

TOWN OF FALMOUTH

SELECT BOARD

AGENDA

MONDAY, SEPTEMBER 13, 2021 – 6:15 P.M.

ELLEN T. MITCHELL BATHHOUSE

56 SURFSIDE DRIVE, FALMOUTH, MA 02540

AND

SELECT BOARD MEETING ROOM – 7:00 p.m.

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

6:15 p.m. CONVENE AND CALL TO ORDER AT ELLEN T. MITCHELL BATHHOUSE

1. Recognition of Bruce Mogardo
2. Adjourn to Select Board Meeting Room for 7:00 p.m. continuation

7:00 p.m. OPEN SESSION

3. Pledge of Allegiance
4. Proclamation – Suicide Prevention Month
5. Recognition
6. Announcements
7. Public Comment

7:15 p.m. SUMMARY OF ACTIONS (15 minutes)

1. Licenses
 - a. Approve application for special one-day wine & malt liquor license – Samaritans on Cape Cod and the Islands – Upper Cape Bocce Festival – Falmouth Academy, 7 Highfield Drive - Saturday, 9/18/21
2. Administrative Orders
 - a. Vote to authorize/approve letter of support for Falmouth Housing Corp. Scranton/Main Project
3. Special Events
 - Recurring – Recommended:**
 - a. Blues & Views – William Maurer – Bandshell / Marina Park – Sunday, 10/17/21

7:30 p.m. PUBLIC HEARINGS

1. Flow Neutral Bylaw – Evaluation of Request for Variance – Eel Pond Realty, LLC – 87 Water Street, Woods Hole (parcel 49A 01 003 000) (15 minutes)

7:45 p.m. BUSINESS

1. Discussion/update on COVID-19 issues (10 minutes)

7:55 p.m.

2. Discussion, vote on proposed Remote Participation Policy for Boards/Committees (10 Minutes)

8:05 p.m.

3. Interview, vote and appoint committee members (15 minutes)
 - a. Falmouth Housing Authority Tenant Board Member – Marianne Keevens, Deborah Cotton, Stephen MacDonald

8:20 p.m.

4. Vote to affirm appointment of Veterans Council Committee member (5 minutes)
 - b. Falmouth Lodge No. 2380 B.P.O. Elks representative – Ret. Lt. Col. Elizabeth S. Sweeney

8:25 p.m.

5. Report – Board of Library Trustees (15 minutes)

8:40 p.m.

6. Report – Board of Health **(15 minutes)**

8:55 p.m.

7. Presentation on Carousel of Light Project **(10 Minutes)**

9:05 p.m.

8. Vote Articles and Execute Warrant for November 2021 Town Meeting **(20 minutes)**

9:25 p.m.

9. Discussion on Acquisition/Placement of Radar Feedback Signs on Woods Hole Road **(10 minutes)**

9:35 p.m.

10. Review and Vote to Approve Minutes of Meetings: **(5 minutes)**
 - a. Public Session – June 7, 2021; August 30, 2021
 - b. Executive Session – Executive Session – August 30, 2021 (vote to release/not to release)

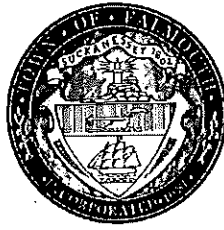
9:40 p.m.

11. Individual Select Board Members' Reports
12. Town Manager's Report

Douglas C. Brown, Chair
Select Board

OPEN SESSION

Proclamation – Suicide Prevention Month



PROCLAMATION

WHEREAS, September is known as Suicide Prevention Month, a time in which mental health advocates, individuals, prevention organizations, survivors, allies and communities around the country unite to promote suicide prevention awareness; and

WHEREAS, the past year has presented our communities with challenges and led to transitions that, expected or unexpected, welcomed or not, can be unsettling, disorienting, and stressful; and

WHEREAS, the pandemic has changed our fabric of life, and major life changes are environmental risk factors for suicide; and

WHEREAS, we know that connecting, working with, and supporting one another can help prepare us for the future; and

