

Diane Davidson

From: Kevin Klauer <kevin@amentklauer.com>
Sent: Friday, June 4, 2021 5:31 PM
To: Phyllis Downey
Cc: Gabriele Bruce; Falmouth Town Manager
Subject: RE: Request for continuance note - Chapoquoit Grill - Alteration of Premises application

Hi Phyllis,

We would like to request a continuance until June 21. We are working on the final items requested by the Board still.

Regards,

Kevin P. Klauer II, Esq.
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Telephone: (508) 540-6555
Fax: (508) 457-1293
Email: kevin@amentklauer.com

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Feel free to visit our website at www.amentklauer.com

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Any documents attached hereto are transmitted for discussion purposes only and create no binding obligation. The parties will be bound only if and when copies are signed by and delivered to all parties.

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Chapoquoit Grill, Inc. has applied for an Alteration of Premises of its All Alcoholic Common Victualler License located at 410 West Falmouth Highway, West Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, April 26, 2021 at 7:30 p.m. on the above application.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the April 26, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. **See Select Board NOTICE of MEETING for April 26, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on April 22, 2021 at 4:00 PM for detailed participation information.*****

Per order of the Select Board

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, April 16, 2021; Falmouth Enterprise

PUBLIC HEARINGS

2. Wetland/Dock Hearing – Ladyfair, LLC for permission to maintain and repair an existing licensed pier landward to regain access to the pier and to replace decking in and over the waters of Eel Pond located at 44 Jewelers Avenue, East Falmouth

Public Hearing Notice

The applicant has requested a continuance until: June 21, 2021.

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 7, 2021, in the Selectmen's Meeting Room Town Hall* on the application of Ladyfair, LLC located at 44 Jewelers Avenue, East Falmouth for permission to repair an existing licensed pier landward to regain access to the pier and to replace decking. Body of water effected is Eel Pond. Interested parties may review the file on this hearing in the Town Manager/Select Board Office at Town Hall.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the June 7, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. **See Select Board NOTICE of MEETING for June 7, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on June 3, 2021 at 4:00 PM for detailed participation information.*****

Per order of the Select Board

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, May 21, 2021, and Friday May 28, 2021; Falmouth Enterprise

Diane Davidson

From: Erica Borselli <erica@falmouthengineering.com>
Sent: Tuesday, June 1, 2021 1:12 PM
To: Phyllis Downey; Diane Davidson
Subject: 44 Jewelers Ave. Hearing 6-7-21

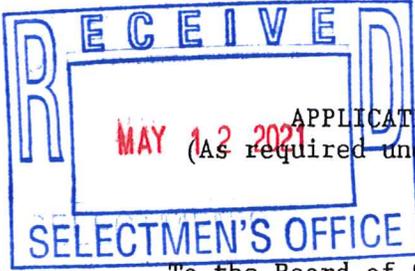
Dear Diane & Phyllis,

Due to an unforeseen scheduling conflict, we are going to have to request a continuance for the above referenced hearing. Can you let me know when the next available hearing date is? Thank you.

Regards,

*Erica Borselli
Falmouth Engineering, Inc.
17 Academy Lane, Suite 2
Falmouth, MA 02540
508.495.1225*

www.falmouthengineering.com



TOWN OF FALMOUTH
BOARD OF SELECTMEN

RECEIVED

MAY 12 2021

APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHER ALTER WETLANDS TO OPEN WATER
(As required under Section 240-77 (Wetland Regulations) of the Zoning Bylaw)

To the Board of Selectmen
Falmouth, MA

Date: May 12, 2021

The undersigned hereby applies to the Board of Selectmen as required by Section 240-77 of the Zoning Bylaws, for a permit to alter, as indicated below, the following described premises:

OWNER: Ladyfair, LLC - 104 Field Brook Rd. Madison, CT 06443
(full name) (address)

AGENT: Falmouth Engineering, Inc. 17 Academy Ln. Ste. 200 Falmouth, MA 02540
(full name) (address)

APPLICANT: Same as owner
(full name) (address)

1. Location of Property: Map 40A Section 11 Parcel 003 Lot 031

Street Name and House Number 44 Jewelers Avenue

2. Body of water, marsh or stream affected: Eel Pond

3. Description of property and project site: Property containing a single family dwelling, licensed pier, lawn, and landscaped areas.

a. Dimensions, Acreage of total parcel: 39,300 square feet

b. Length of water marsh frontage: 200'

c. Dimensions of area to be dredged: N/A Depth N/A

d. Dimensions of area to be filled: N/A

e. Volume of dredging spoil to be moved: N/A

APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHERWISE ALTER WETLANDS
(As required under Section 240-77 (Wetland Regulations) of the Zoning Bylaw)

Disposition of Spoil: N/A

f. Describe proposed riprap or bulkheading, if any: N/A

g. Other (docks, piers and etc.) Repair existing licensed pier

h. Method (equipment to be used) for proposed work: Barge supported crane

4. Purpose of proposed work: To regain access to the pier

5. Zoning which governs area: RB

6. Date of application for permit to dredge or fill from the Commonwealth of
Mass. N/A Army Engineers N/A

7. Has a permit ever been approved or refused for this location by State,
Federal or Local Authority? MA DEP, Falmouth Conservation Commission

8. Remarks Order of Conditions 25-4635 (copy attached)

9. Project Summary for legal notice: Applicant proposes to repair existing
licensed pier landward to regain access to the pier and to replace decking.

Owner: Ladyfair, LLC

Agent: Falmouth Engineering, Inc.

104 Field Brook Rd.

17 Academy lane, Ste. 200 Falmouth, MA 02540

Madison, CT 06443

(Name & Address)

(Name & Address)

TEL #:

TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)

TEL #:

DO NOT WRITE BELOW THIS SPACE, FOR SELECTION'S OFFICE USE ONLY

*APPLICATION FOR PERMIT TO FILL, DREDGE OR
OTHERWISE ALTER WETLANDS*

Filing Under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law

DOCK REPAIR

44 JEWELERS AVENUE

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

Ladyfair, LLC

Prepared by:



Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA
02540

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ATTACHMENT A - PROJECT NARRATIVE

ATTACHMENT B - CHAPTER 91 LICENSE 2112 AND PLAN

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ATTACHMENT E - AERIAL PHOTOS

ATTACHMENT F - PROJECT PLANS

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

This Special Permit application has been filed by Falmouth Engineering Inc. on behalf of The Applicant, who proposes to repair an existing licensed pier.

The application is being jointly filed pursuant to Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law and its submission regulations.

2.0 Existing Conditions

The project site is located at #44 Jewelers Avenue on two specific parcels, 40A 11 003 031 and 40A 11 003 031. Yacht Club Road, an abandoned road separates the two parcels.

The property contains a dwelling, licensed pier, eroding coastal bank and lawn and landscaped areas.

The topographic is gently sloping from Jewelers Avenue, east to the top of coastal bank. Elevations in this area vary from 10 at Jewelers Avenue to 4 at the top of coastal bank. From the top of coastal bank to the beach, the topography slopes more severely to the coastal beach. The average beach elevation at the toe of the eroding coastal bank is 1.0.

2.1 Regulated Resource Areas

The property is bounded to the east by Eel Pond. The resources areas within Eel Pond and within 100' of the proposed work include Land Under the Ocean, Land Containing Shellfish, Coastal Beach, Coastal Bank and Land Subject to Coastal Storm Flowage (VE14 and AE12)

2.2 Estimated Habitat and Protected Species

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2008) indicates that the proposed bulkhead construction is not located within Estimated Habitat of Rare Wetlands Wildlife, nor is it located within Priority Habitat of Rare Plants and Wildlife.

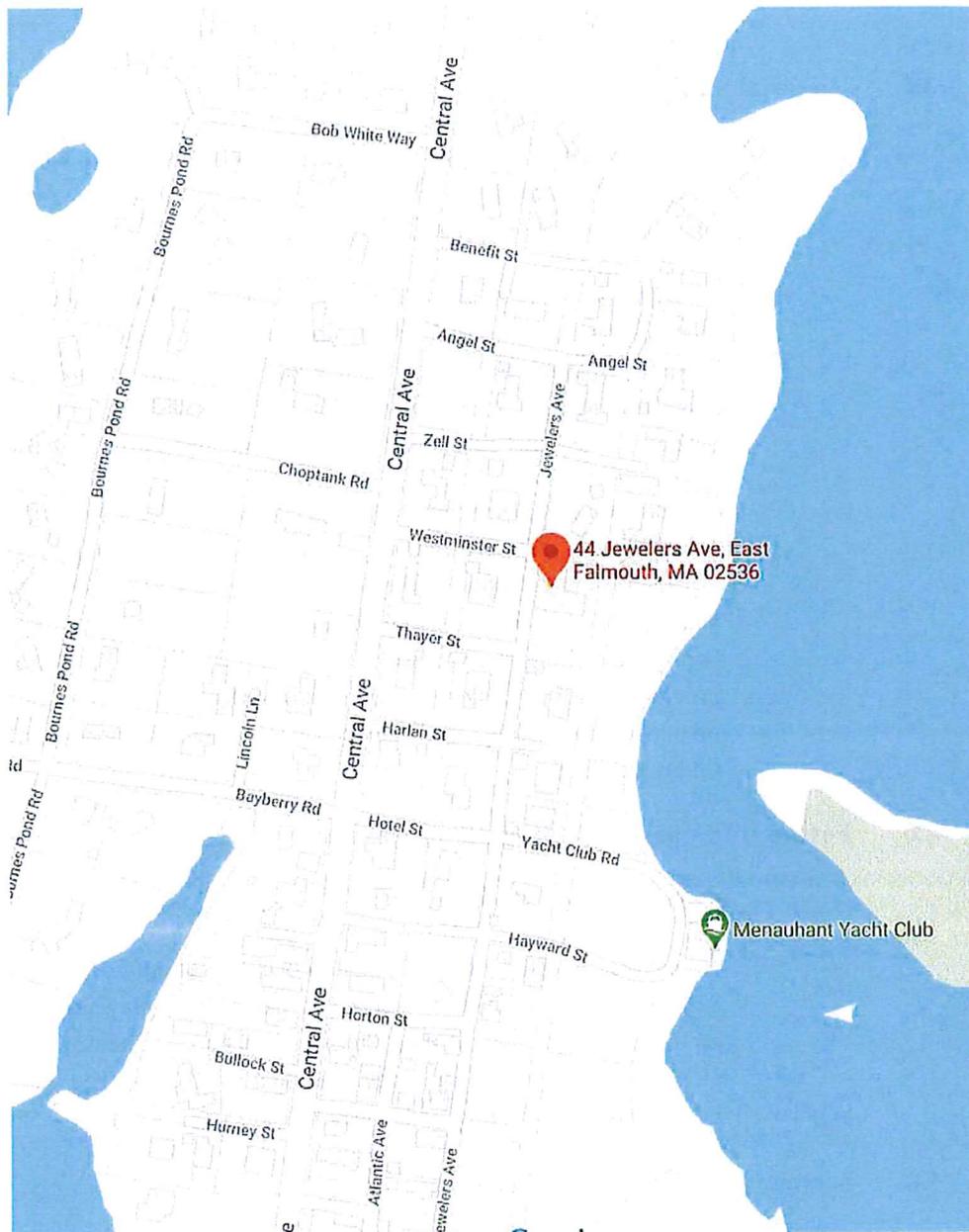


FIGURE 1 - PROJECT LOCATION MAP
44 JEWELERS AVENUE
EAST FALMOUTH, MA

3.0 Proposed Project

The Applicant proposes to repair the existing licensed pier. A copy of the Chapter 91 License and plan, as well as aerial photos of the pier at various times are attached to the application.

Over the past several years, the channel entrance just south of the property and adjacent to Menauhant Yacht Club has been eroded. Alterations in water current velocities and direction have eroded several feet of shoreline from the channel entrance, north, along the westerly shore of Eel Pond. Several properties have lost substantial portions of upland due to this erosion.

The erosion has also severely eroded The Applicant's beach and impacted the coastal bank. This erosion has undermined several of the previously existing timber piles that supported the pier, as well as the access ramp to the pier. The applicant wishes to repair the pier to regain access from the top of the coastal bank by installing three additional pile bents (6 piles). 4 of these 6 piles replace previously existing piles that were removed due to erosion. In addition to the pile installation, The Applicant proposes to remove and replace the existing timber decking.

4.0 Potential Impacts and Mitigation Measures

Minimization and Mitigation

No adverse impacts are anticipated to occur as a result of the proposed project. The proposed construction access and has been minimized to that area shown on the plans. The piles will be driven from a barge. The water depths exceed 6' at Mean Low Water. The barge will float at all tides. The pier repairs will be performed in accordance with FWR 10.16 (1) (b, d and h).

5.0 Summary

The existing wetland resources, anticipated project impacts, and proposed mitigation have been documented in this application and attached plans. All proposed work is proposed to be performed with access from the upland as shown on the plans with the exception of the installation of the proposed piles. The piles will be installed from a barge mounted crane.

Failure to perform the proposed work will result in additional erosion of the coastal bank, damage to the upland and damage to the licensed pier. In light of the above, the Select Board is urged to approve the project as proposed.



Falmouth Conservation Commission

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02540
(508) 495-7445

April 21, 2021

Ladyfair, LLC
104 Brookfield Rd
Madison, CT 06443

RE: 44 Jewelers Ave, Falmouth, MA
DEP# 25-4635

Dear Ladyfair, LLC:

Enclosed please find a copy of the Order of Conditions. Please obtain the plan of reference for your approved project from your representative. This Order is valid for three years from its date of issuance. The original permit will need to be registered at the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Please read the Order of Conditions and Plan carefully and refer to them often. Your contractor must have a copy of the Order of Conditions and the Conservation Permit posted on-site throughout the duration of the project. As the property owner it is ultimately your responsibility to ensure that work be done according to all Standard and Special Conditions and according to the Plan of Reference. If you decide to sell your property, please transfer the Order and the Plan of Reference to the new owner.

When all work under the approved permit, including landscaping, has been completed on the project, the proper procedure is for your representative (the engineer) to apply to the Conservation Commission for a Certificate of Compliance. The engineer must submit a signed statement that all work has been completed according to the Plan of Reference and noting any deviation from the plan. The representative (engineer) is the point of contact with the Conservation Commission and should coordinate with you throughout the duration of the project until a Certificate of Compliance is issued. Your representative will register the Certificate of Compliance in the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Thank you for taking the time to read this letter. By complying with the Wetland Protection Act and the Falmouth Wetland Bylaw and Regulations you are helping to maintain a high quality of life for yourself and others in the Town of Falmouth.

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

cc: Falmouth Engineering, Inc.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
25-4635
MassDEP File #
eDEP Transaction #
Falmouth
City/Town

A. General Information

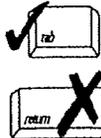
Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

1. From: Falmouth
Conservation Commission
2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions
3. To: Applicant:

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.

a. First Name Ladyfair, LLC b. Last Name _____
c. Organization _____
d. Mailing Address 104 Brookfield Rd
Madison CT 06443
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):



a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

44 Jewelers Ave E Falmouth
a. Street Address b. City/Town
40A 11 003 031
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
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City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Barnstable

a. County

14651

c. Book

b. Certificate Number (if registered land)

0118

d. Page

7. Dates: 03/10/2021 3/31/2021 4/21/2021
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan, Cross Section & Dock Details (2 sheets)

a. Plan Title

Falmouth Engineering, Inc

b. Prepared By

3/8/2021

d. Final Revision Date

Michael J Borselli, PE, Gary S Labrie, PLS

c. Signed and Stamped by

1"=20'

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	160 +/- a. square feet	_____	_____	_____
	_____	_____	_____	_____
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	40 +/- a. square feet	_____	_____ cu yd c. nourishment	_____ cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd c. nourishment	_____ cu yd d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	170 +/- a. linear feet	_____		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	160 +/- a. square feet	_____	_____	_____
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	4,000 +/- a. square feet	_____		
	_____	_____		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
Sq ft between 100-200 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4635"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
 - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
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eDEP Transaction #

Falmouth

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
25-4635

MassDEP File #

eDEP Transaction #

Falmouth

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Falmouth hereby finds (check one that applies):
Conservation Commission
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

10.00

2. Citation

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
25-4635
MassDEP File #
eDEP Transaction #
Falmouth
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

4/21/2021

1. Date of Issuance

4
2. Number of Signers

[Handwritten Signature]
Signature

Printed Name

[Handwritten Signature]
Signature

Jamie Mathews, Chair
Printed Name

[Handwritten Signature]
Signature

Kevin O'Brien
Printed Name

[Handwritten Signature]
Signature

Courtney Bird
Printed Name

[Handwritten Signature]
Signature

Elizabeth Gladfelter
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date # 7012 0470 0001 3617 8665



Falmouth Conservation Commission

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02540
(508) 495-7445

Name: Ladyfair, LLC
Address: 44 Jewelers Ave, Falmouth
DEP #: 25-4635

FINDINGS:

1. The applicant proposes to stabilize the eroding coastal bank with the installation of a coir envelope array, add 60-70 cubic yards of beach nourishment, install bank plantings; conduct invasive species removal with restorative plantings, and repair an existing license pier that has been undermined, with damaged sections removed.
2. This property and those to the south have experience rapid erosion due to velocity of the currents that have increased due to the narrowing of the Eel River channel in between the Menauhant Yacht Club and Washburn Island. Washburn Island has been for several years accreting into the channel.
3. The licensed pier/ramp was originally 133 feet long with the access to the ramp from the coastal beach. The repair of the pier will require a ~65 foot long extension to connect to the portion of the pier still remaining from the coastal bank. The new pier will measure ~165 feet in length and will require 2 additional, no licensed, pilings.
4. The applicant is requesting to construct an extension, not reconstruct the entire dock.
5. The water depth is deeper closer to shore than at the terminus of the dock.
6. Resource areas onsite and within 100 feet of the proposed project include Land Subject to Coastal Storm Flowage (LSCSF), Coastal Bank, Coastal Beach, and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Pollution Prevention
4. Protection of private and public water supply
5. Protection of groundwater
6. Protection of fisheries
7. Protection of land containing shellfish
8. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to LadyFair, LLC, 44 Jewelers Ave, Falmouth, MA, to stabilize the eroding coastal bank with the installation of a coir envelope array, add 60-70 cubic yards of beach nourishment, install bank plantings; conduct invasive species removal with restorative plantings, and repair an existing license pier according to the narrative and plan prepared by Falmouth Engineering, Inc., dated March 8, 2021 and entitled "Site Plan" (sheet 1 and 2) and the narrative prepared by Wilkinson Ecological Design (WED) entitled "Protocols for Coastal Stabilization and Invasive Management" dated December 1, 2020 and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.

8. Prior to any work commencing:

- a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - e. The Limit of Work must be installed prior to any work, excavation, construction or clearing of vegetation, in order to prevent damage to the Interests of the Act and Bylaw. The Limit of Work shall consist of a single row of staked strawbale/silt fencing.
 - i. **Please be advised that the use of a straw/mulch waddle/sock is not allowed unless approved in writing by the Conservation Administrator. The Conservation Administrator reserves the right to revoke any approval if this method is determined to be ineffective or is not maintained.**
9. The Limit of Work strawbales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, strawbales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.
10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
13. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited,

whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.

14. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.
15. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
16. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
17. If the applicant seeks an Occupancy permit from the Building Department prior to the issuance of a Certificate of Compliance the applicant shall post a performance bond; the bond shall cover the cost of all outstanding work, including landscaping plus 25% of the total. The bond will be released once all outstanding work has been completed and the applicant applies for and receives a Certificate of Compliance.
18. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for

the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS:

Coastal Bank Stabilization and Invasive Management

1. The Coastal Bank restoration project shall follow the "Protocols for Coastal Stabilization and Invasive Management" prepared by Wilkinson Ecological Design dated December 1, 2020 subject to all standard and special conditions. WED shall be the sole entity approved to implement this plan under this OOC. The Commission reserves the right to approve any additional or alternate parties chosen to undertake the project at any time.
2. No permanent and/or subsurface irrigation system shall be installed. A temporary above ground drip irrigation system will be allowed to insure the survival of the restoration plantings. Once the restoration plantings have been established the temporary system shall be removed.
3. The applicant shall submit two (2) monitoring reports each year on the bank stabilization efforts and invasive management until a Certificate of Compliance is obtained. Reports shall be submitted by June 30th and October 31st of each year. The report shall contain photographs from established monitoring stations and a narrative of the progression and health of the restoration project.
4. Proposed carolina rosa shall be replaced with bayberry (*Myrica pensylvanica*).
5. 70 cubic yards of beach nourishment shall be allowed over the length of the permit. If additional nourishment is required, the applicant shall request an amendment.
6. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
7. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
8. The American beach grass (*Ammophila brevigulata*) shall be planted in staggered rows, 2 culms per hole, 12" on center, to a depth of 8 ½ inches. The beach grass shall be planted between November 15th and April 1st.
9. The large oak located at the edge of bank on the northern portion of the property shall not be removed or damaged in a way that it cannot survive.

Pier/Ramp Repair

10. The applicant shall construct the proposed extension to reach the remaining pier section only, a complete rebuild of the structure is not allowed under this OOC.
11. If a complete rebuild of the pier is required or more than 50% of the existing pilings currently in the field require replacement, then the applicant shall request an amendment to the OOC. The Commission, at that time, may require the structure to be built to its original 133 foot length.
12. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be specified by a professional engineer.
13. All work shall be done by hand or from a barge-supported crane during high tide.
14. Any barge used for this project must float at all times.
15. Piles shall be driven, not jetted.
16. All construction debris shall be removed off-site to an approved upland disposal site.
17. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
18. Water lines and attached hoses shall have nozzles attached.
19. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
20. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
21. The Conservation Department and the Marine and Environmental Services Department shall be notified of the date and time of construction activities utilizing a barge
22. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

In accordance with the unanimous vote of the Falmouth Conservation Commission, Jennifer L. Lincoln, Conservation Administrator is authorized to sign on behalf of each individual Commissioner as reflected in the recorded Land Court Document: 1,393,706 dated 04-03-2020 9:24 Barnstable Land Court Registry

VOTE AUTHORIZING SIGNATURES OF
COMMISSIONERS

On March 18, 2020, the Falmouth Conservation Commission met in open session through publicly accessible video-conference software, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. At this duly held meeting, the following action was taken by the Falmouth Conservation Commission.

Motion: To authorize Jennifer Lincoln, Falmouth Conservation Administrator, to physically sign Falmouth Conservation Commission documents on behalf of individual Falmouth Conservation Commission members.

Vote: Unanimous

- Vice Chairman Russell Robbins—Aye
- Commissioner Elizabeth Gladfelter—Aye
- Commissioner Maureen Harlow-Hawkes—Aye
- Commissioner Courtney Bird—Aye
- Alternate Commissioner Kevin O'Brien—Aye
- Alternate Commissioner Peter Walsh—Aye
- Commissioner Mark Gurnee—Aye
- Chairman James Mathews—Aye

The above is a true and accurate account of the proceedings of the Falmouth Conservation Commission.