WHEREAS, according to the American Foundation for Suicide Prevention (AFSP), Suicide is the 10th leading cause of death among adults, and the 2nd leading cause of death among individuals between the ages of 10 and 34 in the US; and

WHEREAS, more than 48,000 people died by suicide across the United States in 2019, with an average of 132 suicides completed daily; and

WHEREAS, each suicide directly impacts a minimum of 100 additional people, including family, friends, co-workers, neighbors, and community members; and

WHEREAS, local organizations like the Cape and Islands Suicide Prevention Coalition encourage all residents to take the time to understand the importance of mental health education and recognize that taking care of ourselves and others includes taking care of mental health; and

WHEREAS, the Town of Falmouth publicly places its full support behind those who work in the fields of mental health, education, and law enforcement;

WHEREAS, all Barnstable residents are urged to play a role in suicide prevention and promote mental health and wellness as we strive towards reducing suicides; and

WHEREAS, September is recognized across the United States as Suicide Prevention Month and provides the opportunity to educate our community about the warning signs for suicide and how to reach out and connect to those experiencing an emotional crisis;

NOW, THEREFORE, be it resolved that we, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price do hereby proclaim the month of September 2021, as National Suicide Prevention Month.

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed on this 13th day of September, 2021.

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor

Onjalé Scott Price

Samuel H. Patterson

SELECT BOARD

Diane Davidson

From: Diane Davidson
Sent: Thursday, September 2, 2021 12:47 PM
To: 'Weir, Maura'
Subject: RE: Suicide Prevention Month Town Proclamation

Dear Maura,

The proclamation for National Suicide Prevention Month is scheduled on the next Falmouth Select Board meeting on Monday, September 13, 2021 at 7:00 p.m.

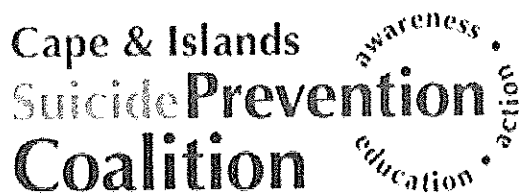
If you have any questions, please let me know.

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*

From: Weir, Maura [mailto:mweir@capecod.edu]
Sent: Wednesday, September 1, 2021 8:26 PM
To: Weir, Maura <mweir@capecod.edu>
Subject: Suicide Prevention Month Town Proclamation



September 1, 2021

Dear Board of Selectmen:

Each year, we lose more than thirty Cape & Island residents to suicide. For each of these suicide deaths, it is estimated more than thirty people are affected, six of them profoundly. Suicide is a public health issue in our communities; and it is preventable.

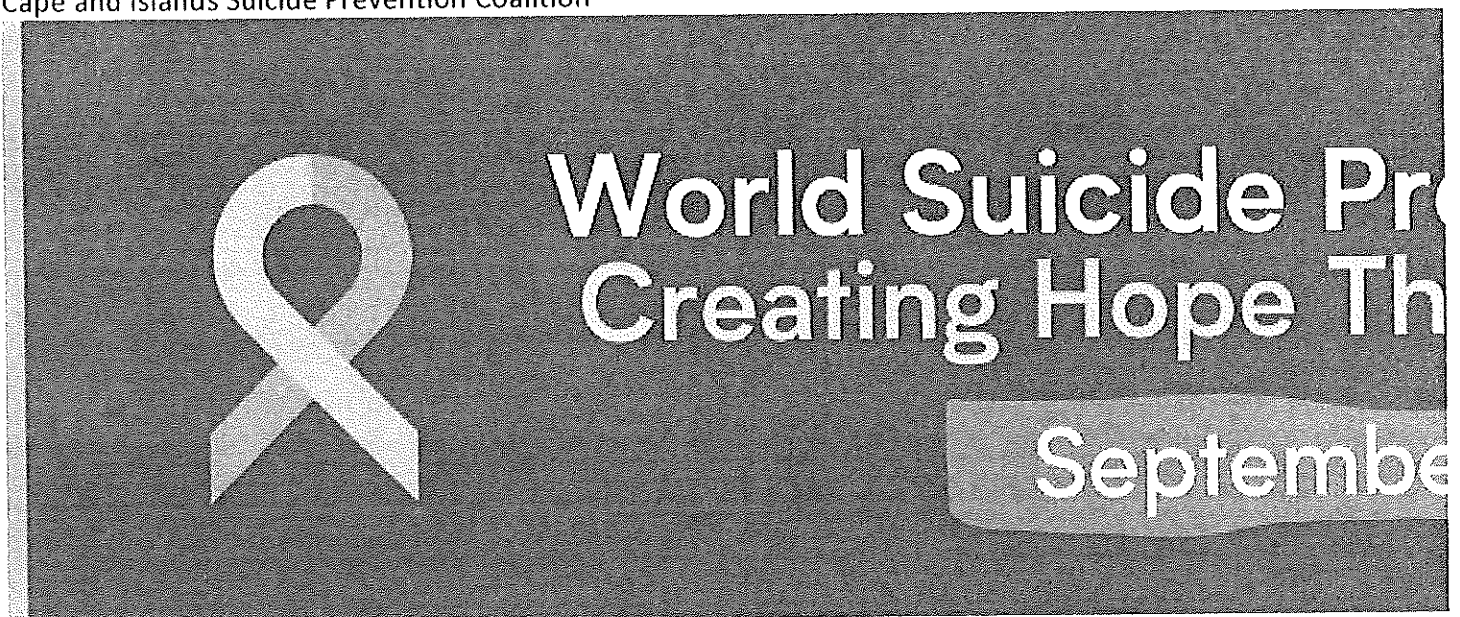
In recognition of National Suicide Prevention Month, the Cape & Islands Suicide Prevention Coalition is once again seeking to have September recognized as suicide prevention month in all of the towns on Cape Cod.

We aim to recognize this painful and often hidden part of our communities, to demonstrate our commitment to suicide prevention, and to send a message of hope to those struggling, grieving, or affected in any way by suicide. We know that by decreasing the stigma that surrounds suicide, we increase the likelihood that someone will reach out for help.

Please accept this proclamation request for the selectman's agenda for a September meeting spot (Sample proclamation wording is attached) we appreciate your consideration for this request, and look forward to hearing from you.

The proclamation can be emailed to me at suicideprevention@capecoalition.com or mailed to me at: Cape and Islands Suicide Prevention Coalition, P.O. Box 119, Barnstable, MA 02630

Warm Regards,
Dr. Maura Weir
Steering Committee Member
Cape and Islands Suicide Prevention Coalition



SUMMARY OF ACTIONS

1. Licenses

- a. Approve application for special one-day wine & malt liquor license – Samaritans on Cape Cod and the Islands – Upper Cape Bocce Festival – Falmouth Academy, 7 Highfield Drive - Saturday, 9/18/21**

2021

License Alcoholic Beverages

21-17-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 Samaritans on Cape Cod & the Islands
13th Annual Upper Cape Bocce Festival
Stephanie Kelly, Manager

Falmouth Academy
7 Highfield Drive, Falmouth MA 02540

On the following described premises:

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 18th day of September 2021 until the 18th day of
September 2021, unless earlier suspended, cancelled or revoked.

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

11:00 am to 5:00 pm Saturday, September 18, 2021

Per Falmouth Police Department: Put into place all safeguards and conditions that were met in past years.
In addition: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises
must remain on the premises. 3. Rope off area where alcohol will be sold and consumed. 4. Servers
must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their
official signatures this 13th day of September 2021

Licensing Board

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

PAID
\$10
CK#



**TOWN OF FALMOUTH
APPLICATION**

**SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES
M.G.L.A. CHAPTER 138, SECTION 14**

NAME OF APPLICANT: Stephanie Kelly
ADDRESS OF APPLICANT: Box 206 Monument Beach 02553
NAME OF ORGANIZATION: Samaritans on Cape Cod and the Islands
MAILING ADDRESS: Box 65 Falmouth 02541
TELEPHONE #: 508 548 7999 EMAIL: info@capecapemasssamaritans.com
LOCATION TO BE LICENSED: Falmouth Academy
EVENT TITLE: 13th Upper Cape Bocce Festival APPROXIMATE # OF PEOPLE: 150
DATE(S) OF EVENT: Sept. 18 HOURS OF EVENT: 11 - 5pm
AUTHORIZED MANAGER OF ESTABLISHMENT/EVENT: Stephanie Kelly