James C Mathews
3-27-20

James Mathews, Chairman

Date

The Commonwealth of Massachusetts
County of Barnstable

On this 27 of March, 2020, before me, Kimberly Fish
(name of notary public), James Mathews personally appeared and proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated

purpose.

Bk 34051 Pg34 #28644


Notary Public Signature

KIMBERLY FISH.
NOTARY PUBLIC, COMM OF MASSACHUSETTS
MY COMMISSION EXPIRES MARCH 5, 2021

Driving Directions to Site

44 Jewelers Avenue, East Falmouth

From town center, turn right onto Main Street and continue for 1 mile. Turn right onto Falmouth Heights Rd. Turn left onto Lake Leaman Rd. Turn right onto Jericho Path. Follow to Menauhant Rd. Turn left onto Menauhant Rd. and follow about 2.5 miles to Central Ave. Follow about .3 miles and turn right onto Westminster St. Follow to the end and turn right. Number 44 Jewelers Ave. is on your left.

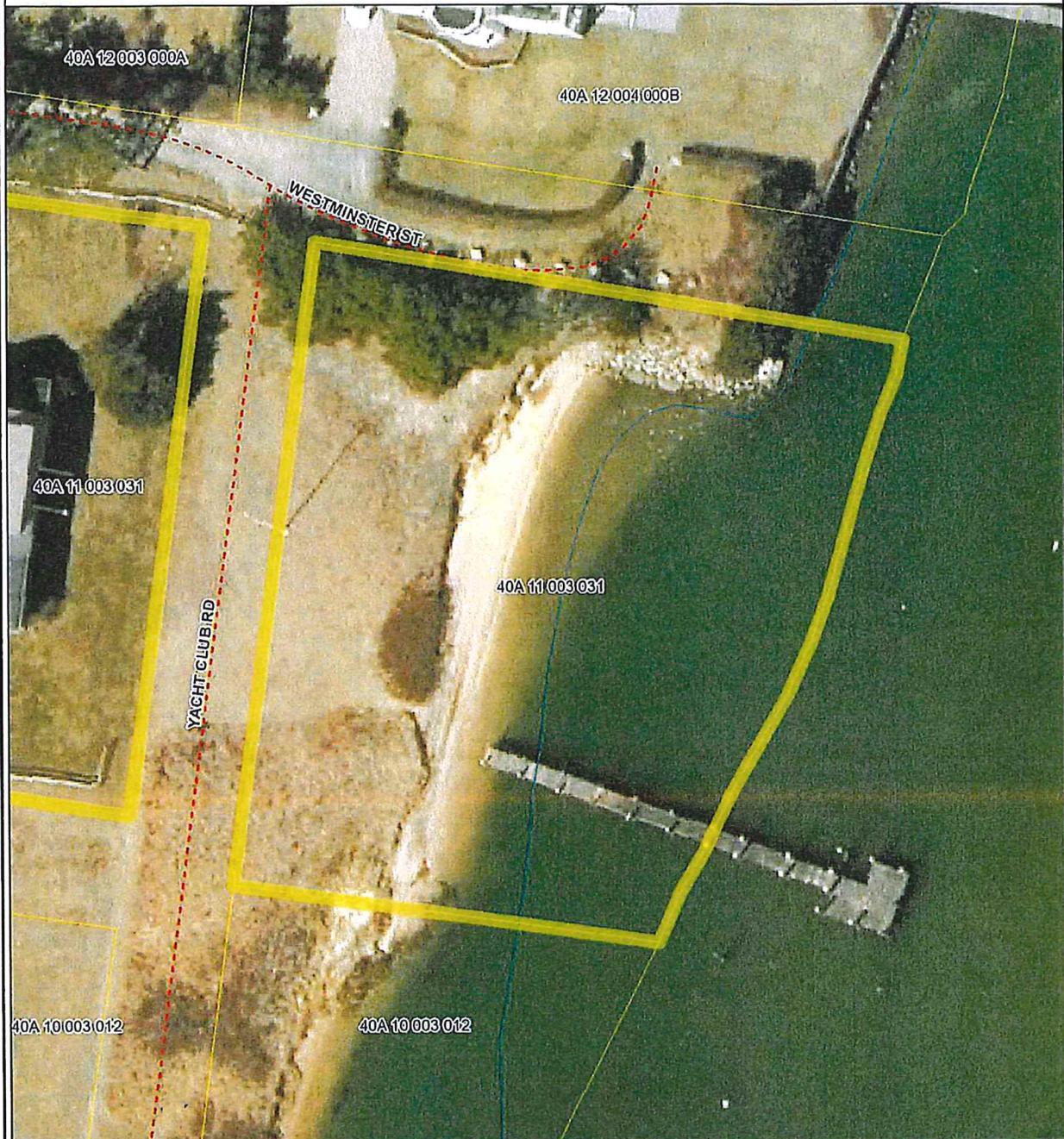




1" = 40 ft

- Parcels
- Road Ownership
- <all other values>
- COUNTY, TOWN
- PRIVATE
- .. STATE
- Water Features
- POND
- STREAM

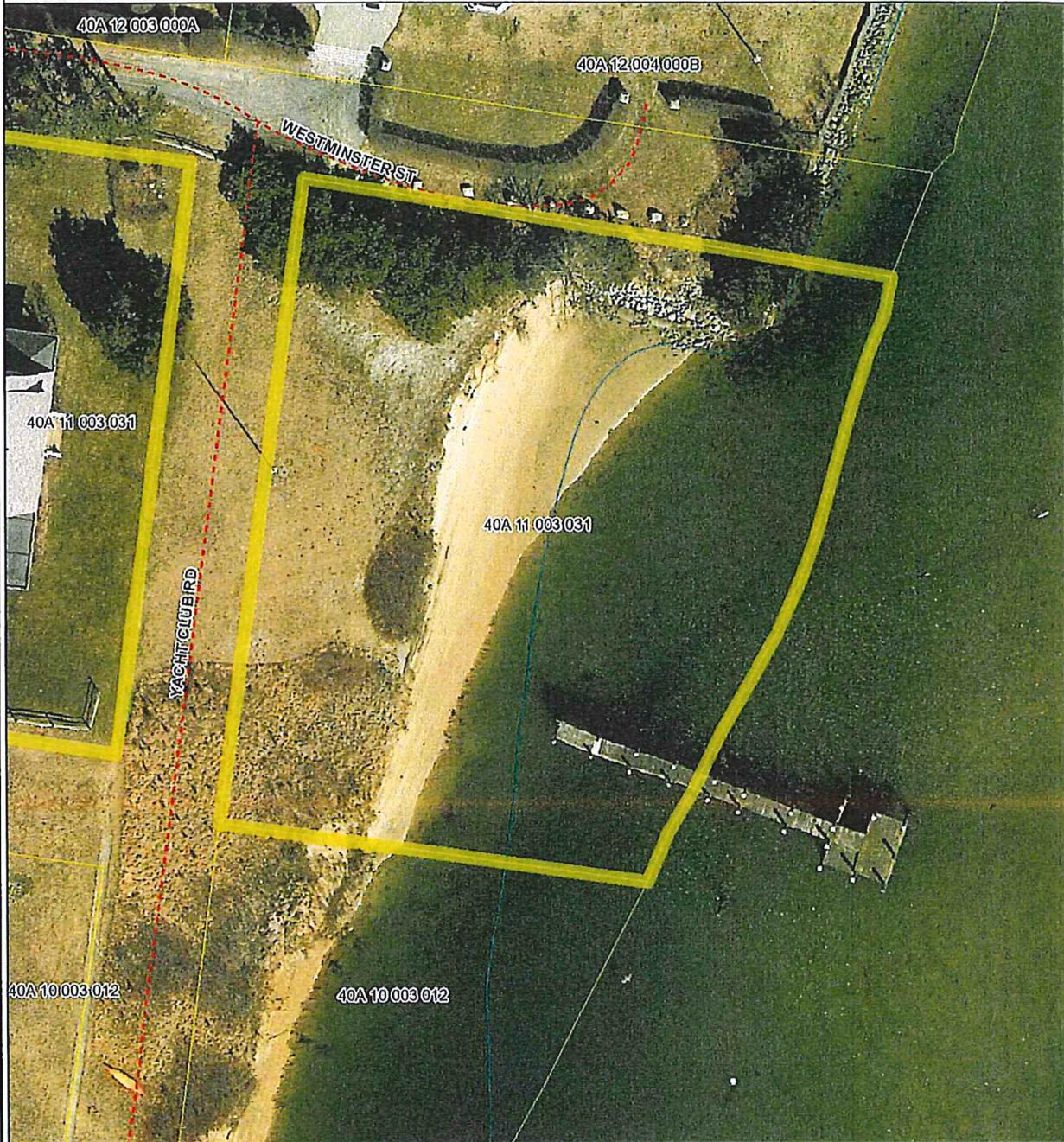
Disclaimer
 The Town of Falmouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.
 Planimetric features derived from 3/05 Aerials.
 Prepared by Falmouth G.I.S.



1" = 40 ft

- ▭ Parcels
- Road Ownership
 - <all other values>
 - COUNTY; TOWN
 - PRIVATE
 - .. STATE
- Water Features
 - ▣ POND
 - ▢ STREAM

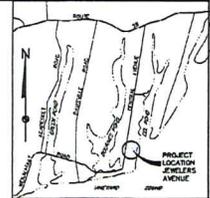
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 Planimetric features derived from 2005 Aerials.
 Prepared by Falmouth G.I.S.



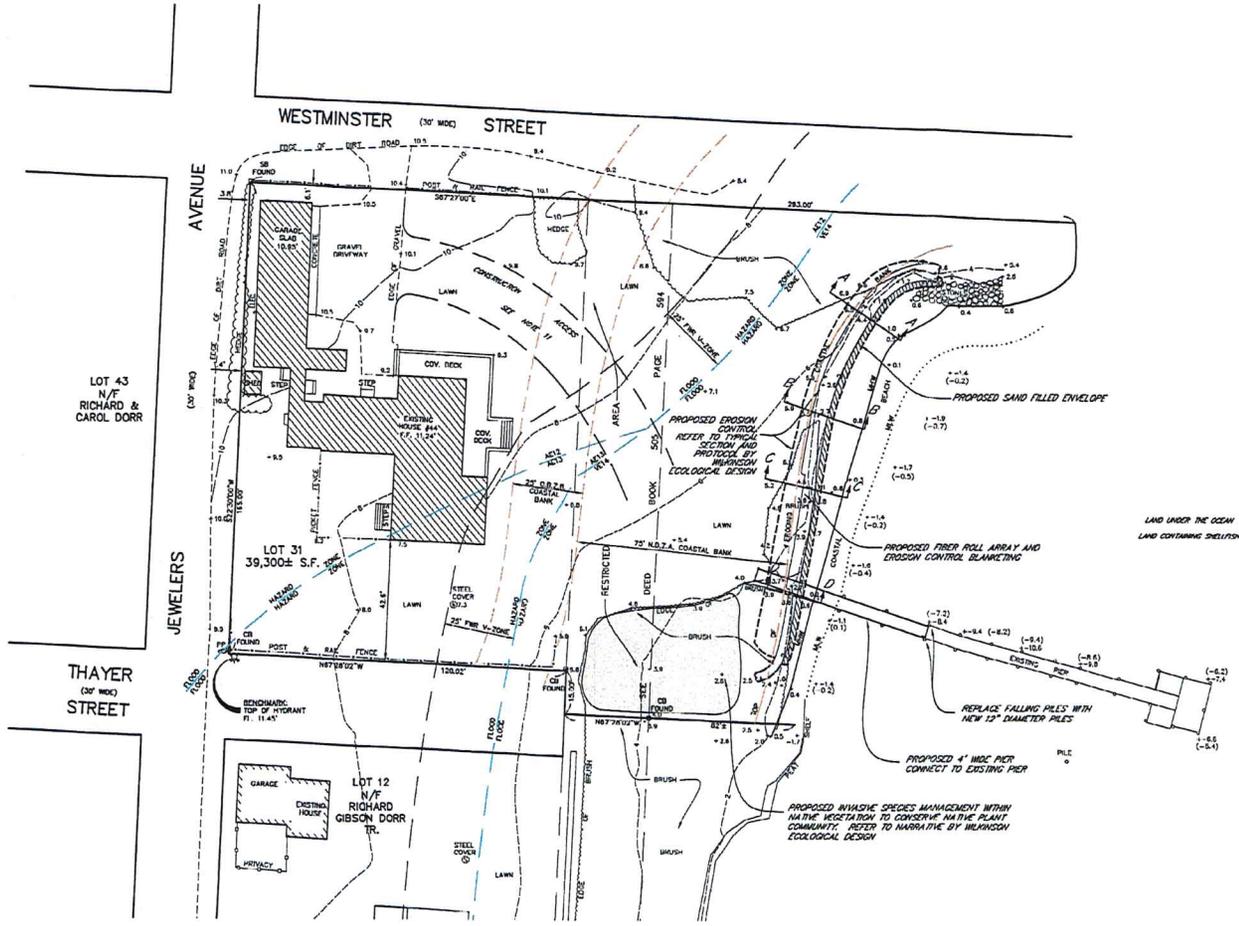
1" = 40 ft

- ▬ Parcels
- ▬ Road Ownership
- <all other values>
- COUNTY: TOWN
- PRIVATE
- .. STATE
- Water Features
- POND
- STREAM

Disclaimer
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 Planimetric features derived from 3/05 Aerials.
 Prepared by Falmouth G.I.S.



LOCUS
NOT TO SCALE

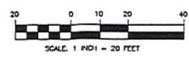


GENERAL NOTES:

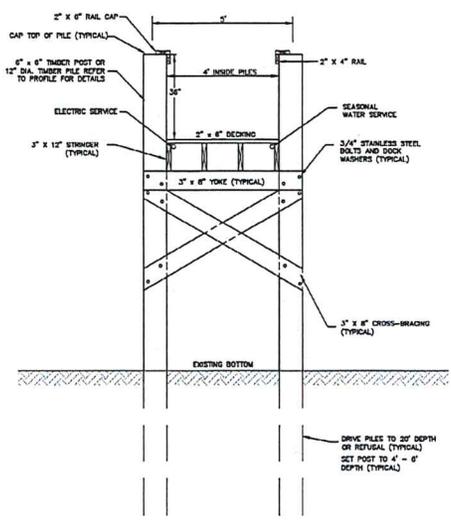
1. ASSESSOR'S INFORMATION: 40A 11 003 031
2. FLOOD ZONES: AE12, AE13 & VE14 (FDMA MAP 25001C0741J)
3. ZONING DISTRICT: RB
4. WIND EXPOSURE CATEGORY: C
5. LOT COVERAGE BY:
 - A. STRUCTURES: 4,420 S.F./39,300 S.F. = 11.2% < 20%
 - B. STRUCTURES/PARKING/PAVING: 4,744 S.F./39,300 S.F. = 12.1% < 40%
6. WIND BORNE DFBRRS REGION: HIGH
7. STREET ADDRESS: JEWELLERS AVENUE
8. HOUSE NUMBER: 44
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
11. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF THE EXISTING SEPTIC SYSTEM PRIOR TO CONSTRUCTION AND TAKE STEPS TO AVOID THE SYSTEM WITH CONSTRUCTION EQUIPMENT OR TAKE STEPS TO PROTECT THE SYSTEM DURING CONSTRUCTION.

LEGEND

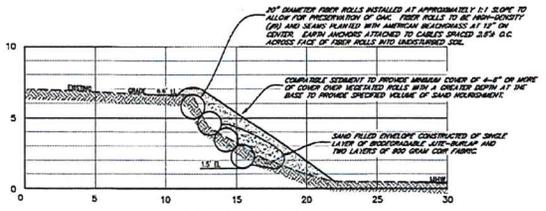
- 8 — EXISTING 2' CONTOUR
- 10 — EXISTING 10' CONTOUR
- +4.5 EXISTING SPOT ELEVATION
- (-6.2) SOUNDINGS ON MLW DATUM
- +15.0 PROPOSED SPOT ELEVATION
- PP 10+ EXISTING UTILITY POLE
- CB FOUND CONCRETE BOUND



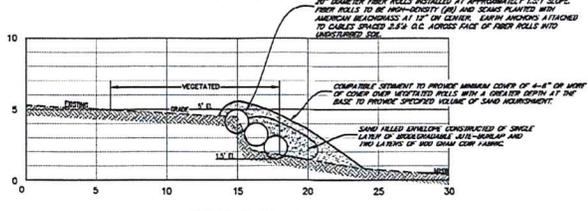
SITE PLAN FOR #44 JEWELLERS AVENUE PREPARED FOR LADYFAIR, LLC IN FALMOUTH, MA	
PLAN DATE: MARCH 8, 2021	PLAN SCALE: 1" = 20'
CIVIL ENGINEERING WASTEWATER DESIGN TITLE & PLOT PLANS LAND USE PLANNING	 <i>Serving Cape Cod and Southeastern Massachusetts</i>
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJECT NUMBER: 20036 CAD FILE NAME: 20036SP DRAWN BY: L.M.	SHEET 1 OF 2



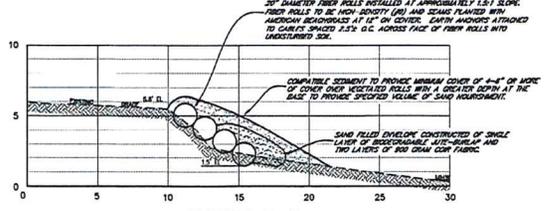
TYPICAL PIER CROSS-SECTION
SCALE: 1/2" = 1' - 0"



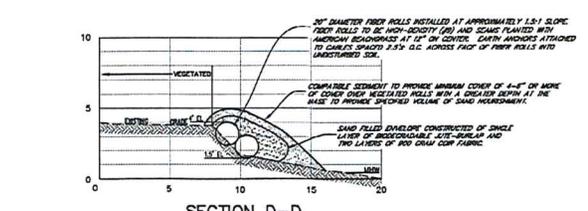
SECTION A-A
SCALE: 1"=4"



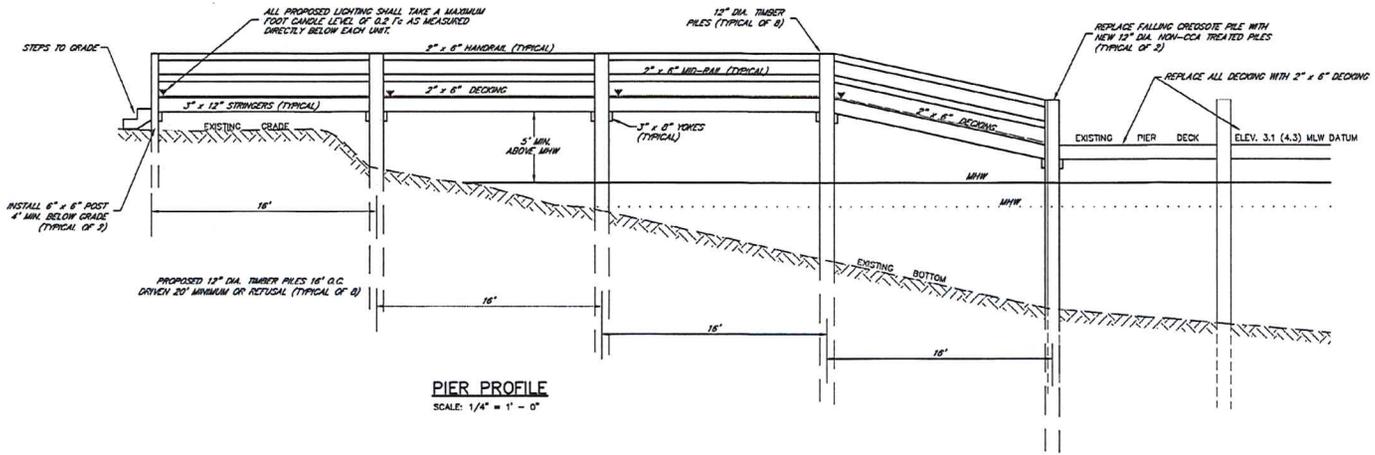
SECTION C-C
SCALE: 1"=4"



SECTION B-B
SCALE: 1"=4"



SECTION D-D
SCALE: 1"=4"



PIER PROFILE
SCALE: 1/4" = 1' - 0"

CONSTRUCTION NOTES:

1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
2. ALL WOOD MATERIALS SHALL BE NON-CCA TREATED.
3. PILES SHALL BE DRIVEN, NOT JETTED, TO A MINIMUM DEPTH OF 20' OR RECTANGULAR.
4. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOCK WASHERS. HARDWARE CLIPS ON TURN BOLTS FOR STRONGER CONNECTION TO YOKES OR AS INDICATED ON THE PLANS.
5. ALL DOCK LIGHTING SHALL NOT EXCEED 0.3 FOOTCANDLE (FC).

CROSS SECTIONS & DOCK DETAILS
FOR #44 JEWELERS AVENUE
PREPARED FOR
LADYFAIR, LLC
FALMOUTH, MA

PLAN DATE: MARCH 8, 2021	PLAN SCALE: AS SHOWN
CIVIL ENGINEERING WASTEWATER DESIGN SITE & PLAT PLANS LAND USE PLANNING	 <i>Shirley Cline Cof and Sheriannan Massachusetts</i>
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJECT NUMBER: 200306	CAD FILE NAME: 200306SP
DRAWN BY: L.M.	SHEET 2 OF 2



44 JEWELERS AVE

CERTIFIED

A handwritten signature in black ink, appearing to read 'BCabral', is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
May 20, 2021

Phyllis Downey

From: Bruce Cabral
Sent: Thursday, May 20, 2021 8:52 AM
To: Phyllis Downey
Subject: 44 JEWELERS AVE - ABUTTERS LIST
Attachments: 20210520090022885.pdf

Hello,

A Certified Abutters List is attached.

Thank you,
Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
Tel. 508-495-7378



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

March 23, 2021

Falmouth Conservation Commission
Town Hall
59 Town Hall Square
Falmouth, MA 02540

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by Ladyfair LLC, 44 Jewelers Avenue, to install a coir roll erosion control system along 170 linear feet of coastal bank, to stabilize an eroding coastal bank, to nourish the existing beach, to repair an existing licensed pier and to manage invasive plants on Eel Pond in the Town of Falmouth. Between 60 – 70 cubic yards of beach compatible sediment will be used to nourish the toe of the fiber roll array and over the coir rolls. In addition, invasive species will be hand pulled or use the selective cut and wipe treatment by a licensed herbicide applicator. Existing marine fisheries resources and habitat and potential project impacts to those resources are outlined in the following paragraphs.

The project site lies adjacent to mapped shellfish habitat for quahog (*Mercenaria mercenaria*). Subtidal waters within the project site have habitat characteristics suitable for these species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

MA DMF has identified Eel Pond as passage, spawning and/or juvenile development habitat for tomcod (*Microgadus tomcod*), white perch (*Morone americana*), alewife (*Alosa pseudoharengus*), and American eel (*Anguilla rostrata*) (eel spawn in the Sargasso Sea).

MA DMF offers the following comments for your consideration:

- Disposal of beach fill should be consistent with DEP's Beach Nourishment Guide (March 2007) [1]. Beach fill material should be of equal grain size and appropriate slope to avoid premature loss from the beach and impacts to near shore bottom habitat.
- The barge used for in-water work should be staged to avoid grounding at all times to minimize impacts to benthic habitat.
- Appropriate erosion control measures should be employed to minimize runoff from the property into the resource area during construction.

- No construction materials or debris should be stored in the intertidal area.
- Fuel spills from the refueling of construction equipment may adversely impact sensitive resource areas. If equipment is to be refueled on-site, adequate containment and clean up material should be required.

Questions regarding this review may be directed to eileen.feeney@mass.gov.

Sincerely,

Eileen M. Feeney

Eileen M. Feeney
Fisheries Habitat Specialist

cc: Michael Borselli, Falmouth Engineering, Inc.
Chuck Martinsen, Shellfish Constable
Paul Maniccia, ACOE
Robert Boeri, CZM
John Mendes, Tom Shields, MA DMF

EF

References

1. Haney R, Kouloheras L, Malkoski V, Mahala J, Unger Y (2007) MassDEP's guide to best management practices for projects in Massachusetts: Beach nourishment. March 2007. .9pp.

PUBLIC HEARINGS

3. Application for a New All Alcoholic Beverages Common Victualler License, and a Bowling Alley License – Town Hall Partners, LLC d/b/a Timber, 23 Town Hall Square, Falmouth

Public Hearing Notice

Note: The following actions are pending:

1. Application for Use and Occupancy permit (will need review and recommendation by Building Department).
2. Application for Certificate of Inspection (will need inspection by Building Department and Fire Inspector)
3. Application for Food Service Permit (will need inspection Health Department)

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Town Hall Partners, LLC d/b/a Timber has applied for an All Alcoholic Common Victualler License located at 23 Town Hall Square, Falmouth, MA. A Bowling Alley License has also been applied for.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall* on Monday, June 7, 2021 at 7:30 p.m. on the above application.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the June 7, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. **See Select Board NOTICE of MEETING for June 7, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on June 3, 2021 at 4:00 PM for detailed participation information.*****

Per order of the Select Board

LICENSING BOARD

Douglas C. Brown

Nancy R. Taylor

Samuel H. Patterson

Megan E. English Braga

Onjalé Scott Price

Publication date: Friday, May 28, 2021; Falmouth Enterprise

PUBLIC NOTICE OF HEARING

Notice is hereby given under Chapter 140, Sections 177, 178, 179, and 180 of the General Laws, as amended, that Town Hall Partners, LLC d/b/a Timber has applied for a Bowling Alley License located at 23 Town Hall Square, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall* on Monday, June 7, 2021 at 7:30 p.m. on the above application.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the June 7, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation. **See Select Board NOTICE of MEETING for June 7, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on June 3, 2021 at 4:00 PM for detailed participation information.*****

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Publication date: Friday, May 28, 2021; Falmouth Enterprise

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540



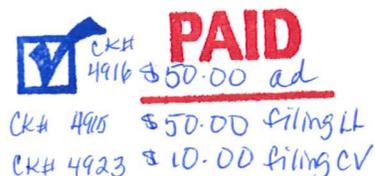
Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

April 20, 2021

VIA HAND DELIVERY

Phyllis Downey
Board of Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540



Re: Application for Common Victualler License and Liquor License – Town Hall Partners LLC, 23 Town Hall Square

Dear Ms. Downey:

Enclosed please find the following with respect to an application for a Common Victualler License and Liquor license by Town Hall Partners LLC for the property at 23 Town Hall Square, formerly the location of Ryan Family Amusements. The applicant will be leasing the property from the owner and intends to continue operation as a restaurant and bowling alley. Specifically, please find the following:

- 1) Common Victualler License Application;
- 2) ABCC Application for a New License;
- 3) Manager Application of Devan Muttart;
- 4) Copy of unexpired Passport for proposed manager, Devan Muttart;
- 5) LLC Vote;
- 6) Floor Plan;
- 7) Lease of 23 Town Hall Square;
- 8) Notarized CORI Request Form for Devan Muttart;
- 9) Notarized CORI Request Form for Jacob Avakian;
- 10) Notarized CORI Request Form for Michael Mueller;
- 11) Notarized CORI Request Form for Mark Bogosian;
- 12) On-Line ABCC Fee Transmittal Form and Payment Receipt;
- 13) Check for \$10.00 made payable to the Town of Falmouth representing the Common Victualler License Application filing fee
- 14) Check for \$50.00 made payable to the Town of Falmouth representing the Liquor License Application filing fee; and

Board of Selectmen
April 20, 2021
Page 2

15) Check for \$50.00 made payable to the Town of Falmouth representing the advertising fee.

Please schedule this matter on the Selectmen's agenda as soon as possible. If you require additional information, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K.P. Klauer II', with a long horizontal flourish extending to the right.

Kevin P. Klauer II, Esq.

KPK/
Enclosures

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540



Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

April 30, 2021

VIA HAND DELIVERY

Phyllis Downey
Board of Selectmen
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application for Common Victualler License and Liquor License – Town Hall Partners LLC d/b/a Timber, 23 Town Hall Square

Dear Ms. Downey:

Per your email of April 22, 2021, I understand that the Board of Selectmen have requested a thorough description of the intended use, processes and protocols related to the proposed use of a portion of the premises at 23 Town Hall Square for axe throwing.

The area that previously held the arcade is to be repurposed into five separate “booths” or lanes for axe throwing. There are two single booths (6’ wide) proposed as well as three double booths (11’ wide), with all lanes being 15’ in length. The booths are fronted with 3’6” dividers, topped with chain link to the ceiling, and chain link separating each booth. These dividers enclose a portion of the front of the booth as well, leaving only a narrow opening.

Throwing booths must be reserved in thirty minute increments, much like a bowling lane, and anyone participating will work with a staff member, or coach, who will be assigned to that lane to educate participants on protocol and safety rules, demonstrate throwing, provide tips and support and enforce all safety regulations. Prior to engaging in the activity, all participants must read the safety and best practices rules, listen to the staff member and sign an acknowledgement.

All participants must wear appropriate clothing and footwear. Throwing is only permitted when a staff member is present and actively supervising a throwing lane. Participants will step through the entry into the booth prior to throwing. Each booth will be demarcated with a black “throw line”, from which the axe is released, and a red “safety line” which participants cannot cross while axes are in play. Any participant not currently throwing may not be within the throwing booth. In the double booths, two participants may participate at the same time. Once

the axes have been thrown, the staff member will confirm all axes down, at which point the thrown axes may be retrieved.

Participation will be limited to those over the age of 18. Participants may consume alcohol responsibly, but no alcohol is allowed within the throwing booths at any time. No person impaired by alcohol will be allowed to participate. Staff members may ask anyone to stop participating in axe throwing at any time and reserve the right to end any session in the event a participant is not following appropriate safety protocols. All servers and coaches will be TIPS certified.

Alcohol will be stored behind the bar, and inventory will be kept in the storage area behind the bowling lane mechanicals. It will be served in the area of the bar, with service to the lanes and tables.

The applicant, Town Hall Partners LLC, is proposing to conduct business as "Timber". To that end, enclosed is a DBA application to that effect. Also, attached hereto please find the following:

- 1) DBA application for the trade name "Timber";
- 2) Revised Page 1 of the License Application (including the FEIN and DBA name of Timber;
- 3) Revised Page 2 of the License Application (checking off that the LLC is not publicly traded."
- 4) Revised Corporate Vote of Town Hall Partners LLC (including the DBA Timber and the printed name of the Manager, Devan Muttart);
- 5) Certified Abutters List;
- 6) Floor Plan, including detail for throwing booths on Page A3.1.

Please do not hesitate to let me know if there are any questions or if any additional information is required.

Very truly yours,



Kevin P. Klauer II, Esq.

KPK/
Enclosures

NEW LICENSE

To apply for an alcoholic beverages retail license, you will need the following:

- ✓ **New Retail Application**
- ⊙ **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- ✓ **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ **Manager Application**
- ✓ **Proof of Citizenship** for the proposed Manager of Record.
- ✓ **Vote of the Corporate Board** *April 9th*
- ⊙ **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- ✓ **Legal Right to Occupy**, a lease or deed.
 - **Floor Plan** *clarify axo room*
- ⊙ **Abutter's Notification**
- ⊙ **Advertisement** - *May 28th*
- ✓ **Monetary Transmittal Form**
- ✓ **\$200 Fee** paid online through our online payment link: **ABCC PAYMENT WEBSITE**
- ✓ **Payment Receipt**
 - **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
 - **Management Agreement**, if applicable, requires the following: *n/a*
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 11 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Applicant seeks a liquor license for a restaurant and bar that are incorporated into a bowling alley. In addition, the applicant intends to have space available for rental of lanes for hatchet throwing.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

A single-story building with ten (10) bowling lanes, kitchen, seating and eight (8) lanes for hatchet throwing.
 Please note that total square footage includes bowling lanes, mechanical area and kitchen

Total Square Footage:	<input type="text" value="10,353"/>	Number of Entrances:	<input type="text" value="2"/>	Seating Capacity:	<input type="text" value="56"/>
Number of Floors	<input type="text" value="1"/>	Number of Exits:	<input type="text" value="2"/>	Occupancy Number:	<input type="text" value="146"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="April 9, 2021"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Devan Muttart"/>	<input type="text" value="14 Alderberry Road, Buzzards Bay, MA 02532"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Manager"/>	<input type="text" value="0%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Jacob Avakian"/>	<input type="text" value="16 Monument Neck Road, Bourne, MA 02532"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Partner"/>	<input type="text" value="40%"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Michael A. Mueller"/>	<input type="text" value="91 Central Avenue, East Falmouth, MA 02536"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Partner"/>	<input type="text" value="40%"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Mark Bogosian"/>	<input type="text" value="33 Waterside Avenue, Falmouth, MA 02540"/>	<input type="text" value="[REDACTED]"/>	<input type="text" value="[REDACTED]"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Partner"/>	<input type="text" value="20%"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
N/A			

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
N/A			

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
N/A			

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
09/20		Project Manager	Longfellow Design Build	Kristian Andrade
06/14	09/2020	Bartender/Barback/Various	The Lobster Trap Restaurant	

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

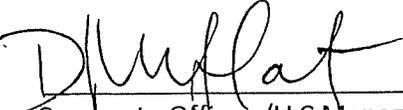
"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer /LLC Manager Signature

Devan Muttart
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

APPLICANT'S STATEMENT

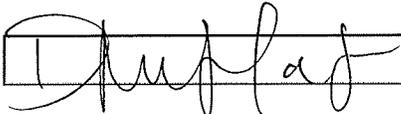
I, Devan Muttart the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Town Hall Partners LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 4/14/2021

Title: Manager



Town of Falmouth BUSINESS CERTIFICATE (DBA)

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws of the State of Massachusetts, as amended, the undersigned hereby declare(s) that a business under the title of;

Timber

Bowling Alley & restaurant

(Business Name)

(Type of Business)

Is conducting business at or from the following address in the Town of Falmouth:

23 Town Hall Square, Falmouth, MA

(Address of Business)

(Phone Number)

By the following named person(s):

Owner 1 Town Hall Partners LLC
(Full Name)

23 Town Hall Square, Falmouth, MA 02540
(Address)

Devan Muttart
(Signature)

Devan Muttart, Manager

[Redacted]
(Phone Number)

Owner 2 _____
(Full Name)

(Address)

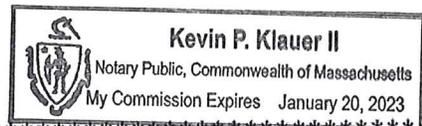
(Signature)

(Phone Number)

Commonwealth of Massachusetts
County of Barnstable

On this 28th day of April, 2021, before me, the undersigned notary public, personally appeared Devan Muttart, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document in my presence.

(seal)



Kevin P. Klauer II
Notary Public Signature

A certificate issued in accordance with this section of MGL shall be in force and effect for (4) four years from the date received and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless renewed.

Received Date _____

Expiration Date _____

Michael Palmer, Town Clerk



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

RETAIL LICENSE APPLICATION – includes Common Victualler & Innholder Licenses

CHECK THE APPROPRIATE LICENSE

- | | |
|--|--|
| <input type="checkbox"/> Common Victualler ONLY | <input type="checkbox"/> Innholder ONLY |
| <input checked="" type="checkbox"/> All Alcohol Restaurant + Common Victualler | <input type="checkbox"/> Wine & Malt Beverage Restaurant + Common Victualler |
| <input type="checkbox"/> All Alcohol Innholder + Common Victualler | <input type="checkbox"/> Wine, Malt & Cordial Restaurant + Common Victualler |
| <input type="checkbox"/> All Alcohol Club + Common Victualler | <input type="checkbox"/> Wine & Malt Beverage Innholder + Common Victualler |
| <input type="checkbox"/> Farmer Winery + Common Victualler | <input type="checkbox"/> Wine, Malt & Cordial Innholder + Common Victualler |
| <input type="checkbox"/> Farmer Brewery + Common Victualler | <input type="checkbox"/> Wine & Malt Beverage Club + Common Victualler |
| <input type="checkbox"/> All Alcohol Package Store | <input type="checkbox"/> Wine & Malt Bowling Alley + Common Victualler |
| | <input type="checkbox"/> Wine & Malt Beverage Package Store |

Required fields are outlined in red:

NAME OF APPLICANT: TITLE:

HOME ADDRESS:
Town: State: Zip code:

BUSINESS NAME

D/B/A if any:

BUSINESS ADDRESS:
Town: State: Zip code:

MAILING ADDRESS (if different):
Town: State: Zip code:

FEDERAL ID #: MANAGER OF RECORD:

EMAIL – required:

TELEPHONE – BUSINESS:
HOME:

DAYS OF OPERATION:

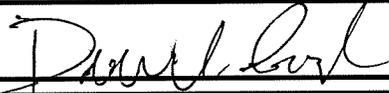
HOURS OF OPERATION:

RESTAURANTS: SEATING CAPACITY: 56

Do not use this form to make changes from the originally approved license seating or other conditions. Contact the Select Board Office for information.

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

**DATE: 4/14/21



Signature: OWNER or MANAGER of RECORD

Liquor License – Package Stores, Restaurants, Clubs, & Inns: ***The Manager of Record named on the current license must complete an Annual Background Check at the Central Records Office within 10 days of submission of this application. Call 774-255-4527 for information about fees and appointments.

APPLICATION REQUIREMENTS ALL RESTAURANTS, CLUBS & INNS:

- Food Service Establishment Permit – apply in advance at Health Department
- Filing fees are due upon application and may be mailed or dropped off at Town Hall
- Fees payable to Town of Falmouth must be made by Money Order, Cashier's Check, or Certified Bank Check ONLY, see *Fee Schedule below*

ADDITIONAL REQUIREMENTS FOR RESTAURANTS, CLUBS & INNS HOLDING LIQUOR LICENSES:

- Liquor Liability Insurance Certificate for 2021
- Building Certificate (COI) – apply with Building Department
- Copies of current TIPS certification for all employees handling alcohol
- Annual Background Check

PACKAGE STORE LICENSE REQUIREMENTS:

- ABCC Form

Town of Falmouth Retail License Fee Schedule:

Common Victualler License	
Total Town Fees	\$ 70
Innholder License	
Total Town Fees	\$ 70
All Alcohol Restaurant	
Total Town Fees	\$ 1,860
All Alcohol Innholder	
Total Town Fees	\$ 1,860
All Alcohol Club	
Total Town Fees	\$ 1,460

PAID
6/65-
CK#4991

TOWN OF FALMOUTH
Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

APPLICATION FOR BOWLING ALLEYS/POOL OR BILLIARD TABLES

Chapter 140, Sections 177, 178, 179, 180

NAME OF ESTABLISHMENT: Town Hall Partners DBA Timber

ADDRESS: 23 Town Hall Square, Falmouth, MA 02540

MAILING ADDRESS: N/A
(if different)

MANAGER/OWNER: Devan Muttart, Manager

FID#: [REDACTED]

TELEPHONE #: [REDACTED]

EMAIL: [REDACTED]

TYPE OF AMUSEMENT: Bowling Alley/Restaurant

OWNER OF AMUSEMENTS: Town Hall Partners LLC

NUMBER OF POOL TABLES: 0
\$100 per table

NUMBER OF BOWLING ALLEYS: 10
\$30 for first alley; then \$15 per alley

DATE: 5/11/21 *Kern P. Klatt*
OWNER, MANAGER OR AUTHORIZED AGENT

BOARD OF SELECTMEN

TIMBER

Charcutier

Thinly sliced cured meats Assorted Meats & Cheeses served with sliced baguette
– \$21

Premium Cape Cod Oysters

6 – \$16 12 – \$30

Jumbo Shrimp Cocktail

6 – \$16 12 – \$30

House Chopped Salad

Mesclun, Roasted Red Peppers, Caramelized Pear, Pecorino Romano with Apple Cider Vinaigrette
– \$21

(Add Grilled Chicken or Shrimp – \$5)

Cesar Salad

Romaine Lettuce, Cucumber, Tomato, Shaved Parmesan and Croutons with Light Caesar Dressing
– \$10

NE Clam Chowder

Fresh Littleneck Clams, Oyster Crackers

Cup – \$8 Bowl – \$10

Classic Lobster Roll

Served on a Steamed Roll, Cape Cod Chips

– \$21

Pulled Pork Sandwich

Served on a Steamed Roll, Cape Cod Chips

– \$17

Beverages



Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

RECEIVED

APR 30 2021

Board of Assessors, Town of Falmouth

Name of person requesting abutters list: Emily Ganem

Address of person requesting abutters list: Ament Klauer LLP 39 Town Hall Sq.

Falmouth, MA 02540

Phone: _____

Abutters to (subject property):

Map 47A Section 07 Parcel 071 Lot 004 ✓
Map _____ Section _____ Parcel _____ Lot _____
Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: 0.448 acres

Location of subject property: 23 Town Hall Square ✓

Check one:

Direct abutters (Includes properties across street)

Direct abutters in local Historic District (Includes properties across the street) within 100'

Immediate abutters (includes only properties with a common property line)

Immediate abutters plus churches and schools within 500' ✓

Properties within 300'

Properties within 300' or abutters abutter to abutter whichever is closest

Properties within 100'

Other (specify) _____

Fee. \$25.00 Total 25.00 ck # 4936 ✓
JK

EMAIL emily@amentklauer.com

23 TOWN HALL SQ

CERTIFIED

A handwritten signature in cursive script, appearing to read 'Bruce Cabral', is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
April 28, 2021

39 TOWN HALL SQUARE 47A 07 071B 005
AMENT TRUSTEE ROBERT H LUC: 340
C/O CENTER FALMOUTH TRUST
39 TOWN HALL SQUARE
FALMOUTH, MA 02540-0919

23 TOWN HALL SQUARE 47A 07 071 004
BOGOSIAN DEVELOPMENT LLC LUC: 370
367 MAIN ST
FALMOUTH, MA 02540

11 TOWN HALL SQUARE 47A 07 071A 003
HOLLAND THOMAS A LUC: 325
HOLLAND JEANNE M
PO BOX 172
CATAUMET, MA 02534-0172

137 MAIN ST 47A 07 067B 002
MARZOT CHARLES A LUC: 104
MARZOT KERRIE A
PO BOX 629
FALMOUTH, MA 02541

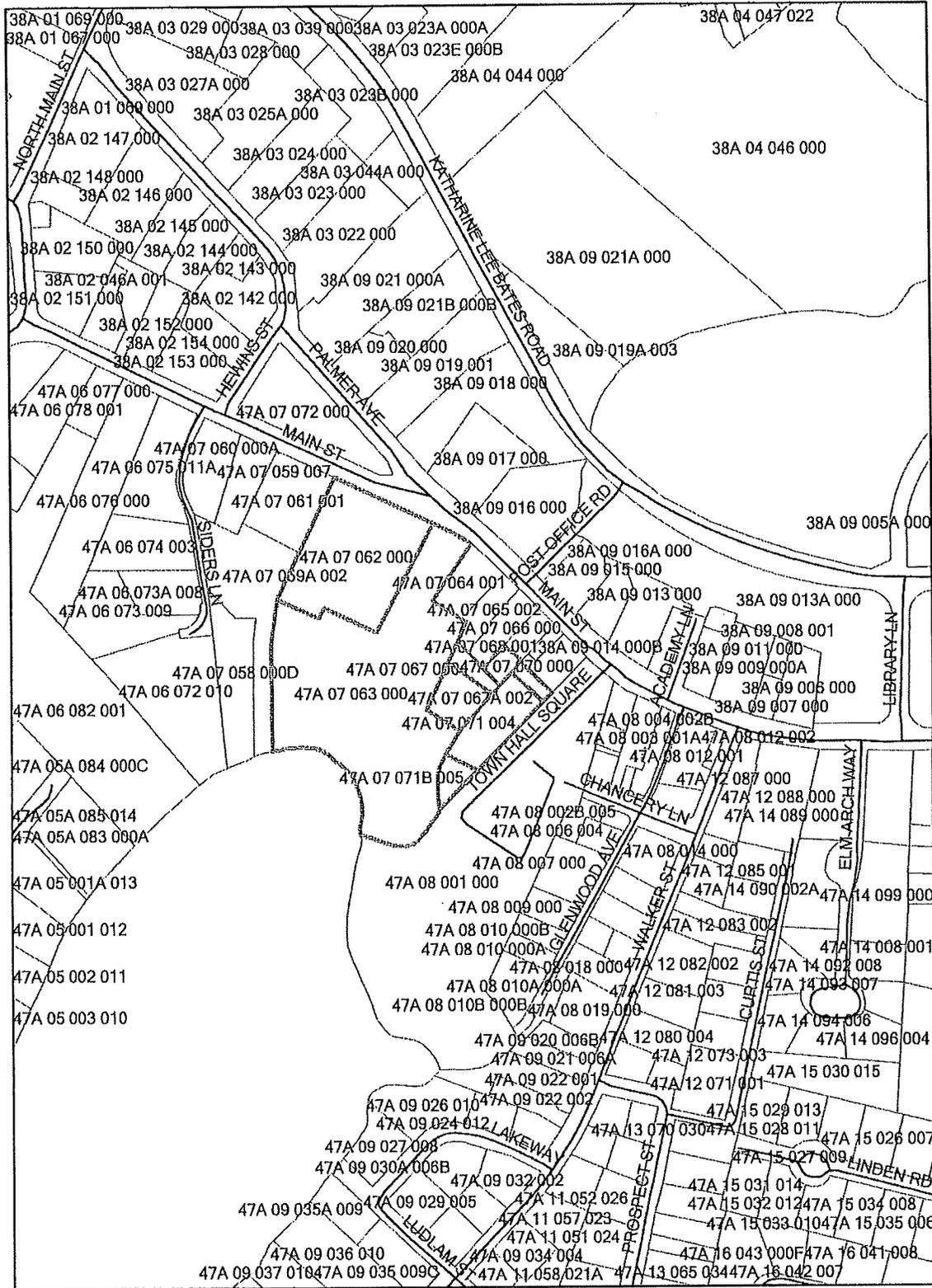
91 MAIN ST 47A 07 062 000
PARISH OF SAINT BARNABAS LUC: 980
97 MAIN ST
FALMOUTH, MA 02540-2652

103 MAIN ST 47A 07 063 000
PARISH OF SAINT BARNABAS LUC: 981
PO BOX 203
FALMOUTH, MA 02541

0 MAIN ST 47A 07 067 000
PARISH OF SAINT BARNABAS LUC: 962
97 MAIN ST
FALMOUTH, MA 02540-2652

135 MAIN ST 47A 07 067A 002
PARISH OF SAINT BARNABAS LUC: 961
97 MAIN ST
FALMOUTH, MA 02540-2652

23 TOWN HALL SQ



LICENSE APPLICATION REVIEW

Restaurant/Business: Town Hall Partners, LLC dba Timber

Address: 23 Town Hall Square, Falmouth

License Type: All Alcoholic Beverages Common Victualler & Bowling Alley

New or Transfer of License
or

Change of License _____

Police

Fire

Building – The Building Commissioner asked the proprietor to apply for a Use & Occupancy Permit, but the application hasn't been received by the Building Department, see attached email

Health

Zoning

Planning

DPW

NOTES: Town Counsel has provided notes

Phyllis Downey

From: Irie Mullin
Sent: Wednesday, May 5, 2021 10:14 AM
To: Phyllis Downey; Frank Duffy
Cc: Kim Fish; Julian Suso; Diane Davidson
Subject: RE: Select Board request for review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

Phyllis,

The all-alcohol license should be processed as a normal restaurant-category alcohol license. The bowling alley will need a license per G. L. c. 140, s. 177 (as I assume the previous tenant had).

Axe-throwing is a new-enough recreational trend that there is no existing statute that covers it as a form of entertainment: it is neither a "public show"/"exhibition" (G. L. c. 140, s. 183A), nor a pool/billiard/bowling alley activity (G. L. c. 140, s. 177). Somerville appears to be an aberration where the decision to license the activity as entertainment was made for pragmatic purposes to address safety concerns, without a real basis in the statute. I would not advise we follow their example.

However, the alcohol license could have the premises area defined to exclude the axe-throwing area, thereby addressing some safety concerns. I don't think there is a basis in the alcohol statute to place conditions on how many drinks may be served to a particular individual, beyond the ordinary requirements for not serving intoxicated patrons. I would hope the establishment would have their own policy about service caps for axe-throwing patrons, and the Select Board could raise that question (although not mandate a policy) during the hearing.

Thanks,
Irie

Irie E. Mullin, Associate Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, May 4, 2021 11:42 AM
To: Frank Duffy <frank.duffy@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>
Cc: Kim Fish <kimberly.fish@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Select Board request for review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License
Importance: High

Phyllis Downey

From: Rod Palmer
Sent: Friday, May 21, 2021 8:34 AM
To: Thomas Bott; Noreen Stockman; Phyllis Downey; Irie Mullin; Timothy Smith; Scott McGann; Edward Dunne; Boyd Demello
Cc: Frank Duffy; Kim Fish; Pamela Marshall; Ashley DeMello; Kristin Nickerson; Brian Reid; Linda Kinchla; Sean Doyle; Peter Johnson-Staub; Julian Suso; Katie Pierias; Julie Parker; Melinda Maranchie
Subject: RE: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

Good morning.

I have requested from the proprietor of the arcade, a Use and Occupancy application to include a comprehensive narrative detailing the dynamics of the Ax throwing. This narrative should include an occupancy load, floor plan and particulars for Ax throwing.

Once I have reviewed the application and narrative I will approve or deny the request.

Based on my conversation with the proprietor, I do not believe at this time a Special Permit would be required.

Thanks,
Rod

From: Thomas Bott <thomas.bott@falmouthma.gov>
Sent: Thursday, May 20, 2021 11:02 AM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>; Kim Fish <kimberly.fish@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Kristin Nickerson <kristin.nickerson@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Julie Parker <julie.parker@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>
Subject: RE: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

Dear Phyllis:

I spoke with Rod this morning his take: **No special permit** required as it's a continuation of the previous use. In the event the arcade had been out of use for more than two years then a new permit for the use would be required.

With no expansion to the building it would not, in my opinion, require site plan review by the Planning Board.

To spare Rod some time I asked him to just reply all to confirm that that it's a continuation of the existing use and no special permit or site plan review is required.

TBott

From: Noreen Stockman
Sent: Wednesday, May 19, 2021 1:48 PM

To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>; Kim Fish <kimberly.fish@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Kristin Nickerson <kristin.nickerson@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Julie Parker <julie.parker@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>
Subject: RE: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

I would defer to Rod on this determination.

Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, May 19, 2021 11:57 AM
To: Thomas Bott <thomas.bott@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>
Cc: Frank Duffy <frank.duffy@falmouthma.gov>; Kim Fish <kimberly.fish@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Kristin Nickerson <kristin.nickerson@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Julie Parker <julie.parker@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>
Subject: FW: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

Good morning,

Further to Tom's information below regarding the B-1 Zoning District, may I please confirm with the group that the next step in this process is to advise the applicant that a Special Permit from Zoning is needed before the liquor license application can move forward?

Thank you,
Phyllis

Phyllis Downey
Town Administration

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

From: Thomas Bott <thomas.bott@falmouthma.gov>
Sent: Friday, May 14, 2021 12:57 AM
To: Noreen Stockman <noreen.stockman@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>
Cc: Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Subject: RE: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

Dear Phyllis:
 From my perspective the use doesn't differ much from the previous use as an arcade except the games are for adults and there are TIPS certified servers and alcohol.

In the B-1 Zoning District uses allowed by Special Permit from the ZBA include the following which to me imagine scenes from Meredith Wilson's The Music Man ("we got trouble right here in River City")
 Under 240-51 **B. (2)** Theaters, moving picture shows, bowling alleys, skating rinks, but not to include billiard rooms and similar commercial amusement places with automated amusement devices except as provided in Article **XXXIII** herein.

With the following limitations

§ 240-165 Limitations.

Billiard rooms and similar commercial amusement places with automated amusement devices may be allowed by special permit issued by the Zoning Board of Appeals only under the following limitations:

- A.** The activities proposed must be contained in a principal structure on the site.
- B.** No portion of the structure to be utilized may be within 200 feet of a single-family residential dwelling.
- C.** No alcohol may be sold or consumed within the recreational activity area defined by the Zoning Board of Appeals on the approved plans.
- D.** The special permit shall have as a condition that no one under the age of 16 may utilize the facilities during school hours, unless accompanied by a parent.

As Noreen notes below if there are no ZBA permits for the site they would likely require a Special Permit to open. If as noted in the narrative provided no alcohol will be consumed in throwing booths than the above limitations shouldn't provide a hindrance to their opening or ongoing operations. With no expansion to the building it would not, in my opinion require site plan review by the Planning Board.

TBott

From: Noreen Stockman
Sent: Tuesday, May 4, 2021 1:07 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Rod Palmer

<rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>
Cc: Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: RE: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

The Zoning Board of Appeals has no permits listed for this subject property.

Town records do not show a 33R Waterhouse address listed in the ABCC application listed for Mr. Avakian; the property shows as a single family house. A separate unit should be properly addressed and included in E911.

Hyannis has a "House of Hatchets" at 489 Bearses Way.

Sincerely,
Noreen

Noreen H. Stockman
Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
508-495-7462

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, May 4, 2021 11:56 AM
To: Edward Dunne <edward.dunne@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>
Cc: Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License
Importance: High

Good morning,

An application for a new type of license, All Alcohol Axe-Throwing & Bowling Alley Restaurant License, has been received. Attached are a narrative describing the service, a Floor Plan, and ABCC application. The landlord is Bogosian Development, LLC and a copy of the lease is available as needed. For your information, below please find an informal list of the 5 cities/towns that have axe throwing (from Google) that have similar licenses.

May we please request your review, comments, and/or recommendations on how to proceed by May 28, 2021?

The ABCC requires the application to be heard no later than the June 7th Select Board meeting. Please let me know if you have questions or require more information.

Thank you very much, Phyllis

Everett: No license is required for axe throwing just a liquor license for the alcohol.

Fall River: **No response as of yet.**

Marlborough: No license is required for axe throwing just a liquor license for the alcohol. Barriers are set up; alcohol is limited to 2 beers/wines per person but is not allowed in the axe throwing area.

Milford: No license is required for axe throwing just a liquor license for the alcohol.

Somerville: Entertainment license is issued for the axe throwing and a liquor license for the alcohol.

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

Phyllis Downey

From: Noreen Stockman
Sent: Tuesday, May 4, 2021 1:07 PM
To: Phyllis Downey; Edward Dunne; Timothy Smith; Thomas Bott; Rod Palmer; Scott McGann; Boyd Demello; Patty O'Connell; Michaela Shoemaker
Cc: Sean Doyle; Melinda Maranchie; Ashley DeMello; Pamela Marshall; Linda Kinchla; Brian Reid
Subject: RE: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License

The Zoning Board of Appeals has no permits listed for this subject property.

Town records do not show a 33R Waterhouse address listed in the ABCC application listed for Mr. Avakian; the property shows as a single family house. A separate unit should be properly addressed and included in E911.

Hyannis has a "House of Hatchets" at 489 Bearses Way.

Sincerely,
 Noreen

Noreen H. Stockman
 Zoning Administrator
 Town of Falmouth
 59 Town Hall Square
 Falmouth, MA 02540
 508-495-7462

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, May 4, 2021 11:56 AM
To: Edward Dunne <edward.dunne@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>
Cc: Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: Select Board request review-New Type of License-Axe-Throwing & Bowling Alley All Alcohol Restaurant License
Importance: High

Good morning,

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May we please request your review, comments, and/or recommendations on how to proceed by May 28, 2021?

Phyllis Downey

From: Brian Reid
Sent: Wednesday, May 19, 2021 3:29 PM
To: Phyllis Downey
Cc: Edward Dunne; Sean Doyle
Subject: RE: Update-Select Board request for recommendation- All Alcoholic Common Victualler & Bowling Alley Licenses-TIMBER

Good afternoon Phyllis,

We have discussed this application and we have no objection. We would recommend strong restrictions on the service or consumption of alcohol within the axe throwing area.

Captain Brian L. Reid

Operations Division
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office 774-255-4527 Ext. 4502
Fax 508-457-2566
brian.reid@falmouthpolicema.gov

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From: Phyllis Downey
Sent: Thursday, May 13, 2021 1:43 PM
To: Edward Dunne <edward.dunne@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>; Trisha Favulli <trisha.favulli@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Julie Parker <julie.parker@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Subject: Update-Select Board request for recommendation- All Alcoholic Common Victualler & Bowling Alley Licenses-TIMBER
Importance: High

Good afternoon,

The applicant's attorney and Town Counsel have provided information in the attached application:

- Town Counsel advises that Axe-Throwing is a new recreational activity, and no existing statute applies to the activity, therefore no Axe-Throwing License is needed.
- A Bowling Alley application has been added, this was held pending review of the Axe-Throwing activity by Town Counsel.

BUSINESS

1. Discussion/update on COVID-19 issues

BUSINESS

2. Status update on Town beaches

Memorandum

June 4, 2021

To: Select Board
From: Maggie Clayton, Beach Superintendent
Bruce Mogardo, Beach Superintendent
Cc: Julian Suso, Town Manager
RE: Select Board Agenda, June 7, 2021, Business Item #2
Status update on Town Beaches

Below are updates on planned activities to get ready for the start of the beach season.

Beach Improvement Projects

Safety precautions at Menauhant West (dredging complete, DPW will handle snow fencing etc.)
Center posts removed from Bristol as part of gate repair
Menauhant West fence hit by car (removed and replaced)
Vehicle access blocked at Menauhant East & Megansett

Routine Set-up/Cleanup/Repair/Installation

Removable set of stairs at Chapoquoit (installed)
Trash/Recycling receptacles fleet is 100% out at the beaches
Shower Towers (installed Week of June 13th; operational Week of June 20th)
Dirt parking lots grated (Wood Neck recently, Menauhant next week)
Swim Area Markers/Buoys (new chain/swivels purchased, put out June 7th-11th range in coordination w/ MES)
Falmouth Heights being groomed by Botelho (June 7th-9th)
All catchbasins & drains cleaned at all parking lots

Information on Portable Toilets

Pina Sanitation earned contract in bidding process; in-season placement of units happens June 7th

Beach Parking

- 6,113 resident/taxpayer permits (\$40/each) sold as of end-of-business day Thurs., June 3.
- At April 26th meeting, the Beach Committee voted to recommend that the parking lot for the Mill Rd. Extension of Surf Drive not be designated as "sticker parking only"
- Chapoquoit and Old Silver Residents' lots will be monitored by attendants an additional 2.5 hrs.

Staffing

Set for Parking Attendants & Clerks, experiencing challenges in lifeguard division; putting together contingency plans for current numbers while actively hiring

We will be in attendance at the Select Board meeting to answer questions.

Respectfully submitted,

Maggie Clayton
Beach Superintendent

Bruce Mogardo
Beach Superintendent

BUSINESS

3. Report – Historical Commission

June 7, 2021

Falmouth Historical Commission 2020 Review

Ed Haddad
June 7, 2021

Board Members

- Ed Haddad Chairman
- Christian Valle Vice Chairman
- Annie Dean
- Kara Foley
- Chris Warner Resigned 2020
- Lee Drescher Alternate

- Tamsen George 2021
- Johanna Reed 2021

Highlights

- Approved the restoration of the Dome in Woods Hole after months of review
- Applied for and received a CPC Grant for Phase 4 of the Historic Resources Inventory - \$30,000
- Applied for and received a MHC Grant for Phase 4 of the Historic Resources Inventory - \$15,000
- Corey Pacheco left in April 2020
- Completed Phase 3 of the Historic Resources Inventory. (Phase 4 started in 2021)
- 2 members on the Edward Marks Building Advisory Committee
- 1 member on the CPC
- 73 applications for Certificate of Appropriateness
 - 50 Approved administratively 68.5%
- 5 Demolition Delay Bylaw Waiver

Historical Commission Activities

- Child's River Restoration Project
- Coonamessett River Restoration Project
- Steam Ship Authority new terminal design
- Dome Project
- Old Burying Grounds
- Poor House
- Washburn Island
- Preserve our Past
- Community Preservation Commission

Preservation Restrictions

- Captain Thomas Davis House
- Falmouth Poor House
- Conant House
- Captain William Phinney House
- Waquoit Congregational Church
- River Bend Silo – 682 Sandwich Rd
- Woods Hole Library
- West Falmouth Library (pending)
- Dome (pending)

2021 Agenda

- Phase 4 of Historic Resources Inventory - PAL
- Old Burying Grounds - TBD
- Washburn Island – Neil Good
- Lawrence Academy Building – Michael Kasperian
- Historic District markers - TBD
- Cape Verdean Club – Dr. Miguel Moniz
- Historic structures assessment in flood hazard areas - Cape Cod Commission

BUSINESS

4. Status update on new senior center programming



The New Falmouth Senior Center is a culmination of years of community dialogue to select a site and design a facility to meet the needs of Falmouth seniors for decades to come. The project was completed on time and within budget. The Grand Opening was originally scheduled for March 2020, unfortunately the COVID-19 pandemic forced a delay in opening our building to the public.

The Falmouth Senior Center staff continued to work throughout the COVID-19 pandemic by providing critical services such as:

- Senior shuttle transportation
- Outreach reassurance calls and connecting seniors to available resources and services
- Professional services as in legal, insurance, and tax advisory services offered remotely
- Support groups and a variety of programs were offered online using the Zoom platform
- Delivered over 6,400 bags of groceries to homebound seniors
- Supported the vaccination rollout assisting seniors in getting their first, second and homebound vaccination appointments

With the recent announcement from the Baker-Polito Administration lifting COVID-19 restrictions and with the high percentage of Falmouth residents age 60+ vaccinated, we plan a Soft Opening Plan outlined below for the new Senior Center:

The building will remain closed as we progress through phases of the Soft Opening as follows:

Phase 1: June 7-18, 2021 All Staff, Volunteers, Instructors and Group Leaders will go through an orientation, training and small group building tours.

Phase 2: June 21–July 1, 2021 Falmouth Residents age 60+ will have the opportunity for Senior Center early enrollment sign ups and small group building tours. Call the Senior Center at 508-540-0196 to schedule a time.

Phase 3: June 30, 2021 at 10:00AM A Ribbon Cutting Ceremony to officially open the new Senior Center will take place outside at the 780 Main Street location.

Phase 4: Senior Center building open effective July 6, 2021.

While we are excited this is finally happening, we ask that you please be patient as we work to get some of our programs and activities up and running.

BUSINESS

5. Stormwater discussion – Matt Patrick

PRESENTATION TO FALMOUTH BOS, JUNE 7, 2021
By Matthew C. Patrick, President
Citizens for the Protection of Waquoit Bay

Our hope is that by the end of this presentation all of you will be advocates for eliminating road runoff pollution (otherwise known as “outfalls”) into the ecological treasures that are our cold fresh water rivers and the estuaries they flow into.

The Commonwealth has recognized them as such and designated them with their highest levels of protection: “Class SA” for our Waquoit Bay and “A” for the Quashnet and Childs rivers.

“Class SA [and A]. These waters are designated as an excellent habitat for fish, other aquatic life and wildlife, including for the reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation. In certain waters, excellent habitat for fish, other aquatic life and wildlife may include, but is not limited to seagrass... these waters shall be suitable for shellfish harvesting without depuration...These waters shall have excellent aesthetic value.”¹

Both Class SA salt water and A fresh waters are protected with standards for dissolved oxygen and temperature, PH, Bacteria, oil and grease and taste and odors. The Commonwealth also recognizes the waters for their reproductive capacity of the species that inhabit them now and historically.

Consider the value of these resources that we have taken for granted for all these years. It’s why we have a tourism economy. People don’t come here because they like the traffic. We all know that they come here to enjoy the beaches, bays, fishing and shellfishing that our rivers, bays and beaches provide.

According to the National Estuary Program website, “Estuarine environments are among the most productive on earth, creating more organic matter each year than comparably-sized areas of forest, grassland or agricultural land. The sheltered waters of estuaries also support unique communities of plants and animals specially adapted for life at the margin of the sea.”

Local scientists describe them as the nurseries for all manner of fish (and shellfish) because they need the mixture of fresh and salt water to grow and eventually head out to open ocean. Juvenile fish are especially sensitive to the toxins in road runoff as are the microorganisms that form the base of the food chain. Without them we would not have herring, for example, that feed many commercially important fish as well as gamefish.

We can’t even put a value on it because it is incalculable.

¹ CMR 4.03 Application of Standards

But every time it rains we allow more and more pollution to enter the rivers and bays where, the initial toxins kill juvenile fish while much of it is retained in the sediments. It's not just the nitrogen and phosphorus that feeds algal growth but chemicals that destroy the benthic life of our estuaries, poisons fish, especially juvenile fish. The flooding events caused by road runoff disrupt spawning beds and the very course of our rivers by suddenly directing tons of storm water down our rivers scouring the bottoms and destroying banks. Eggs left by the fish are washed out of their protective gravel "reds" and destroyed.

If we had a factory that put as many toxins into our bays as does one of these outfalls, we would prosecute them until they stopped. They would be forced to eliminate the source of the pollution and clean up or they would be shut down.

But we hardly notice.

Yet it is considered the worst source of pollution by the EPA. Oil, gasoline, exhaust, pet feces, heavy metals all run directly into our rivers and estuaries without even the most basic treatment. The EPA has long considered runoff as largest and most detrimental source of pollution into our waterways.² Mass Rivers Alliance recently stated that it is the number 1 water pollution problem in Massachusetts.³

Global warming has made it worse because in between the extended dry spells we get sudden downpours that overwhelm typical storm drains. The northeast has experienced a 71% increase of precipitation falling in very heavy events after longer dry spells, we now get more rain over a shorter time period which causes a more concentrated deposition of all the road chemicals. Thus, we have more fish kills but that's only what we see. We really don't have much information on the benthic ecology except to say that it is greatly diminished.⁴ Also, we don't see the damage to stream banks and the beds that provide spawning grounds.

Best Management Practices: Vegetated Swales and Rain Gardens (BMPs) remove more of the bad stuff. They take out the nitrogen and phosphorus compounds as well as the chemicals found on our roads.

Conventional sewer drains are cheaper to install but they don't remove the nitrogen and phosphorus. Plus, they are being overwhelmed by the traditional design standards that don't take into account the increased number of intensive storm events.

Both are permanent and last decades. It is best to install the right things now.

² National Water Quality Inventory 1996 Report to Congress (US EPA, 1998d) "Urban storm water runoff affects water quality, water quantity, habitat and biological resources, public health, and the aesthetic appearance of urban waterways. Urban runoff was the leading source of pollutants causing water quality impairment related to human activities in ocean shoreline waters and the second leading cause in estuaries across the nation."

³ Julia Blatt, executive director, Mass Rivers Alliance, Storm Water Spotlight, May 24, 2021.

⁴ Dr. Brian Howes at an Annual Meeting of the Citizens for the Protection of Waquoit Bay July 2019.

Falmouth's most recent storm water plan does not cite the Childs River/Barrows Road outfall or the Quashnet River/Martin Road outfall. I've cited these for priority because they are given the level of protection by the Commonwealth.

I hope that you recognize the importance of these resources. The Board of Select Persons is the DPW and sets policies for the town. We hope you make the correction of outfalls a priority for correction by the DPW. And make it a priority to use BMPs whenever possible.

Childs River/Barrows Road

Date: May 1, 2021

Site: Childs River intersects with Barrows Road, Village of Waquoit, Falmouth

Location: USGS Map, Falmouth, Mass. N4130-W7030/7.5 photo revised 1979 Longitude 71 72
Latitude 46 04 46 05

Description: The Childs River is the same type of narrow, deep river as the Quashnet River with the same kind of human development over the past 200 years. It has been damned for a mill and later cultivated as a cranberry bog that remained in use until quite recently. It too flows into Waquoit Bay. It is spring fed along its entire length providing the cool clean water necessary for trout.

Slightly below and North from the Carriage Shop Road intersection, the Childs is being restored like the Quashnet on an expedited time frame with heavy equipment. The project was initiated by the Falmouth Rod and Gun Club. At the urging of the Citizens for the Protection of Waquoit Bay, a vegetated swale will be installed by the Town of Falmouth DPW at the Carriage Shop Road intersection to receive road runoff.

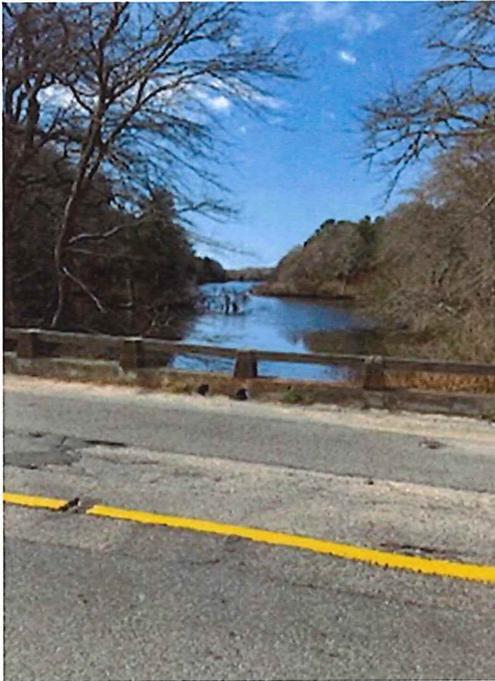
The Childs had the same kind of ecology as the Quashnet with native sea run salter Brook Trout, blue back herring, alewives and eels. Now that it is being restored, those fish runs could recover quickly. The Quashnet River also runs through roughly 360 acres of protected forest much of its course from Johns Pond to Waquoit Bay. **Waquoit Bay and its tributaries are rated Class SA by the Commonwealth which means, "These waters are designated as an excellent habitat for fish, other aquatic life and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation...may include, but is not limited to, seagrass."**¹ The SA designation imparts stringent water quality protections for dissolved oxygen, temperature, pH, solids and pollutants. It is one of three rivers that provide the majority of fresh water to Waquoit Bay, an Area of Critical Environmental Concern (ACEC). The Waquoit Bay estuary was deemed the most prolific in the Commonwealth in the 1960s by MDFW. **The Quashnet and Childs Rivers are designated Class A water and cold water fisheries with the Commonwealth's highest requirements for dissolved oxygen, temperature, pH, solids and pollutants.**

Problem: The outfall on Barrows Road into the lower Childs River is outside of the restoration effort and is not scheduled to be remedied. The drainage area to the low point at the bridge over the Childs covers a significant drainage area and directs the runoff into four holes on the bridge. The outfall could hinder the restoration of the fishery if it is not addressed soon.

¹ 314 CMR 4.00 shall be known as the "Massachusetts Surface Water Quality Standards" (4) (a) Coastal and Marine Classes



Looking North, Childs River/Barrows Rd.



Looking South, Childs River/Barrows Rd.



West on Barrows Rd



Looking East Childs River/Barrows Road

Quashnet River/Martin Road

Date: June 4, 2021

Site: Intersection of the Quashnet River and Martin Road Town of Falmouth, Waquoit Village

Location: USGS map N4130-W7030/7.5 photo revised 1979 (70o30'longitude 4605/4606 latitude

Description: The Quashnet River is widely recognized for the restoration effort by the Cape Cod Chapter of Trout Unlimited which began in the 1970s. It is a narrow stream but relatively deep compared to typical trout streams. It is spring fed its entire length which provides for plenty of cold water during dry summer months and cold water is important for trout.

It came as somewhat of a surprise that the original native, genetic strain of sea-run, "salter" Brook Trout (*Salvelinus fontinalis*) showed up about 15 years ago. It was previously believed to have been extinct. Later in the restoration effort, the native fish began to show in surveys after the Mass. Division of Fish and Wildlife (MDFW) stopped stocking non-native European, sea run Brown Trout. The native Brook Trout population began to grow in individual fish size and numbers. The river has been catch and release for about 20 years now. The Quashnet and its sister rivers, the Childs and Mashpee Rivers were favorites of Grover Cleveland and Daniel Webster (among many other fly fishermen) centuries ago for the size and quantity of trout that could be taken on flies. They measured their success in the numbers of bushels of trout they caught.

The Quashnet River also runs through roughly 360 acres of protected forest much of its course from Johns Pond to Waquoit Bay. **Waquoit Bay and its tributaries are rated Class SA by the Commonwealth which means, "These waters are designated as an excellent habitat for fish, other aquatic life and wildlife, including for their reproduction, migration, growth and other critical functions, and for primary and secondary contact recreation...may include, but is not limited to, seagrass."**¹ The SA designation imparts stringent water quality protections for dissolved oxygen, temperature, pH, solids and pollutants. It is one of three rivers that provide the majority of fresh water to Waquoit Bay, an Area of Critical Environmental Concern (ACEC). The Waquoit Bay estuary was deemed the most prolific in the Commonwealth in the 1960s by MDFW. **The Quashnet and Childs Rivers are designated Class A water and cold water fisheries with the Commonwealth's highest requirements for dissolved oxygen, temperature, pH, solids and pollutants.**

The Quashnet is home to blue back herring, alewives and eels as well as trout. Previously, before the restoration, the Quashnet hosted mill dams and cranberry cultivation that totally disrupted the anadromous fish and eel runs as well as stream ecology. The Quashnet is now

¹ 314 CMR 4.00 shall be known as the "Massachusetts Surface Water Quality Standards" (4) (a) Coastal and Marine Classes

recognized as one of the two most important rivers in New England for the restoration of Salter Brook Trout.

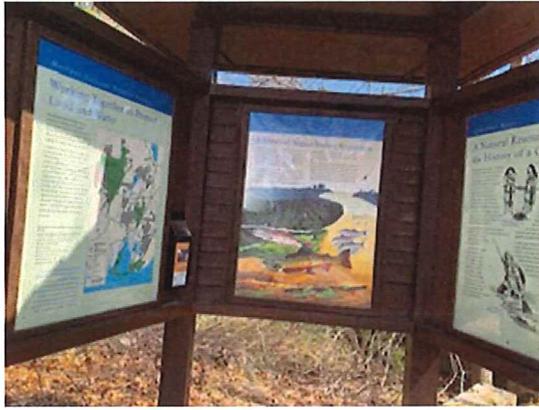
The Quashnet river basin is host to several very popular hiking trails and parking areas. A small educational pavilion is maintained by the Waquoit Bay National Estuarine Research Reserve (WBNERR).

Problem: The entire length of Martin road drains to a low point where the Quashnet flows under the Francis H. Smith bridge. There are no storm drains or vegetated swales to intercept road runoff before it enters the river. This is detrimental to the river and bay ecology.



Solution: Martin Road is an excellent location for best management practices (BMPs). There is plenty of land adjacent to the road to install BMPs and since it is such an important fish run with great public awareness, Falmouth could make a statement by installing BMPs.





BUSINESS

6. Review suggestion to send a follow-up letter to MassDOT regarding truck weight regulation and existing sight lines on Woods Hole Road

Diane Davidson

From: Julian Suso
Sent: Friday, May 28, 2021 1:47 PM
To: Diane Davidson
Subject: FW: Transportation Management Committee - School Bus Incidents Woods Hole Road

Diane,
SB AGENDA REQUEST. Doug Brown has asked that we add to the draft June 7 SB agenda under Discussion: "Review Suggestion to send a follow-up letter to MassDOT regarding truck weight regulation and existing sight lines on Woods Hole Road."

Thanks.

Julian

From: Doug Brown <doug.brown@falmouthma.gov>
Sent: Friday, May 28, 2021 9:52 AM
To: Ed DeWitt <edwdewitt@verizon.net>
Cc: Edward Dunne <edward.dunne@falmouthpolicema.gov>; Lori Duerr <lduerr@falmouth.k12.ma.us>; Julian Suso <julian.suso@falmouthma.gov>; Robert Davis <RDavis@steamshipauthority.com>; Kathryn Wilson <kwilson@steamshipauthority.com>; Kristin Uiterwyk <Kristin.Uiterwyk@umb.edu>; Falmouth Transportation Management Committee <transportationmgmt@falmouthma.gov>; Paul Dreyer <paulcdreyer@yahoo.com>; Ted Fitselle <fitsea@comcast.net>; Paul Grunden <paulGrunden115@gmail.com>; Ralph Herbst <herbst.wheeler@comcast.net>; Alison Leschen <leschenlindell@gmail.com>; Chris McGuire <mcguire.ch@gmail.com>
Subject: Re: Transportation Management Committee - School Bus Incidents Woods Hole Road

Hi Ed

Thanks for the report. I will discuss this with Julian today.

Sorry to hear that I missed a meeting. Please add me to the list of committee members, so I receive the agenda and related correspondence. I know you prefer to formally send me the finished project after the meeting, but I would appreciate having the relevant information prior to the meeting so as to be better informed.

I did receive notice on May 10 of your meeting on the 13, which I attended. The town website "notify me" service seems to regularly fail to notify and occasionally deletes subscribers. I have been signed up for several notifications and they seem to be dwindling down. I'll ask IT to look into that.

Thank You, Doug

Doug Brown
Select Board Member
59 Town Hall Sq
Falmouth Ma 02540

Office & Fax 508 540 6182
Cell 508 560 4149

On May 28, 2021, at 8:30 AM, Ed DeWitt <edwdewitt@verizon.net> wrote:

Doug,

At its meeting last night, the Transportation Management Committee (TMC) unanimously voted to recommend that the Select Board send a follow-up letter to MassDOT and specifically include evaluation of weight and sight lines in the requested MassDOT evaluation of regulatory changes needed for the Woods Hole Road corridor (state highway). The urgency of the evaluation became more apparent when the Committee reviewed photographs and video of two very recent incidents of trucks bypassing stopped school buses picking up children. According to anecdotal reports, these 2 documented instances are not uncommon events. Fortunately the children were not in the roadway at the time the trucks passed. The driver of one of the trucks, weighing 100 tons, stated he couldn't bring the truck to a safe stop and rolled passed the bus because of the weight. While this is just another fact supporting the conclusion that the corridor is functionally obsolescent, it raises the stakes and points to the immediacy of evaluating the physics of the corridor (weight, speed, sight lines) to insure the safety of our citizens. It also highlights the need for active state participation in the long range planning for Vineyard freight operations. The Committee stands strongly behind its shared view with the U.S. Maritime Administration that the best system (21st century) is to directly connect the interstate highway system with the maritime highway, here the Steamship Authority.

Chief Dunne sent the following comment to the TMC, "I did have [sic] a supervisor reach out to the transportation director Greg Kennedy and the bus company to see if there is a problem. What was discovered is the bus stop is in a dangerous location and they will be looking to change it because the stop is on a blind corner so truck and cars coming down Woods Hole Road don't get enough warning coming around the bend. Also they were told should bus drivers have any vehicle run the red bus lights to please report the plate number and a citation would be issued by the police department. The shift supervisor also asked all shifts to be vigilante of violators throughout the town not stopping for school buses."

While the Committee fully agrees with locating school bus stops in the safest possible locations, this is far more complicated. This could have just have easily been a fuel truck stopped to make a left turn, a fallen cyclist lying in the road or one of our emergency vehicles stopped in the road with its lights flashing. Weight, speed and sight lines all contribute to this hazard. It is not as simple as just moving a bus stop, Two different bus stops along Woods Hole Road were identified as chronic problems during our meeting.

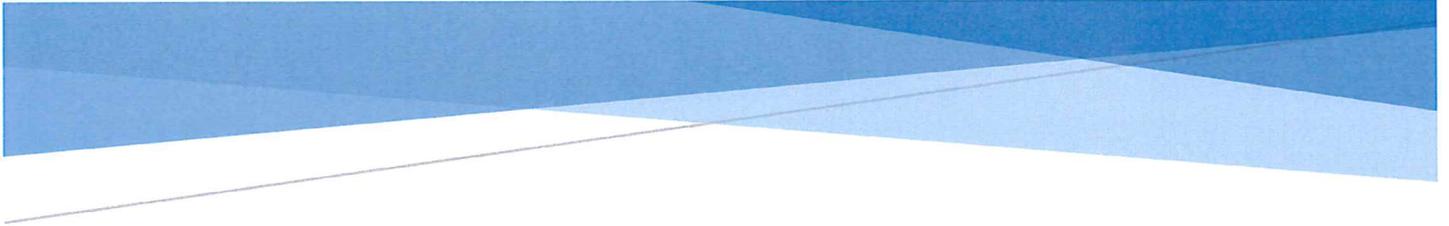
All involved, the State, the Town and the Steamship Authority, need to act before there is a tragedy.

I think the Select Board can act without a formal briefing by the TMC. We understand you have the photos and video. However, if you prefer a full briefing, we would be pleased to oblige.

Ed DeWitt
Chair

BUSINESS

7. Consideration/discussion/vote on transportation Management Committee downtown parking report and recommendations



Initial Report – Recommendations for 2021 and Beyond

IMPROVING ACCESS TO DOWNTOWN

Transportation Management Committee
Town of Falmouth, MA
February 2021

EXECUTIVE SUMMARY

At the Committee's initial meeting and at the urging of the Town Manager, the Committee prioritized review of downtown parking and its attendant challenges. After considerable research and consideration, the TMC broadened their approach, focusing on **getting people downtown, rather than just accommodating cars once they are there**. This expanded view of the issue greatly enhanced our pool of possible solutions.

The Committee concluded that traffic and parking problems downtown are primarily the result of several factors, which, if addressed, could vastly improve the situation.

1. With a few exceptions, parking downtown is unregulated. The natural tendency is for people to try and park close to their destination, even if it means sitting in traffic or circling for an extended time. *(Management)*
2. Access to downtown by anything other than private cars is limited. Bicycle accommodations are non-existent, despite proximity to many lodging options and the Shining Sea Bikeway, which draws hundreds of thousands of visitors a year. Public transport is limited and not well advertised. *(Connectivity)*
3. Both of these factors are compounded by the fact that there is little or no information available to people in advance of their visit, or clear signage once in the vicinity, to lead them to more sensible access or parking options. *(Information)*

The TMC therefore concludes that three basic approaches could have an enormous positive impact on summer traffic congestion and parking frustration in the downtown area. The Committee believes that if these approaches are implemented, the need for additional parking infrastructure is unlikely. All could be implemented quickly:

1. *Better manage existing parking* by channeling different users into different areas.
2. *Improve the clarity, safety and convenience of accessing downtown through means other than private cars.* **Connectivity** of downtown to the Shining Sea Bikeway and other access points for cyclists and pedestrians is key if we are serious about reducing the number of cars downtown. The town's Complete Streets policy should be implemented in this area. Hours of public transport could be expanded to serve employees, dinner/bar patrons.
3. Finally, both require – and benefit from – *vastly improved public information, wayfinding and enforcement.*

To realize the benefits of these approaches by Summer 2021, we recommend the following specific actions by the Select Board as soon as possible:

1. Designate parking zones consistent with the recommendations of this report to better manage and improve parking turnover in prime downtown spaces.

2. Designate remote parking lots. Formalize the use of school parking areas when school is not in session. With TMC facilitation, engage with churches and other private entities in an attempt to formalize parking agreements.
3. Direct the DPW to begin design process for a crossing light at Katharine Lee Bates Rd. We recognize that this process involves MassDOT and can be lengthy – all the more reason to get going now.
4. Direct the DPW to include separated bicycle lanes/multi-use path in any changes/improvements made to KLB Rd. This includes adapting the design currently in the works to include bicycles. *This road is an essential connector between the bike path and Main St. Undertaking improvements with no thought to this connectivity would be a lost opportunity and points to the need for public and committee input early in such projects.*
5. Charge the DPW, with input from TMC (and Sign Committee?), to develop sign graphics, sizes, etc. for consistency and efficacy for different applications and audiences.
6. Install parking signage consistent with the report and expanded parking zones, establishing unambiguous parking regulation of the downtown.
7. Direct the chief of police to take necessary action for fair, consistent parking enforcement on a regular and predictable basis for improved parking management. Include enforcement of existing posted “No through truck traffic.” Such action may require hiring seasonal parking enforcement personnel, to be funded from enforcement revenues.
8. Authorize purchase of additional technology to expedite parking enforcement.
9. Direct the installation of additional *wayfinding** signage throughout the downtown suitable for pedestrians, cyclists, CCRTA riders, and vehicles, including signs to municipal parking, points of interest and government services. Pedestrian-focused signs should indicate walking/biking time to the attraction.
10. Direct the DPW to erect wayfinding signage and install paint markings to directly link the Shining Sea Bikeway and Falmouth Station with the downtown to improve connectivity. Mileage or time should be included on signs.
11. Direct the IT department to develop a webpage with parking information consistent with report recommendations. Link to/supplement/greatly expand current Police Department web info.
12. Engage merchants to improve delivery schedules and locations to be off Main St and adjacent streets during peak hours. Based on merchant feedback, consider establishing loading zones establishing/posting allowable delivery hours.
13. Send letter to business owners with recommended actions they can take to improve parking situation...(Encourage off-peak delivery times, not let employees park in prime spots, utilize their private parking, better signage for private parking, add bicycle racks).

14. Direct the Town Manager to develop incentives for employees to (voluntarily) use alternative transportation (CCRTA, ride sharing, bicycling and walking) or remote parking.
15. Install directional signs to direct heavy traffic to KLB (existing signs are too small).
16. Direct IT department to explore wayfinding apps used by truckers in particular to make sure through traffic is not directed via Main St.
17. Direct designation of additional handicap spaces so that spaces meet parking lot guidelines and are no farther than 500 feet apart on Main Street.
18. Direct the installation of additional bicycle racks in the downtown.
19. Direct installation of information signs listing CCRTA schedule and fares in at least 2 locations along Main Street. Consideration should be given to signs capable of electronic schedule updates, e.g. next trolley to Woods Hole in 6 minutes, next bus to Hyannis in 12 minutes.
20. Direct the Town Manager and Police Chief to develop an overnight parking permit system for restaurants to issue to patrons who should not be driving.
21. Direct appropriate staff to investigate purchase of electric vehicle charging stations.

*For purposes of this report, *wayfinding signage* refers to (and is used interchangeably with) *directional signage* (e.g., “5-min. walk to shops and restaurants” with arrow). *Wayfinding apps/technology* refers to Google Maps and other tech-based tools to guide drivers/walkers/cyclists.

This report presents the results of our research into the issue. It outlines specific steps the town can and must take if we are serious about addressing the intolerable situation with summer traffic and parking downtown. Most of these steps can be implemented quickly, in time for the 2021 summer season. We hope the Board chooses to support this approach, and play a leadership role in encouraging Falmouth residents and visitors alike to embrace the changes required.

In appreciation for the opportunity to serve,
Members of the Transportation Management Committee:
Ed Dewitt, Chair
Alison Leschen, Vice-Chair
Paul Dreyer, Planning Board Representative
Paul Grunden, Commission on Disabilities Representative
Ralph Herbst, at-large
Chris McGuire, Bicycle and Pedestrian Committee Representative
Jane Perry, at-large

BACKGROUND

Falmouth Village is a classic “town center” offering residents and visitors a full range of uses and services. These include governmental services [e.g. library, post office, emergency services (Fire/Rescue, Police), elementary school, and Town Hall], retail shopping, art galleries, dining (breakfast, bakery, lunch and dinner), lodging, entertainment, professional services (accounting, insurance, real estate, dentistry, medical and legal), religious activities, indoor recreation and outdoor recreation. There is very little not available in the village center.

Yet this idyllic setting is marred by traffic congestion, particularly in the summer. Currently, most people access downtown with private vehicles, requiring that each party find a parking space. In high season, available spaces quickly fill up, which creates congestion and frustration for visitors, residents and workers alike while people circle for a spot. The situation is compounded by several factors. Parallel parking on core streets challenges many drivers, causing back-ups while they maneuver into a spot, or wait for the driver who pulled too close behind them to back out of the way. Lack of wayfinding signage and otherwise poor communication about peripheral parking sites leaves visitors with no guidance about alternatives to endless circling for a space. Public transport to downtown is limited to two fixed-route lines operated by the Cape Cod Regional Transit Authority (CCRTA), one of which is seasonal. Bicycle access is currently on streets that have no designated bike accommodations, which in general means that only experienced riders are comfortable getting there by bike.

The problem has been identified as one of “Downtown Parking.” But such labeling assumes that the current situation, where the vast majority of people access downtown in private vehicles and park within a short distance of their destination, should continue. The Transportation Management Committee (TMC) believes that this limited view leads to limited solutions. After researching and considering the issue, we instead chose to take a more expansive outlook.

TMC VISION FOR THE DOWNTOWN

The TMC believes that a primary business district that is accessible, accommodating and welcoming to all with a variety of modes of travel both getting to and traveling around the business and government center of the community is essential. People should both want to come to the downtown and enjoy being there. Expanding our understanding of where and how parking can occur for different user groups, and broadening other means of access in a meaningful way could go a long way toward reducing demand for central parking and alleviating the accompanying traffic congestion. **By focusing on getting people downtown, rather than just accommodating cars once they are there,** we greatly expand our pool of possible solutions. **By better managing existing parking,** channeling different users into different areas, we believe the need for additional parking infrastructure is unlikely.

APPROACH

To better understand the issues involved and the extent of the problem(s), and to begin to develop an approach to alleviating the situation, the Transportation Management Committee (TMC) interviewed or otherwise communicated with representatives from the Falmouth Police and Fire Rescue Departments, Department of Public Works (DPW), Town Planner, Chamber of Commerce, Falmouth Village Association, Downtown business owners, Falmouth AFCSME, Cape Cod Regional Transit Authority, Falmouth EDIC, Cape Cod Commission and Woods Hole Business Association. We also received email comments and Zoom meeting messages from a number of Falmouth residents. In addition, we drew heavily from the *Transportation Master Plan for Route 28/Main St.*, prepared for the Town of Falmouth by McMahon Associates in 2016. This is an excellent report with many sound recommendations. We encourage the Select Board to revisit it and begin to act on it. In addition, we are carrying out a survey to assess people's attitudes and experiences about visiting and parking downtown. The survey has been distributed widely, both to targeted groups and the general public. It has already provided valuable information about going forward, and will also act as a baseline to measure efficacy of actions taken. Some preliminary results, from the 1100 responses received at the time of this report are included.

A summary of our findings and subsequent recommendations follow.

CURRENT SITUATION

Parking

In Falmouth, parking is principally regulated through the Zoning Bylaw, ch. 240 of the Code of Falmouth. Section 104 of the Zoning Bylaw waives most parking requirements for the downtown because of the “large amount of public parking spaces available, and further finding that in order to enhance the economic vitality of downtown Main Street” parking requirements might inhibit commercial and residential development.

Currently, parking is available curbside on Main Street (125 spaces) and a section of Katherine Lee Bates (KLB) Road, in municipal off-street lots between Main Street and KLB Road (about 200 spaces) as well as Town Hall Square (132 spaces), adjacent to Fire Rescue Headquarters, and privately owned parking (mostly at the rear of businesses along Main Street and Palmer Avenue). Primarily seasonal parking totaling about 160 spaces is available on school property (Mullen Hall and Lawrence Schools) when school is not in session, but this is not well known, advertised or signed. All told, there is a total of about 450 publicly available parking spaces in the downtown corridor (McMahon report). There is a parking lot on Depot Ave. across from the Falmouth Station, which is large and reportedly underutilized, at least in the evening. There are some additional paved parking areas not currently utilized for public parking including churches and employee-only lots. With the exception of a 30-minute parking zone near the Post Office, municipal parking is free, limited to three hours on Main Street, unlimited as to time in municipal lots with the exception of no overnight parking in Town Hall Square. There is a reserved area in front of Town Hall for Town Hall business that does not have a posted time limit. Handicap parking spaces are limited and may not be distributed efficiently.

Enforcement is the responsibility of the Police Department, which uses computerized equipment to track parking and violations. While the Police Chief reports that there is zero tolerance for parking violators, enforcement depends on staff availability (there was very little in the summer of 2020). Perception is that parking is largely unregulated. This can result in use of prime Main St. and downtown lot spaces being used by long-term parkers such as employees or even Steamship passengers, rather than the shorter-term users like shoppers and diners for whom they are intended. A new parking fee structure was recently proposed by the Chief of Police and approved by the Board of Selectmen. Its efficacy will rely on increased resources being allocated to enforcement, hopefully offset by increased revenue from fines.

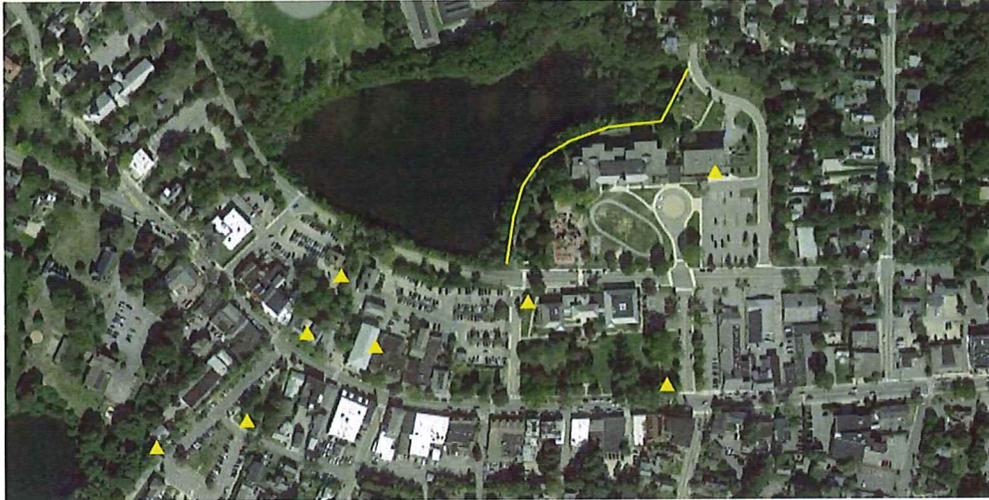
There is at least some truck and private vehicle traffic that uses Main St. as a through street, perhaps simply following the signs for Rt. 28. These vehicles would be much better served by any of the several cross-town roads like Jones, KLB, or even Rt. 151 or Thomas Landers Rd., depending on their ultimate destination, and would reduce Main St. traffic. Last summer DPW posted signs at West Main Street

and Locust Street as well as North Main and Palmer Avenue prohibiting through truck traffic. It is unclear whether the signs have had the desired impact.

A web search for “Parking in downtown Falmouth, MA” yields little useful or specific information to guide visitors. It is likely that most people simply drive to Main St. and then start looking for parking. Between these two issues, there is ample opportunity, by increasing pre-visit information for visitors – perhaps online, and with improved wayfinding – to intercept people before their arrival and steer them to alternate routes, peripheral lots or alternative means of access.

Bicycle access

Studies have shown that 43% of adults in the US say they would be more likely to ride on roads if they were physically separated from cars. Our survey found similar results – 40%. Largely because of the Shining Sea Bikeway, Falmouth attracts a large number of visitors who travel via bicycle. Currently there are no separated bike lanes leading downtown. Katherine Lee Bates Rd. has “sharrows” painted on the pavement, but these offer no physical and little psychological protection from motorized vehicles (Fig. 1). Bicycling down Main St. itself is hazardous, with threats of distracted drivers and pedestrians, car doors opening, etc. Access from the Shining Sea Bikeway via a connector to Katherine Lee Bates Rd. is possible, though the current crosswalk over Rt. 28 is frequently ignored by motorists. Access from Depot Ave., which many bikers attempt, is even more haphazard and dangerous. Access along Rt. 28 from Teaticket is no better, with no bike accommodations and all the same dangers listed above. Once downtown, there is very limited bike parking, forcing the use of lamp and sign posts, sometimes impinging on sidewalks. None of this leads bikers to feel welcome downtown and limits access to the more experienced and determined bikers. This is unfortunate, as encouraging the broader public (many of whom live or are staying within 2 flat miles of downtown) to use bikes to access the area through appropriate infrastructure and design could go a long way toward alleviating traffic congestion. It could also enhance the visitor experience, as the journey becomes part of the adventure (and actual exercise), instead of an exercise in frustration sitting in traffic. Safely connecting the Shining Sea Bikeway with the downtown should be a very high priority for the Town.



Bike accommodations

Fig. 1. Bike accommodations are limited to a handful of bike racks (yellow triangles) downtown and a multi-use path behind Mullen-Hall School. The roads that path leads to have no separated bike lanes and at one end, sidewalks in very poor condition.

Pedestrian access

In general, the downtown is a comfortable place to stroll. The single largest complaint the TMC heard is of poor signage and wayfinding. While there are a number of crosswalks on Main Street and Katherine Lee Bates Road, mid-block crossing does occur frequently. None of the crosswalks are enhanced with warning lights, audible signals or raised elevation. In the past 5 years there have been 2 vehicle pedestrian collisions in the downtown. Unfortunately, sidewalks deteriorate rapidly once one moves away from Main St. (Fig. 2). Again, this does not send a signal of encouragement to walkers, much less wheel-chair riders, to come downtown.



Pedestrian accommodations

Fig. 2. Sidewalks are good in the immediate Village Center, but deteriorate rapidly out from there (inserts 2 blocks off KLB Rd.).

Public transport

CCRТА operates two fixed route services, The Sealine and the Woods Hole (WHOOSH) Trolley. The WHOOSH operates seasonally, from June to early September. Its route goes between Falmouth Mall and Plaza, down Rt 28 and Main St, to Woods Hole and back. It travels twice an hour, but only between 10:15am and 7:15 pm, making it impractical for most employees and evening diners. The Sealine runs hourly (coordinated with the WHOOSH so there is every-20-minute service where the routes and hours of service overlap) from early morning until about 8:30 pm from the Hyannis Transportation Center to Woods Hole. Expanding the hours of operation, particularly of the WHOOSH trolley, could make it far more practical as a viable alternative to private cars.

Heavy summer traffic can cause delays to the schedule, though users can track buses on the NextBus app, downloadable from the CCRТА website. The ability to track and predict bus arrival times is key to making shuttle use to Main St. a viable option for downtown shoppers and lunch diners. If service could be extended into the evening hours, it would make it more feasible for restaurant dinner patrons. The relative lack of flexibility of hourly service in the off-season makes it unlikely that people who have private autos will choose the public transport option. All buses can accommodate 2 or 3 bicycles, and are wheelchair accessible, making them a viable option for mobility-impaired people to avoid parking in congested downtown, and still have vehicle-to-destination service.

In addition to these fixed route services, Dial-a-Ride Transportation (DART) is a low-cost door-to-door reservation service provided by CCRТА.

More effort should be made to make visitors aware of these options.

Seasonal variation

Parking demand increases rapidly beginning in April and begins to subside after mid-October. From mid-October until April or May there is little or no reported shortage of parking. From an aesthetic and welcoming standpoint this is important. Over-paving to meet seasonal demand would result in empty parking areas the rest of the year, creating a deserted feeling that adds nothing to the downtown experience. Though the seasonality makes use of school parking viable in the summer, there are periods of mismatch where parking demand is quite high, but school is still in session (May/June and early September).

Parking constituencies

TMC research revealed different constituencies for parking in the downtown. Each constituency has different needs and, most importantly, uses parking differently (especially parking duration). Moreover, constituencies can overlap and trips to downtown can be for multiple purposes and fall into more than one constituency.

1. Business operations – shopkeepers, restaurateurs, professionals and employees who work at various businesses, many of which operate 7 days a

week in peak season. Parking/access is needed to match the workday, including late-night hours, and to accommodate leaving for lunch.

2. Delivery services – primarily trucks, including box trucks, and 18 wheelers that park for the purpose of delivering goods and supplies to businesses and, to a lesser extent, governmental offices, residents, churches and other entities. Generally, this constituency requires oversize spaces for a half hour or less.
3. Residential – residents who live in apartments and homes in the downtown that do not have private parking. Parking demand varies but requires access to overnight parking.
4. Governmental operations – staff and employees of the various government offices in the downtown including Town Hall, post office, library and schools. The majority, but not all, of government operations fall within business hours Monday through Friday. Parking is needed to match the workday. Overnight parking is also needed for some government vehicles.
5. Government service seekers – citizens who obtain in-person governmental services. Usually these are people parking less than an hour.
6. Business customers – citizens and visitors who patronize businesses. Time periods vary widely from a few minutes for take-out food pick-up to several hours for retail shoppers and restaurant patrons.
7. Overnight parking - The TMC identified three constituencies that require overnight parking in the downtown.
 - 1) Residents who have no access to private parking.
 - 2) Restaurant patrons who have been drinking and should not be driving.
 - 3) Government vehicles.
8. Disabled parking – individuals could fall into any of the above categories. There is a need here for convenient, ADA-compliant parking spaces, good, fully passable sidewalks to and within downtown, and audible signals at signaled pedestrian crossings.

Summary of additional testimony and information:

- In peak season, downtown can likely absorb more people/diners/shoppers, so enabling more access is desirable and consistent with supporting businesses in that area.
- There is no dedicated employee public parking. There are reports of employees going out every few hours to move their cars to avoid being ticketed. Communication from the head of the Town Hall employees union confirmed this, as well as that those who go out for lunch then have trouble finding a spot when they return.
- While Mullen-Hall lot is often well-used, there is underutilization of other nearby “peripheral” lots such as Lawrence School and churches. This is in part due to lack of knowledge/wayfinding/clarity of what’s allowed. It is also due to the fact that the town has not pursued formal agreements with these entities.

- There is no active discussion with churches about use of those lots for public parking when not needed for church purposes.
- Delivery trucks are one cause of congestion. Some of these are delivering to Main St. businesses; others are driving through, again likely because of lack of knowledge/wayfinding signage or apps to put them on more truck-appropriate roads. The town recently posted “No through truck traffic” signs on the outskirts of the downtown, but these are too small and it is unclear whether they have been effective.
- There are four marked handicap accessible parking spaces along Main Street.
- The majority of Town Hall employees park in the municipal lot in front of Town Hall.
- There are no written policies affecting Town Hall employee parking.
- There are no incentives for Town Hall employees to rideshare, use public transportation, walk or bicycle to work.

It is likely:

- Some congestion is caused by people circling for parking spaces, or driving slowly to “scout” for spots.
- Some congestion is caused by drivers having difficulty with parallel parking on Main Street. Some additional congestion is caused by drivers pulling too close behind a vehicle that intends to back into a parking space.
- Some downtown parking is used by people going to the Vineyard for the day or even overnight.

PROPOSED SOLUTIONS

Our exploration of this topic has yielded a significant number of “low hanging fruit” approaches which we believe could go a long way toward improving access to and circulation through, downtown and in turn alleviating parking issues. None of these approaches involves acquiring or creating new parking, which we feel would be premature and likely unnecessary. We have divided the recommendations into Short- (by next summer), Mid- (1-2 years), and Long-Term (3+ years).

SHORT-TERM (Fully ready for implementation beginning May 1, 2021)

The TMC starts with the premise that two basic approaches could have an enormous positive impact on summer traffic congestion and parking frustration in the downtown area, and that both could be implemented quickly. The first is better management of parking – in terms of who parks where. The second is improving the clarity, safety and convenience of accessing downtown through means other than private cars. Both require – and benefit from – vastly improved public information, wayfinding signage and enforcement. Connectivity of downtown to the Shining Sea Bikeway and other access points for cyclists and pedestrians is key if we are serious about reducing the number of cars downtown.

The TMC was asked to examine reported seasonal parking shortages and challenges in the downtown. Our recommendations are not perfect and are intended only to improve overall parking and access management. Some challenges like the geometric layout of Main Street are insurmountable – there is only so much that can be accomplished in a limited space. The Committee’s mandate is to make recommendations, which this report does. No doubt there will be public support for some our recommendations and public dislike of others. The TMC has striven to fairly and effectively balance the interest of the various downtown constituencies. The Select Board ultimately will have to weigh our recommendations and decide whether or not to implement all or some. The TMC is confident that the situation while not solved, can be significantly improved. The TMC has looked at the downtown as an interconnected system of walkers, cyclists, drivers, and truckers. We think this is the proper approach for the Town to employ.

Our proposed changes in policy, parking zones and regulations are intended to be in effect only from May 1 to October 1 – peak tourist season. Four **Strategies**, each complete with **Action** items required to implement them, follow.

Strategy 1: In town-owned parking areas, designate different parking “zones” for different users and needs. Zones may change between business- and non-business hours.

Assumptions: Presumably the *primary goals* of any parking strategy are:

1. To encourage patronage of downtown businesses through ease of access.

2. To enable citizens to conduct (relatively quick) town/bank/professional business with ease of access.
3. To allow overnight parking for residents of downtown.
4. To provide clearly defined/designated, shift-length employee parking.
5. To allow convenient access to shops, businesses and Town Hall for disabled users.
6. To reduce the demand for parking by encouraging access to downtown through alternatives to private vehicles – biking, walking, public transport.

In addition, if we think of the different constituencies as having different parking needs, it naturally follows that they be channeled into different parking areas or “zones,” defined using the following considerations/assumptions:

1. If clearly defined and marked parking areas are available, the confusion and congestion caused by everyone competing for the same spaces on Main St. will decrease. This in turn will make coming downtown in summer more pleasant for visitors, and encourage, for example, local residents to get take-out or meet a friend for lunch.
2. Many visitors to downtown have multiple destinations, so a “park once, walk a little” strategy makes more sense than trying to move the car for every different destination.
3. Survey responses indicate that 74% of people are willing to walk up to 5 minutes, and 50% from 5-10 minutes from parking to destination if their route is well defined and feels safe. This puts all downtown public, school, and potential private (churches, banks etc.) within accepted walking distance. Making the routes interesting/attractive can further induce people to park at these distances. (An obvious example of this is the walk from Lawrence School, past Shivericks Pond, a 7-min. walk to Main St.).

Action 1 – Designate zones:

1. *With the exception of the 30-minute area near the Post Office and handicap-accessible spaces, all on-street parking is limited to one hour from 8 am to 6 pm. “Highest and best use” of parking along Main St. itself should be for shorter-term errands like picking up take-out, having a quick lunch, or going into a store for a specific item. This ensures high turnover of those spaces, which presumably brings more customers and makes people more willing to come downtown to accomplish these errands if they know it’s likely they can get a parking spot. Handicapped spots are an exception and should have a 3 hr time limit. Additional ADA spaces (at least one ADA space for every twenty regular spaces) may be needed to ensure easy access to all businesses for the mobility-impaired. After 6 pm, parking limit is 3 hrs. This allows evening restaurant and bar patrons to park there, since most retail businesses are closed by then.*
2. Library lot on Shore St. Extension remains *1 hour*. Note: the lot serving the businesses across the street – First Citizens Credit Union, Hannoush Jewelers, etc.) is private.

3. Town Hall lot – the 26 spaces currently designated for Town Hall business shall remain as such, but posted with a 1-hr time limit, so as to be enforceable.
4. All other downtown lots (Library Ln, lot behind Eastman’s, Mullen-Hall School, any churches or banks with which an agreement is formed, Town Hall with above-mentioned Town Hall business spaces excepted) are 3-hr parking for the public.
5. Lawrence School would have a 6-hr limit.
6. In certain lots, employees will be allowed shift-length parking and downtown residents may park overnight (Fig. 3).

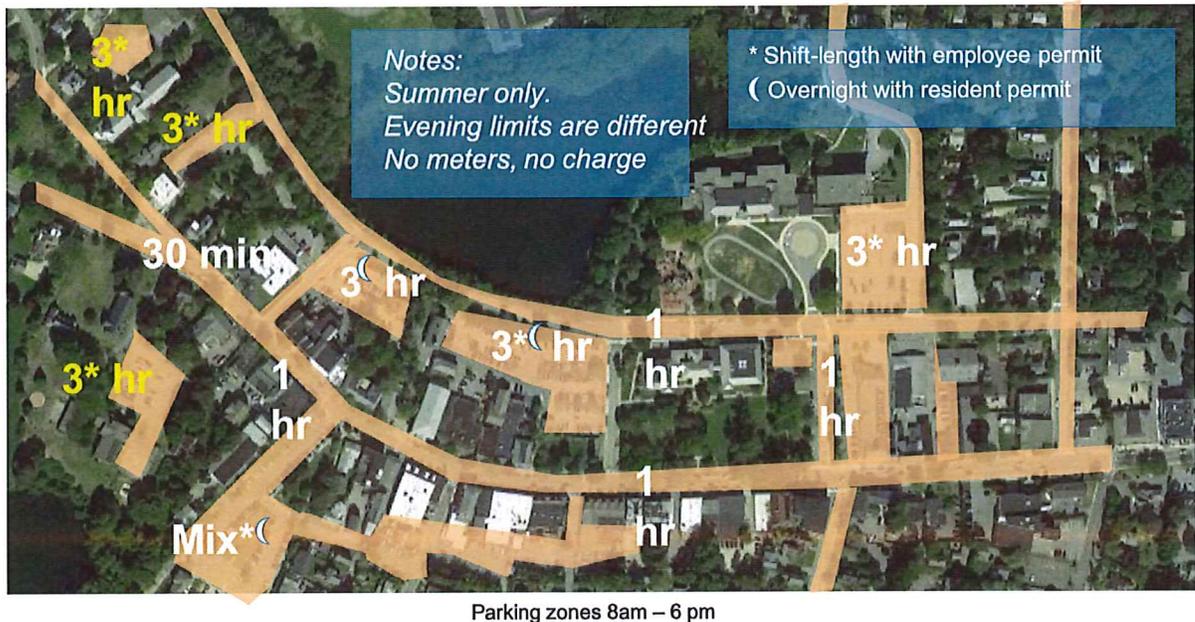


Fig. 3: Proposed parking zones. In addition, Lawrence School would have a 6-hr limit, with employee shift-length parking as well.

What’s involved:

1. Set new parking policies.
2. Formalize agreement with School Committee regarding use, hours and season for school lot use. Greatly improve wayfinding signage, the path from Lawrence School (in conjunction with Shivericks Pond Trail project), information available in advance online or otherwise to encourage use of these lots.
3. Greatly increase information, outreach and wayfinding signage. This could include a simple webpage on the Town site which displays parking options on a clickable map, with lot hours, time limits, walking time to Main St. or CCRTA schedule. Particularly effective might be messaging like, “Average time spent circling for a Main St. parking spot – 10 mins. Walking time from Lawrence School – 7 minutes.” The web page would come up when

googling “parking in Falmouth (Village).” The same information would appear on signs at the lots themselves. This website could include other information as well about other means of accessing downtown (see below for more detail). This information could supplement the brief parking information currently on the Police Department webpage.

4. Hold public information sessions and meet with different constituencies to explain and work out new policies.
5. Maybe institute a fun public information campaign with a commercial like the Superbowl “Smaht Pahk” one. “Pahk smaht in Falmouth,” featuring someone well-known in town with a Cape Cod accent! It could run on radio, FCTV, and on the web page.
6. Added enforcement. According to some literature on parking, fair, consistent and predictable enforcement is an effective tool for parking turnover and, based on fines, can be better than revenue neutral. This aspect will be crucial to making the zonation plan work.

Expenses:

1. New signage – developing a coordinated “look,” determining appropriate sizes, printing and installing the signs.
2. Public outreach and education materials, including developing a webpage with parking information.
3. More or reallocated enforcement personnel (likely offset by increased revenue from fines).

Action 2 – Develop system for overnight parking needs

Overnight parking is needed by two primary constituencies: downtown residents, and bar/restaurant patrons incapable of safely driving home. Currently overnight (2 am to 5 am) parking is selectively enforced (tow zone) and not clearly posted. This situation can be exploited by Steamship Authority patrons avoiding the pay lots.

What’s Involved:

An overnight parking (2 am to 5 am) ban should be strictly enforced in all public areas of the downtown except by permit. Because residents generally have a place to park and are less likely to avoid SSA lots, we recommend allowing overnight parking for any valid Falmouth parking permit (beach, transfer station, combo etc.) This reduces the cost for establishing and maintaining a new and separate permit system.

Each business that serves alcohol would be allowed to generate/create a one-night permit for any patron that has had too much to drink. The permits would be dated, sequentially numbered, capable of easily adhering to the driver’s window, contain the name of the establishment and be visible from 10 feet away. The police department will make available an example of the permit. As long as the vehicle is legally parked, it would not be towed for a minimum twenty-four hour period.

Expense- Signage and enforcement effort.

Strategy 2: Public/Private Partnerships

There are a number of privately owned and sometimes underutilized parking areas in, or directly adjacent to, the downtown. These include churches, banks and other businesses that have peak demands different from the bulk of Main Street.

Action 1 – Work With “Parking Rich” Neighbors

The Town should explore individual agreements with our downtown neighbors to test the feasibility of public parking when these lots are not needed for church or business activities.

What’s involved

Establishing a fair price and/or appropriate good will for such arrangements.

Expense:

Less than buying land or paving more land! Signage that can be used to indicate when parking is permitted. Inclusion of this information on web page.

Strategy 3: Shift focus to getting *people* – not just cars – downtown.

Encourage access to downtown via means other than private autos. Note: these are the short-term, quickly implementable aspects to this strategy. Mid-and long-term ones follow in those sections.

Action 1 – Promote Alternatives:

Many (able-bodied) people live or stay within an easily walk-able or bike-able distance from Main St. They can be encouraged to access downtown in this way through information provided by their hotels/inns/hosts and with signage.

What’s involved:

Working with lodging hosts and implementing a signage campaign like the following: An online toolkit, Walkyourcity.org, “helps communities increase their walkability by combining educational pedestrian signage with web-based campaign management and data collection, accessible to both citizens and city staff.” Simple, inexpensive, attractive signs (e.g., “It’s a 5-min. walk to borrow a book” with an arrow and QR code map) can raise awareness of just how much can be reached within an easy walk (Fig. 1). The same can be applied to bikers. Lenox, MA, as an example of another seasonal, tourist-driven economy, has implemented this approach.



Fig. 1: Examples of simple, inexpensive signs available through Walkyourcity.org that encourage people to walk or cycle instead of driving.

Expenses:

Signage.

Action 2 – Promote Transit:

If people knew about the shuttle (CCRTA) option, some would park at the mall or plaza and use CCRTA to get to Main St.

What’s involved:

Work with Mall/Plaza owners to gain their official support for people parking there. Messaging could encourage people to patronize these shopping centers in addition to just parking there. Work with CCRTA to greatly increase awareness of this option. Improve signage at mall and plaza so it’s immediately obvious where to park and catch bus/trolley. Have schedule posted there as well as online tracking app information.

Expenses:

Signage and other messaging (shared with CCRTA?).

Action 3 – Focus on Largest Employer:

The single largest employer in the downtown is the Town of Falmouth. Approximately 55 parking spaces are used by Town employees on any given day. While they can be accommodated in Town Hall Square and other downtown lots, providing incentives for them to voluntarily park in slightly further lots could free up a significant number of prime spaces near Main St.

What’s involved:

The Town currently offers employees no incentives to walk or bicycle to work, nor does it offer employees incentives to ride CCRTA buses and

trolleys, or to carpool, to work. Incentives can include such things as rideshare spaces at Town Hall, bonuses, discounts on health insurance, more flexible work hours, free or discounted transit passes or personal days off.

Expense:

Cost of the incentives. Some studies show that worker productivity can actually increase with such modest incentives. Cost of permit/sticker for vehicles.

Action 4 – Improve Alternative Connectivity:

Connection to the bike path and Falmouth Station must be enhanced and made safe. The aforementioned webpage could be made broader to include “Accessing downtown Falmouth from the Shining Sea Bikeway or the Falmouth Station.”

What’s involved:

It must be clear to bike path users how to get downtown, and it must feel easy and safe to do so. The way from the bike path/Falmouth Station for bikes/pedestrians must be clearly marked and well-maintained, with several safety features added. At a recent meeting with Falmouth EDIC representatives, it became clear that they share this goal, and that such features dovetail perfectly with the Master Plan they are developing for Falmouth Station.

More specifically, the Town needs to improve signage from the bikepath/Falmouth Station to the downtown for both cyclists and pedestrians. The Falmouth Bicycle and Pedestrian Committee advocates funneling all ped/bike traffic to the KLB connector, and then along KLB to Main St. The TMC supports this concept, at least in the short term. The crossing at KLB Rd. therefore needs to be better marked and a warning beacon/system installed. Ideally the speed limit on the stretch of Rt. 28 from Crabapples, past the Goodwill Park crossing (in the works), past the Locust St. crossing (site of current flashing light), should be lowered to 30, with flashing speed signs at the beginning from both ends warning of “heavy pedestrian/bike crossing – SLOW DOWN.” Periodic police enforcement of this stretch and crossing is needed.

A clear message must reach motorists through multiple means that this area is not a highway to the ferry, but is a town center prioritized for pedestrians and bikes, and they must drive accordingly. Added travel time for motorists on that stretch driving 35 mph (current limit) vs. 30 mph is less than a minute, with possibly a few additional seconds delay if they need to stop at a crosswalk. This calculation can be used to counter the argument that we must “move cars along the highway,” or “people will miss their ferry.” Falmouth should be prioritizing increasing patronage of its businesses (by

bike path and Falmouth Station users) rather than moving people away from Falmouth faster!

The speed limit on KLB needs to be set at 25 mph and clearly posted, preferably with a sign that flashes a car's speed.

Incorporate information into a webpage. Possibly work with Peter Pan, CCRTA and other transport companies to include clickable links on their web pages to the Town webpage. Do the same on webpages highlighting the bike path. That way people planning a day on the bike path or arriving by bus will know ahead of time how easy it is to access Main St. and can incorporate lunch or bit of shopping into their plan.

Several recent MassDOT grant opportunities would have been a perfect fit for this project. The town should move forward on design – even rough, conceptual design – to be ready for such opportunities. *Beginning the design process for the crossing beacon is particularly important as it involves MassDOT and can be lengthy.*

Expense:

Sidewalk improvement, signage, paint, crossing beacon and (3-4) flashing speed signs (but see above opportunities for state funding). Work on webpage.

Action 5 – Bicycle Parking

What's Involved:

Add additional bicycle racks throughout the downtown that do not impede pedestrian flow.

Expense: Cost (and installation) of the racks. The Ped/Bikeways Committee has gotten CPA funding in the past for these. The Cape Cod Commission usually has a fund for bike racks that the Town might use.

Strategy 4: Streamline Freight and Trucks

Action 1 – Manage Loading Zones

Establish at least four 40-foot long loading zones on Main Street with effective operating hours of 8 am until 11 am. Other times require and allow trucks to park on the 2 downtown side streets, Post Office Road, and Library Lane, to make deliveries.

What's involved

Work with Main Street merchants to identify optimum loading zone locations. Note: after 11 am the loading zones become regular parking places for Main Street business. This will require working with trucking/freight

firms to educate them about the zones and times. Additional enforcement requirements/responsibility. This needs to be reevaluated after one year.

Expense – Paint and signage. Additional enforcement.

Action 2 – Reduce Unnecessary Truck Traffic on Main St.

Truck traffic on Main St. equals congestion. Main Street has narrow travel lanes. Wide trucks often straddle the centerline, slowing traffic in both directions.

What's involved

Work with MassDOT to improve truck route signage and wayfinding to keep trucks off Main Street that don't need to be there. Stepped-up enforcement of the posted "No Through Truck" zones.

Expense - Signage and enforcement effort.

Continuing Issues for Longer Term Evaluation and Recommendations

The TMC's work is far from done. The challenges are multi-dimensional and require continuous review and reevaluation. Tackling congestion and parking downtown is a multi-year undertaking.

1. Largely due to dimensional limitations, Main Street poses a host of transportation challenges. Among those challenges are:
 - a. Emergency vehicle response is frequently impeded because of traffic congestion and the lack of space to pull over.
 - b. Parallel parking is least efficient parking method both in terms of space allocated per spot and time needed to park. Consider alternatives to parallel parking on Main Street.
 - c. Crosswalk visibility is impaired by parked vehicles. People in crosswalks at night can be difficult to detect. Consider ways to make pedestrian crossings as visible as possible
 - d. There is limited space for adding dedicated bicycle lanes on Main Street. Falmouth needs to embrace its identity as a bicycling destination and make cycling to and in the downtown both inviting and safe.

2. Connectivity with the downtown. How the downtown connects with other Town assets controls to a large degree how people arrive and move around the downtown. The town needs to consider the following:
 - a. The addition of bicycle lanes and paths leading to, and in, the downtown (note challenge above).
 - b. The lack of safe walking routes and bike paths between schools and the public library or the downtown. The Shivericks Pond Trail is a great addition, but there is a long way to go.
 - c. The connection of the downtown with the harbor and beaches needs to be improved for pedestrians and cyclists.
 - d. Improvement of sidewalk condition and continuity, maintenance and safety, including addressing the placement of utility poles in the middle of sidewalks.

3. Continue working with the CCRTA to enhance service in and to the downtown, as well as public awareness of this service.
 - a. Explore ways to make riding the WHOOSH a tourist "must" experience.
 - b. Work with the CCRTA to expand service hours of the WHOOSH to better accommodate employee hours and evening restaurant patrons.
 - c. Work with employers to make the CCRTA an attractive way to commute to work.

4. Involve the public in transportation decision making,

- a. In recognition that making change is as much a social challenge as an engineering challenge, conduct regular public involvement and listening sessions. Use surveys to evaluate success and failure.
- b. *Require the DPW to include at a minimum the TMC and Bicycle/Pedestrian Committee is planning road improvements/changes.* Too many opportunities have been lost just in the last year for significant bike/ped improvements because this was not done.
- c. Try to match up people from other comparable towns which have made changes we are considering with Falmouth people in similar positions (e.g. Fire Chief to Fire Chief, business owner to business owner, Town Hall employee to Town Hall employee) to discuss what the changes have really been like, hopefully alleviating concerns.
- d. Recognize and quantify the public's need for services in the downtown. Considering the parking needed to accommodate Town Hall employees, and the threat of sea level rise to the existing facility, it is likely appropriate to begin discussing if, when and to where Town Hall should be relocated.

5. Regulatory Framework

- a. The Zoning Bylaw section on parking in the B-1 district (240-102) should be reevaluated by the Planning Board. The TMC finds the underlying assumptions are no longer valid.
- b. Parking regulation and site plan review should both be reevaluated to promote walking and cycling. Parking must include needs of the various constituencies the TMC identified for the downtown.
- c. Standards for on-street parking should be incorporated into the Town's planning and regulatory framework.

6. Effectively Use Technology

Parking apps on Smartphones, webpage on town website. While an informational webpage should be fairly straightforward to implement before summer 2021, further exploration of real-time parking apps and other technologies is needed for the future.

- 7. Assign appropriate personnel to begin increasing the number of electric vehicle charging stations. Falmouth is falling far behind other towns in this regard.

Falmouth Transportation Management Committee Reports Results of Downtown Survey

Falmouth residents and visitors think the Town needs to do a better job managing downtown parking and improving access for people with disabilities, pedestrians and cyclists. The overwhelming majority believe that parking should be free for all. Most locals like the idea of experimenting and trying new approaches including one-way streets and diagonal parking to deal with the congestion and parking problems.

Nearly 1,200 people responded to a survey organized by the town's Transportation Management Committee (TMC) between February and April of this year. The survey asked respondents about their summer or busy-season experience in a non-COVID year. The downtown is an important hub for the community and according to the survey results, people come downtown regularly. More than 20% of respondents answered that they came downtown five or more times a week (mostly business owners and employees). More than 50% answered that they came to the downtown 1-4 times a week. Restaurants and shopping were the most common reason for these trips, with government business second.

Results confirm that access and parking are an issue for people (91% describe their overall impression of traffic as very or somewhat congested). The top reasons that people don't like to travel to and around downtown are parking, traffic, parallel parking, and not bike friendly; these factors lead them (78%) to avoid downtown in the summer. Sixty percent said they would come once more per week, and 33% would come 2-3 times more if parking and congestion were not an issue.

The committee is recommending several approaches to alleviate congestion and parking problems, which the survey results supported. They are advocating that parking "zones" be

designated with different time limits, where the prime Main St. spaces have quick turnover, and longer times are allowed as distance increases from Main St. Another related solution the committee advocates is to formalize agreements with downtown schools, churches, banks, etc. to allow public parking in their private lots during off-hours. People's willingness to walk short to medium distances (75% up to 5 minutes, 50% 5-10 minutes) put all of these lots, including Lawrence School, within range to alleviate parking pressure on downtown public lots. Paul Dreyer, Planning Board Representative to the committee, pointed out that the walking connection between Lawrence School and downtown will be made even easier as well as much more attractive with completion of the ADA-compliant Shivericks Pond Walkway. A quarter of respondents also said they would park a 5-10 minute drive away if there was a free shuttle.

Parking problems also affect those working downtown. Almost half of downtown employees do errands midday and 75% of them say when they return it is sometimes or always hard to find parking. Thirty-seven percent of employees are regularly or sometimes late because they can't find parking.

Free parking downtown is important to people. Seventy-six percent of the respondents opposed any charge for parking. Sixty percent said they would go elsewhere, even out of their way, such as to Mashpee Commons, to avoid paid parking. However, the survey also found that 40% of people would be willing to experiment with some paid or prime area parking apparently as long as free parking remains available. About one third of respondents thought better traffic and parking enforcement was needed to better manage both.

The committee has emphasized that the focus should be on getting *people* downtown, not just providing parking for *vehicles* once they are there. If we can make the downtown more accessible for pedestrians, bicyclists and CCRTA riders, we would have less congestion and less

need for parking spaces. Of the people surveyed, 96% reported that they usually travel to downtown in a private vehicle, which of course require parking spaces and can add to congestion. While slightly more people reported walking than bicycling as the usual way to get downtown, safety was a concern. Chris McGuire, the Bicycle and Pedestrian Committee representative on the committee, pointed out that “19% of people already have used bikes to get downtown, and 37% said they were likely to bike more regularly downtown if there were separated bike lanes.” The committee has proposed several ideas for direct and easy connectivity between downtown and the Shining Sea Bikeway, including a signalized crossing at Katharine Lee Bates Rd. They are also strongly advocating that the Town’s Complete Streets Policy be applied whenever any road construction projects are undertaken that link to downtown, to gradually begin improving bike and pedestrian access from all directions. The Select Board is currently considering those recommendations.

The single largest user of downtown parking is Town Hall. A number of individual comments focused on the need to relocate Town Hall away from the business center both for the convenience of employees and patrons and to draw away the traffic and parking needs they create.

Because Falmouth’s economy is tourist-driven, with new people arriving every day, the survey included a number of questions concerning signage. The committee had focused attention on the current state of signage in the downtown and found a number of confusing or faded signs as well as general lack of signage to guide people off of Main St. for parking. The survey results did not support the committee’s concern over signage, probably due to the low number of tourists who responded to the survey. Signage is less important to respondents who live here, as they already know where they are going.

Individual comments showed strong support for making Main St pedestrian-only or one-way (with Katharine Lee Bates), for safe access for bikes, for a parking garage across from Shivericks Pond, for school/bank/church parking, and for diagonal parking on Main St. to ease traffic back-ups from people trying to parallel park. There was also support for dedicated employee parking away from prime spots.

The committee undertook the survey because, according to member Alison Leschen, “We wanted to see what people thought of the current access to downtown and what improvements or changes should be considered.” There is a wide range of people who come to the downtown including residents, tourists, workers, shoppers, diners, government service seekers and delivery service providers. Each user has slightly different needs and perspective. Ralph Herbst of the committee noted it was important that the committee hear from everyone in order to identify “optimum solutions for our entire community.” The Chamber of Commerce, Falmouth Village Association, the local AFSCME unit, FCTV, the League of Women Voters, local social media websites and the Falmouth Enterprise all helped spread the word on the availability of the survey. Results include representation from downtown residents, offices, stores, restaurants, shoppers, and government offices. The committee is considering re-opening and advertising the survey in the summer through hotels and other accommodations to better capture the opinions of tourists and visitors.

The committee intends to use the survey results to support its recommendations to the Select Board. They will be presented at their June 7 Board meeting. The Transportation Management Committee’s full report with recommendations is available on the committee’s webpage at <https://www.falmouthma.gov/417/Transportation-Management-Committee>.

BUSINESS

8. Inquiry into waiver of residency requirement for a constable

(William Dalton was interviewed and appointed as a Constable by the Board of Selectmen on 8/10/2015. When his application was received, it was missed that he is not a Falmouth resident. He is up for reappointment.)

Diane Davidson

From: Julian Suso
Sent: Wednesday, May 26, 2021 4:27 PM
To: Diane Davidson
Subject: RE: Information

Thanks Diane. Let's place this "inquiry into waiver of residency" on the upcoming June 7 SB agenda. We should include Frank's email guidance below in the Board packet.

Julian

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Wednesday, May 26, 2021 3:17 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Subject: FW: Information

Julian,

I found the email with Frank's guidance regarding the appointment of William Dalton, a Mashpee resident.

If the Board voted to reappoint him, they would also need to vote to waive the residency requirement in the policy.

If this is how we should proceed, then I can mail the standard letter asking if he would like to be reappointed, plus a cover letter explaining the policy and the need to request the residency requirement.

Thank you,

Diane

From: Frank Duffy [<mailto:fduffy@falmouthmass.us>]
Sent: Friday, January 29, 2016 2:28 PM
To: Diane Davidson <ddavidson@falmouthmass.us>
Cc: Julian Suso <jsuso@falmouthmass.us>; Heather Harper <hharper@falmouthmass.us>; Patricia Harris <pharris@falmouthmass.us>
Subject: RE: Information

The Board of Selectmen has a written policy on appointment of constables. It says (among other things) 1) constables shall be a resident of the town and 2) a constable may be removed from office for malfeasance, misfeasance or neglect of duty. This is a policy only without force of law. There is no residency requirement in the town charter, any town bylaw or in G.L. c. 41, s. 91A. Under G.L. c. 41, s. 109 a residency requirement is not effective unless it is a bylaw. An applicant filed an application clearly showing that he was not a resident. The board, apparently forgetting its policy, appointed him to a 3 year term several months ago. He has been sworn to office and is working.

The appointment is valid. Non-compliance with the policy does not invalidate the appointment. The board has the authority to waive its policy or act contrary to it in its discretion. Under the circumstances the constable may be removed from office only for cause. In accordance with Massachusetts case law an appointed official can be removed from office for malfeasance, misfeasance or neglect of duty – as stated in the policy.

It would be appropriate to notify the constable that reappointment three years hence will require the board to affirmatively waive the residency provision in the policy.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

THE COMMONWEALTH OF MASSACHUSETTS

The Town of Falmouth

May 24, 2021

William Dalton
P.O. Box 823
Forestdale, MA 02644

Constable

The Select Board has decided on this format for inquiring about the status of Committee and Board members wishing to be considered for reappointment. Our records indicate that your term is about to expire. Under the terms of the Falmouth Charter an incumbent will continue to serve until reappointment or a successor is appointed.

Please indicate if you are interested in being considered for reappointment by completing the form, below, and return this letter to the office of the Select Board, 59 Town Hall Square, Falmouth, MA 02540 or email this letter to diane.davidson@falmouthma.gov no later than **Friday, June 4, 2021**.

Thank you for your cooperation and interest in serving the Town. If you have any questions please call this office at (508) 495-7320.

Sincerely,

Julian M. Suso
Town Manager

I am interested in reappointment to the Constable.

Please check one:

YES NO

SIGNATURE William Dalton DATE 6-4-21
EMAIL n/a TEL. # 508 397 8855

**William Dalton
19 Gunter's Lane
Mashpee, Ma 02649**



Work Experience

October 2019 - January 2021

SECURITY OFFICER, Ridge Club, Sandwich, Ma

- Verify and log entry of residents and their guests into a gated community
- Contact authorities as needed

Fall 2016 - Present

TOWN CONSTABLE, Mashpee, Ma

- Post town warrants

Spring 1997- April 2020

DEPUTY SHERIFF, Barnstable County

- Serve subpoenas, subpoenas duces tecum, and orders to vacate to civil litigants
- Record Returns of Service
- Prepare and file billing for provided services

Volunteer Service

Fall 1997- Present

ELECTION POLL VOLUNTEER, Mashpee, Ma

- Guide voters through the polls for both local and national elections
- Oversee voting protocols

References available upon request

June 4-21

Town of Falmouth

Board of Selectman

Thank you for allowing me to address
the board, re: my renewal of "Constable"

I have recently accepted a position of
Constable with Barnstable Constable's office, for the
Towns of Mashpee & Falmouth. I am hoping
you will allow me to continue in this position.

Soon, the courts will get back to normal
and civil process will also become a need again. I
offer 21 years of experience and reputation to
support my request.

Thank you for your consideration.

Respectfully

Bill Dalton

BUSINESS

9. Review committee liaison assignments

Select Board
Committee Liaisons

COMMITTEES	Braga	Jones	Brown	Taylor	Patterson	RELATION	AUTHORITY	DAY	TIME	LOCATION	ROOM
Affirmative Action Committee				x		liaison		2nd Monday	7:00 p.m.	Town Hall	Small Conf. Room
Affordable Housing Committee					x	liaison		3rd Thursday	3:00 p.m.	Town Hall	Old Water Dept. Room
Agricultural Commission		x				liaison		Last Monday	6:30 p.m.	Town Hall	Small Conf. Room
Assembly of Delegates (Barnstable County)			x			member	elected				
Beach Committee			x			liaison	charter	3rd Wednesday	7:00 p.m.	Harbor Master's Office	180 Scranton Ave.
Bicycle and Pedestrian Committee	x					liaison		1st Wednesday	7:00 p.m.	Town Hall	Old Water Dept. Room
Board of Health	x					liaison	charter	Every other Monday	6:30 p.m.	Town Hall	Civil Defense Room
Cable Advisory Committee				x		liaison		3rd Monday	5:15 p.m.	FCTV	310 Dillingham Ave.
Cape Cod Water Protection Collaborative			x			member					
Coastal Ponds Mgmt. Committee (inactive)			x			liaison		1st Monday	7:00 p.m.	Harbor Master's Office	180 Scranton Ave.
Commission on Disabilities				x		liaison		2nd Thursday	2:30 p.m.	Gus Canty Rec.	All Purpose Room
Commission on Substance Use				x		liaison		4th Thursday	5:30 p.m.	Gus Canty Rec.	790 Main St.
Community Preservation Committee					x	liaison		2nd & 4th Thursday	7:00 p.m.	Sch. Adm. Bldg.	340 Teaticket Hwy.
Conservation Commission					x	liaison	charter	Every Wednesday	7:00 p.m.	Town Hall	Sel. Meet. Rm.
Council on Aging	x					liaison	charter	4th Thursday	4:00 p.m.	Senior Center	300 Dillingham Ave.
EDIC					x	member		2nd Tuesday	8:30 a.m.	Town Hall	Sel. Meet. Rm.
Edward Marks Building Advisory Committee			x			liaison		Thursday as notified	4:00 p.m.	Town Hall	CPC Conf. Rm.
Energy Committee				x		liaison		2nd Wednesday	8:00 a.m.	Town Hall	Small Conf. Room
Falmouth Housing Authority		x				liaison	elected				
Finance Committee					x	liaison	town meeting	Last Tuesday	7:00 p.m.	Sch. Adm. Bldg.	340 Teaticket Hwy.
Golf Advisory Committee		x				liaison		Wednesday as notified			
Historical Commission				x		liaison	charter	1st Tuesday	6:00 p.m.	Town Hall	Civil Defense Room
Human Services Committee				x		liaison	charter	1st Tuesday	4:30 p.m.	Town Hall	Sel. Meet. Rm.
Library Board of Trustees		x				liaison	elected	2nd Tuesday	6:45 p.m.	Main Library	300 Main Street
Planning Board			x			liaison	elected	Every Tuesday	6:30 p.m.	Town Hall	Sel. Meet. Rm.
Recreation Committee		x				liaison	charter	2nd Wednesday	7:00 p.m.	Gus Canty Rec.	790 Main Street
School Committee					x	liaison	elected	2nd & 4th Tuesday	6:30 p.m.	Sch. Adm. Bldg.	340 Teaticket Hwy.
Sign Review Committee (inactive)						liaison		2nd & 4th Wednesday	5:00 p.m.	Town Hall	Sel. Meet. Rm.
Solid Waste Advisory Committee	x					liaison		1st Tuesday	7:30 p.m.	Town Hall	Small Conf. Room
Town Building Committee (inactive)											
Transportation Management Committee								Thursday as notified	6:00 p.m.	Town Hall	Old Water Dept. Room
Veterans Council Committee				x		liaison		2nd Wednesday	4:00 p.m.	Town Hall	Civil Defense Room
Water Quality Management Committee								1st & 3rd Thursday	3:30 p.m.	Town Hall	Sel. Meet. Rm.
Waterways Committee			x			liaison	charter	1st Wednesday	7:00 p.m.	Harbor Master's Office	180 Scranton Ave.
Zoning Board of Appeals		x				liaison	charter	Every Thursday	6:30 p.m.	Town Hall	Sel. Meet. Rm.
Total	4	6	7	7	6						

Diane Davidson

From: Nancy Taylor
Sent: Saturday, May 29, 2021 9:00 AM
To: Diane Davidson

Good morning Diane,

When completing committee assignments, please reassign the Energy Committee. It is the one subcommittee that meets in the morning and I have only been able to attend a couple of times.

Thank you,
Nancy

Sent from my iPhone

BUSINESS

10. Vote to affirm FY22 2% COLA for non-union employees

BUSINESS

11. Review and vote to approve minutes of meetings: Public session –
March 22, 2021

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, MARCH 22, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the March 22, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

- 1. The meeting will be televised via Falmouth Community Television.*
- 2. Real-time public comment can be addressed to the Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. Zoom Login instructions:*
 - i. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/BOS>.*
 - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
- 3. Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
- 4. Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

AGENDA

- 1. Chair English Braga called the open session to order at 6 p.m. an motioned to convene the executive session under 1. MGL c30S s21(a)(3)-Discuss participation by DPW water division in multi-district municipal litigation re: PFAS (perfluoroalkyl substances) and MGL c30A s21(a)(2)-Discuss Town Manager Employment Agreement because to not go into executive session could prejudice ongoing negotiations. Mr. Jones seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above listed items and to return to open session after discussion. Roll Call Vote: Chair English Braga, aye; Mr. Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.**
- 2. Chair English Braga reconvened the open session.**
- 3. Pledge of Allegiance**
- 4. Recognition**
Chair English Braga asked to reflect on the tragedy in Atlanta, loss of life, and impact it has had on Asian Americans and Pacific Islanders, she hopes we do a better job in characterizing these incidents and as a community we are standing in solidarity for those in Atlanta and in our community.

Ms. Taylor noted they are looking at the microaggressions and trying to make sure people understand what they are and how they hurt.

Mr. Brown would like to stop the hatred from one group to another.

5. Announcements

Mr. Patterson noted EDIC working with developer of the second phase of solar power of landfill offering a 50% discount: Joe-4-Son will pay up to 50% of electric charges up to \$300 per year. Must be low income rate payor to qualify, go to the EDIC website. Falmouthedic.org or call Citizens Energy 855-563-4786.

Mr. Patterson noted the Town and EDIC have grants for small business owners affected by the pandemic, deadline is 3/31/21, referred to falmouthedic.org or call 508-548-7440 for more information.

More information regarding the legislatures' webinar can be found on the Falmouth League of Women Voter's website.

6. Public Comment-none.

SUMMARY OF ACTIONS

1. Licenses

- a. Application for One-Day Sunday Entertainment Licenses – Falmouth Yacht Club, 290 Clinton Avenue – Sundays, 6/27, 7/11, 7/25, 8/8, 8/22 and 9/5/21 from 4:00 p.m. to 6:00 p.m.

Mr. Jones motion approval to 6:30 p.m. and acknowledge Covid-19 precautions in place for these events. Second Mr. Patterson.

Mr. Brown noted multiple licenses, new location for the band, it will face back from the building. If disruptive, the applicant will address it. Their goal is to make it enjoyable for members and those along the water.

Ms. Taylor noted live acoustic music.

Ms. Taylor motion approval Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

2. Administrative Orders

- a. Vote to accept FY21 First Responder Naloxone Grant funds from the Department of Public Health in the amount of \$6,750.01.

Mr. Jones motion approval. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, reviewed the Covid-19 Vaccination in MA Eligibility Status on the State website. Now at individuals age 60+, workers in certain sectors eligible as of today. 4/5/21 individuals age 55 and one more comorbidity, next will be everyone age 16 and over. Preregistration is available, the State will give you an appointment at a mass vaccine site. Vaccine through Barnstable County, sign up for email, that will allow you to get notice of upcoming clinics and it will be on the Town website. Increase in doses over 3,000 per week. More activity at the fairgrounds because of more vaccine availability. Pharmacies can be checked as well via their websites. Also available for veterans over age 55 through the VA. Most vulnerable residents/senior citizens are served via Senior Center coordination. Homebound are being served and may call the Senior Center for assistance scheduling. About 36% of Town citizens have been vaccinated. Mass vaccine sites will have days for educators, Barnstable County doing clinics, Cape Cod Healthcare is also working on vaccinating teachers. Not limited to registering at one place for the vaccine. Falmouth Case count was reviewed, hovering 25-30 cases per week. Positivity in low two's. Falmouth has the lowest infection rate on the Cape.

Article in Cape Cod Times Saturday that State was sending people to the Cape due concern of a spike, focus on Barnstable and Yarmouth. Mr. McGann said they are doing outreach to mitigate the occurrence in

those areas. Phase 4 does not include fairs, festivals, and road races. Events in public settings and private setting number of individuals was reviewed. Travel advisory is no longer a requirement, fully vaccinated are exempt.

2. Discussion of potential separation of April Town Meeting Articles and future Special Town Meeting and Consider and announce Special Town Meeting and closing of warrant for articles not considered at the April 2021 Annual Town Meeting

Chair English Braga noted this came about as we have been hearing a lot of Town Meeting members raising concerns that this is a very large warrant, virtual Town Meeting, will that impact ability for people to weigh in. Some articles on this warrant will have a number of people that want to weigh in on the subject matter. Can those time sensitive articles be separated out so that services and finances are not interrupted and hold items that do not have a fiscal year deadline in the sensitive way that it needs to happen sooner. Can we meet in person in June outside, that will be more conducive to weighing in.

Mr. Johnson-Staub noted considerations looking at are how do we take on the more time sensitive articles and defer others. Seeking to plan a Special Town Meeting for those articles that they do not expect to be able to address at the virtual meeting on 4/12/21. Moderator would call for a blanket vote first, then determine what articles to the Special Town Meeting, would need to indefinitely postpone all these articles, but would already have put them on a warrant for a June Town Meeting. The Moderator and Chair English Braga have been talking about potential dates for Town Meeting, desire to have flexibility for an outdoor meeting if weather allows and inside if needed. Schools are hoping to be full time in person, schools are not available until after last day of school on 6/22/21. The Select Board may consider an earlier date or put off until after 6/22/21, there is no risk if a meeting is delayed past the 7/1/21 deadline. Call a Special Town Meeting for the FHS outside if inclement weather than they will be able to hold it inside. The date needs to be set by 4/5/21, so can continue to have conversations with the school regarding logistics. Looked at starting early on a Saturday and also looked at weekdays.

Mr. Brown is concerned about deferring the CPC articles regarding Affordable Housing Funds. Mr. Johnson-Staub noted there are projects in planning stages that would exceed the Falmouth Affordable Housing Funds, but the revenues are not available to be received and appropriated until 7/1/21, so as long as that article is passed by 7/1/21, it does not slow down the Town on those items. Mr. Brown likes the Saturday idea. Only Saturday would be 6/26/21. There is insufficient space at Gus Canty if there is a large turnout.

Mr. Jones motion to create a Town Meeting warrant for the June town meeting and indefinite postponement at the April Town Meeting with articles suggested for June. Second Mr. Patterson. Roll Call Vote: Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Brown asked to put the CPC funding for affordable housing into the April meeting, he does not want to hold up projects. Mr. Jones noted there is no difference whether it is passed in April or June, because the funds will not be available until July 1, 2021. Mr. Patterson would like to see it stay in the April Town Meeting noting processing of applications require municipality support, if it is kicked to August, it would be hard to get support

Mr. Johnson-Staub noted there was a mechanism that allows to make an award subject to appropriation, the housing developer applicant to show municipality support, could issue an award letter that is subject to appropriation. If needed, they would do a virtual Special Town Meeting in June if it is all we have as an option.

Mr. Jones motion to open the warrant for a Special Town Meeting on April 1, 2021, and close on 4/2/21. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

At meeting on 4/5/21 will set the warrant with recommendations for the special town meeting held in June and the date of that Town Meeting announced.

Mr. Jones motion that the Select Board agrees to put articles on the Special Town Meeting Warrant when it is created. Those articles are 2, 17-36, and 38-40 and committed to Special Town Meeting for

June. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

3. Interview, vote and appoint alternates for two Beach Committee positions:

Chair English Braga asked the appointment to end 11/1/21.

Dr. Barbara Schneider

Has been here since the late 1970's, watched over Menahaunt, has provided information to the Select Board on what needs to be done to keep it safe, work with the DPW, at the last meeting they visited the idea of adopt a beach, she was part of that group in its beginning stages and continues to work with them. She has had some partnership in what they are doing, and she cares about every beach in this Town and would like to do whatever she can to help. She has attended a number of Beach Committee meetings.

Carol Rader

The ten beaches are a great resource and concerned about rising sea level, she would like to monitor each of the beaches to see what kind of data we can get. She has background of working with high school students as a counselor. Asked if there is a pandemic related beach management plan for this year? Chair English Braga noted this is an ongoing conversation based on the public health situation.

Larry Liberfarb, not present

David Glynn

Town lifeguard 1962-67, his four children were Town lifeguards, aware of the issues facing the beaches, civic responsibility is important to him, aware of the issues trash, parking, erosion, and can help solve these issues. He has not attended or observed any Beach Committee meetings.

Nancy Quigg

Been in this town since 1974, raised her children, served on Substance Abuse Commission, VIPS volunteer, beaches are one of our greatest assets, she is a great worker. Her daughter is a staff guard, but it is her understanding as an advisory board there is no conflict. She has not attended the meetings, she has been in school, she talks with Paul Miskovsky a lot, on the beaches, and she gets the drift on what is going on with the beaches through her daughter.

Christine Waggett-not present

Mr. Jones motion to appoint Dr. Schneider to a term ending 11/1/21. Second Mr. Brown. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

Ms. Taylor motion to appoint Ms. Quigg to a term ending 11/1/21. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

4. Discussion and proposed policy recommendation regarding requests for sewer connections for properties outside of existing sewer service areas – Amy Lowell, Wastewater Superintendent; Eric Turkington, Water Quality Management Committee

Chair English Braga noted this is a long standing question that has gone on for a while, tonight will publicly answer this question.

Ms. Lowell shared her screen and presented PowerPoint. They receive requests to connect to the sewer from outside the existing sewer service area. About 11% of the developed properties in Town are connected. Map showed that most of the Town is not sewer, she reviewed the areas that are sewer. A number of requests to connect near sewer areas. People request sewer connection because they have a small lot and/or shallow depth to ground water and if they want to expand development on their property, it can be limited by Title V. If their septic system is failing, people contact the Town to see if they can connect to sewer in lieu of spending money on existing septic system. She has been denying connection to those outside the sewer area for years. There are strict capacity limitations, biggest is the Town's stringent groundwater discharge permit for the main wastewater facility. Purposes of sewer projects in the 1980's and 2000's were to eliminate public health issues due to septic system overflows, odor, septic breakout,

eliminate outfall discharge of chlorinated wastewater. MA Sewer Extension Regulations have changed, the DEP would not support any connections to properties outside of sewer areas and can intercede if necessary. Current focus of sewerage is to improve water quality in impaired coastal ponds. Most impacted estuaries addressed first. The Town has fourteen estuaries that are all impaired and will require action in the long term. Ms. Lowell reviewed the sewer projects recently completed and proposed including Little Pond Sewer Service Areas, WWTF Improvements, Teaticket/Acapesket Sewer Area Sub Area 1. Existing sewer service areas were carefully delineated, not arbitrary, function of watershed boundary and practicality of sewerage, watershed boundary delineated by USGS, reviewed service area parcel by parcel with state, and parcels within the watershed impact pond water quality, those outside do not. Process to expand the service area was described and is lengthy and expensive. Flow Neutral Bylaw was voted in 2014/15, applies to development or redevelopment within an existing sewer service area. Properties cannot gain permission to connect via a flow neutral bylaw variance. Flow was allocated for development of the properties within that areas.

Ms. Lowell is requesting the Select Board adopt a policy that only properties that abut a sewer connection line are allowed to connect to the sewer.

Ms. Taylor did not realize this is a Select Board policy matter. Chair English Braga noted there is only one policy they can ever make, which is the policy controlled by DEP. Ms. Lowell would rather not take it to the State if they do not have to, it is something that can be resolved at the Town level.

Mr. Turkington noted the policy is dictated by the State, it is before you because Ms. Lowell has had to field persistent inquiries and demands by those who want to be connected to the sewer and would not take no for an answer.

Mr. Suso explained that they continue to receive adamant, heated, and aggressive inquiries from individuals who insist they have a right to do this and want to come to the Select Board. If the Select Board affirms the position that DEP has taken, staff can share with those making inquiries.

Mr. Brown noted it is already in writing on the State DEP website. Just say it is out of our hands, he is concerned about the Select Board voting a policy that says they will not support it. Mr. Turkington said that this arose when LPSSA was being planned and going on ever since; no one has said no and those inquiring will not be satisfied by saying go the DEP website to see what they say. A statement from the Town regarding who can hook up and who cannot be helpful.

This Select Board does not have the ability to grant waivers, with exception of the Flow Neutral Bylaw, because it is in contraction with DEP regulations. These properties do not affect this watershed, the line has been drawn.

Mr. O'Reilly commented that when an email was sent to the DEP, it was forwarded back to Ms. Lowell.

Mr. Brown asked if we have the authority to choose to change those lines should we so desire? Ms. Lowell said only through the comprehensive wastewater planning process, a modification to their plan may propose a change to a sewer area and would need to say where that treated wastewater is going to go, have treated wastewater capacity, and the Town would develop that plan and run through the Town to the regulators and get it funded and designed. It can only be accomplished through a planning process.

Michael Grey asked definition of abut is, if it is within 50-100ft, would that be consistent with the definition of abut? Ms. Lowell said no, every service area has a line, when she says abut, she means the property is adjacent to a sewer line in the street/in front of your house. Better to talk about the defined sewer service area because that language may be clearer.

Chair English Braga motioned that only properties located within a state approved sewer service area are allowed to connect to the sewer. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Patterson asked about prospects of expanding our discharge capacity, Mr. Turkington said it needs to be done to accommodate the additional flow. A plan will be brought to the Select Board within a year.

5. Presentation from Amp Energy on potential lease agreements related to Town Meeting Article 21

Evan Turner noted they talked to Planning Board about the potential array at the Cape Cod Country Club. The property was going to go on the market for sale, it's about 150 acres with over a mile of street frontage. Mr. Ament and the firm put the seller in touch with Amp and himself. Looking to empower the Select Board for some leeway on the tree removal, some screening requirements, and setbacks. He reviewed a map of the area. This gives maximum of six acres per property. Gives them the chance to do this with significant tree planting. Once they buy a piece of land it makes all the sense to give it to the Town and has worked out in another local Town. Proposing to the Town, when they get all permits and to the point they would exercise Article 21 additional leeway, they would negotiate a lease that the Town would inherit along with the donation of the property. About half the property becomes conservation, they plant more trees, and may have a spot for affordable housing. About 27 megawatts across three main properties. This would be the largest solar array on Cape Cod.

Mr. Turner said about 18 acres of trees would be cut down, replanting 24 acres.

Mr. Brown noted Falmouth Water Quality Committee supported. The tree cutting is marginal habitat the improved plantings in other areas would be beneficial.

Ms. Taylor noted Ms. Scott Price asked how many affordable homes and units would fit in the area described? Mr. Turner noted it becomes up to what the Town would install.

Karen Bissonnette commented that they usually recommend 4 units per acre.

Term of the lease would be 40-50 years, but you can always extend past.

6. Discussion on designation of the local option portion of the short-term rental tax to the affordable housing fund

Peter Johnson-Staub noted Mr. Brown brought this forward, he is in communication with Affordable Housing Advocates and asked to schedule this discussion and made a PowerPoint presentation.

Local options for short term rental tax, provision to increase the local rooms tax was approved by the voters effective 7/1/21. Reviewed the tax overview. Community Impact Fee can be adopted up to 3% and only to short term rentals, there are two components the Town may choose to exclude short term rentals within units operated by the owner. Local option notes a percentage must be earmarked for affordable housing or local infrastructure projects. Short term estimated break out for fiscal year 2020 if applied the 3% community impact fee to the short term rentals, would equate approx. \$350,000.

FY2020, those revenues were very high and may not continue at that amount. 16 municipalities have adopted the community impact fee. This is an opportunity for a new revenue source that could be earmarked for affordable housing, hoping not to redirect existing revenues for affordable housing.

Mr. Brown intended to earmark the amount of increase we have had since adopting; we could scale the additional money to the Affordable Housing Fund.

Raises concerns for the Town Management due to the budget already being in place.

Mr. Patterson noted the housing production plan recommended a certain number of units per year to get back to an equitable balance; salaries do not support working here and purchasing a home here in town. He would like young families to be able to come and live here.

Mr. Brown has a cottage he rents on Air BNB, they could not rent all spring, revenue up, came later after restrictions were relaxed. When that lifted, people have come, but revenues were off as a result of the pandemic affecting travel in the spring. He would like to track the increase.

Mr. Jones is in favor of looking at the Community Impact Fee; increase of Air BNBs is impacting the Town.

Mr. Suso noted this is important purpose, cautioned the use of existing revenues of the anticipated 2022 budget, uncertainty of those revenues. If considering defunding or reassessing, it will potentially impact the existing budget, an additional burden to the Town on seasonal housing and Air BNB's and using some of that revenue to approach the affordable housing issue is what this enabling legislation is all about.

Ms. Taylor noted they talk about supporting affordable housing and it being a goal, she would like to think about how could we support it more effectively? Is there a way to look at how we budget so we can be creative in ways to support affordable housing.

Ms. English Braga noted the strategy of how it will be tackled, doing it piecemeal is painful, spend so much time on long debates about potential affordable units, chipping away at something that needs a much broader stroke to cut into. Mr. Patterson noted that is an appropriate issue to have a joint meeting with the Planning Board.

Mr. Brown suggested tracking the short term revenue and feels it should be a dedicated source of funding to address that impact.

Mr. Johnson-Staub suggested adding 1% room to grow, can add this to the entire rooms tax.

7. Consider/approve proposed ballot question for May 2021 municipal ballot

Mr. Suso explained that there was a request from the School Department and Jennifer Mullen, Finance Director, for a roof replacement for Teaticket School, they are exploring MFPA funding for reimbursement of this significant cost. The Select Board was asked to place this language on the municipal ballot in May in support of the schools and Teaticket roof replacement.

Mr. Patterson noted these funds were made available when another school was reroofed.

Mr. Patterson motion the Town of Falmouth shall be allowed to exempt from the provisions of proposition two and one-half so called, the amounts required to pay for the bond issued in order to replace the roof for the Teaticket Elementary School. to approve language in the packet. Second Ms. Taylor. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

Ms. Scott Price commented that she is chairing a working group to review.

8. Approve 2021 Annual/Seasonal License Renewals:

All Alcohol Restaurant License

Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth
Falmouth Raw Bar, 56 Scranton Avenue, Falmouth
Landfall Restaurant, 9 Luscombe Avenue, Woods Hole
Quicks Hole Taqueria, 6 Luscombe Avenue, Woods Hole
Shuckers, 91 A Water Street, Woods Hole

All Alcohol Club License

Seacoast Shore Association, Inc., 7 Farview Lane, Falmouth

Common Victualler License

Eulinda's 634 West Falmouth Highway, West Falmouth
Jim's Clam Shack, 227 Clinton Avenue, Falmouth
The Blended Berry, 56 Davis Straits, Falmouth
The Village Café, 634 West Falmouth Highway, West Falmouth

Chair English Braga motion to approve. Second Mr. Brown. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

9. Discussion and vote on Town Manager employment agreement

The Select Board met in Executive Session, subcommittee Ms. Taylor and Mr. Jones worked with Town Counsel and Town Manager, reviewed terms of the Town Manager's employment agreement, 3 year contract begins 11/2021, the terms were reviewed. The Select Board will set up a subcommittee to review the goals and review the evaluation document.

Mr. Jones provided the four goals to implement: the online permitting system, dispose of turbines, get a project manager for Sandwich Road fire station, and create/implement performance evaluations for department heads.

This contract will be a public document.

Mr. Patterson motion to approve. Second Mr. Jones. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

10. Minutes of Meetings: Public Session
December 21, 2021

Mr. Patterson motion to approve and release for public access. Second Ms. Taylor. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

11. Individual Select Board Members' Reports

Mr. Jones:

Meeting with the Steamship Authority short term traffic mitigation committee, asked the Select Board to send a letter to the MA DOT looking into increase signage and traffic signaling, and if they will send additional trucks to make sure they are in compliance.

This will be an agenda item. Ed DeWitt, Transportation Management Committee, feels comfortable handling this.

Mr. Brown:

Attended Steamship Authority meeting with presentation from Ed DeWitt and Transportation Management Committee regarding apply for grants to do studies, consider whether the New Bedford pier could be coordinated.

Mr. Patterson:

Attended annual meetings of the Friends of Nobska Light Board, house renovated but no occupancy commitment. Site work needs to be done, another Title V septic to be installed. Cash reserve now of about \$350,000.

Chair English Braga:

Announcement for future strategic planning, presentation from Charter Review Committee at the last meeting, they presented a lot of information. Some of the last subject matter is better suited for that format and to discuss the broader issues. Some recommendations from Charter Review will be discussed.

12. Town Manager's Report

Mr. Suso attended SSA long range task force, making a lot of headway, and meeting regularly. He attended the Annual Friends of Nobska Light Board meeting. The Select Board's next regular meeting is 4/5/21. Still seeking a follow update for the joint meeting with the School Committee. Thanked the Select Board for the vote on his employment contract.

Mr. Jones motion to adjourn at approximately 10:14pm. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Patterson, aye; Mr. Jones, aye; Mr. Brown, aye; Chair English Braga, aye.

Respectfully Submitted,
Jennifer Chaves
Recording Secretary

BUSINESS

13. Town Manager's Report

REPORT

TO: Falmouth Select Board Members

FROM: Julian M. Suso JM Suso

DATE: June 4, 2021

- The Board will convene in closed virtual executive session at 6PM on Monday, June 7 for the purpose of reviewing matters related to Mayflower Wind. Town Counsel will be joining us for this discussion.
- Under “Administrative Orders” the Board is asked to affirm its vote at your last meeting regarding the temporarily extended masking order for municipal government buildings. This includes some expanded language provided by Associate Town Counsel Irie Mullin.
- We will be providing a brief status update on preparation for the upcoming Town beach season. A written summary will be included in your Board packet.
- We will also be providing a status update on preparations for a “phased” re-opening (and ultimately a grand-opening) of the new Senior Center.
- Matt Patrick will be presenting comments as a springboard for a discussion of the Town storm water program and responsibilities.
- The Transportation Management Committee has suggested that the Board consider supplementing your earlier letter to MassDOT and also mention a concern over some potential sight-line and overweight truck issues.
- The Board is asked to consider voting to approve some or all of the multiple recommendations from the Transportation Management Committee regarding downtown access and parking. This very detailed set of expanded recommendations and directives is included in your Board packet. As I noted during this previous presentation, some of these suggestions are already in place or underway. Others would be significantly impactful on downtown activities and businesses. This would also require specific and definitive actions to be undertaken by the Police Department, the Public Works Department and other Town departments. You may wish to have further input on these from the respective department. The Select Board functions as the Town’s Road Commissioners; we will follow the Board’s respective determinations on potentially assigning priorities to these multiple matters.

- As explained further in your Board packet, one of the persons approved in the recent past as a Town Constable does indeed reside in another community. This is contrary to your policy. Should it be desired to approve a further appointment for this person, a waiver of your residency requirement would be in order.
- As you have in the past, I am asking that you consider voting to extend the same (2%) annual cost-of-living adjustment which you have granted to Union employees – also to the approximately fifty full-time non-Union employees who work for the Town. This would be for the coming Fiscal Year 2022, which begins on July 1. Existing funding is in place in the budget (which Town Meeting has approved) to accommodate this adjustment. I so recommend.
- The search process is well underway for a successor to retiring Building Commissioner Rod Palmer, who will be working through July 19. This position was posted on multiple employment websites back on May 14. We have received a modest response over the past three weeks since this posting. Working closely with HR Director Denise Coleman, we are expanding the search and advertising process to include the New England Region rather than focusing primarily on Massachusetts. We are working with qualified and licensed individuals in exploring options for ensuring continuity during the coming transition period after mid-July.
- The Board's next regular business meeting will (at this point) be an in-person meeting in the Select Board's Meeting Room set for 7PM on Monday, June 21.