TYPE OF LICENSE:

- | | | |
|--|--|-------------------------------------|
| 1. WINE & MALT ☒ | NON-PROFIT ☒ | FOR PROFIT ☐ |
| 2. ALL ALCOHOLIC ☐ | NON-PROFIT ONLY ☐ | |

REQUIREMENTS check list:

1. Provide a narrative describing the event, including food service and security
2. Certificate of non-profit status (if your organization is non-profit)
3. Certificate of liquor liability insurance (1 million per occurrence and \$2 million aggregate)
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served and consumed, and security plan
6. Temporary Food Permit (Health Department) or confirmation from caterer (12c license)

DATE _____

Stephanie Kelly
APPLICANT SIGNATURE

Filing Fee: \$10.00

License Fee: \$25.00 per day

SELECT BOARD

Samaritans Upper Cape Bocce Festival fundraiser, Sept. 18

One-Day Event License Narrative

Event: The 13th Annual Upper Cape Bocce Festival will be on the grounds of Falmouth Academy, 7 Highfield Drive. It is a fund-raiser for the nonprofit suicide prevention organization, the Samaritans on Cape Cod and the Islands. We expect between 75 and 150 participants depending on ticket sales.

Time: The event is Saturday, Sept. 18. It runs from 11 a.m. to 4 p.m., but we need time before for set up and afterwards for cleanup.

Food: We will have a lunch from 11:30 a.m. to 12:15 p.m. catered by local restaurant La Cucina Sul Mare. Food will be served in a tent. Guests will dine at tables and chairs set up on the grounds nearby and on the bleachers next to the field.

Alcohol sales: Alcohol will only be sold to previously-registered participants of the fundraiser. Participants will be issued a wristband at check in and must wear their wristband to be served. No wristband, no sale. Only beer and wine will be sold, no liquor. Alcohol will be sold from behind a table inside a tent set aside exclusively for alcohol sales. Two TIPS-certified Samaritan staff-members will do the serving. They will check IDs before serving any alcohol.

Falmouth Academy Athletic Field

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Bocce Courts

Beer, Wine &
Beverages

Raffles and Prizes

Bleachers

Registration

Food

Diane Davidson

From: Info <Info@capesamaritans.com>
Sent: Friday, September 3, 2021 10:04 AM
To: Falmouth Town Manager
Subject: Samaritans bocce festival one-day license
Attachments: Bocce Festival liquor license documents.pdf

Linda, thank you so much for speaking with me this morning. You always sound so reassuring. This is my first time doing this, got a late start and am a little rattled.

Here are, I think, all of the documents required, except for the TIPS certification. Those will be coming next week.

Please find enclosed:

- One-day liquor license application
- Narrative of event
- Federal and state certifications of nonprofit status
- Site plan of the event showing alcohol sales isolated from general public and other activities
- Raffle license application
- Short memo about the catering

I will assume everything came through fine unless notified otherwise. Please do not hesitate to get back to me if there are questions or issues.

Thank you,

Dan Voorhis
Office Manager
Tel: 508-548-7999
Fax: 508-548-7998



LICENSE APPLICATION REVIEW

Restaurant/Business: Samaritans of Cape Cod & the Islands

Address: Falmouth Academy, 7 Highfield Drive, Falmouth

License Type: One-Day Special Wine & Malt Beverages License

- New or Transfer of License 13th Annual Bocce Festival
or
- Change of License _____

- ☒ Police
- ☒ Fire
- ☐ Building
- ☐ Health
- ☐ Zoning
- ☐ Planning
- ☐ DPW
- ☐ .
- ☐ .
- ☐ .
- ☐ .
- ☐ .

NOTES:

Phyllis Downey

From: Boyd Demello
Sent: Monday, September 6, 2021 6:38 AM
To: Falmouth Licensing; Brian Reid; Sean Doyle; Timothy Smith; Falmouth Health Department
Cc: Falmouth Town Clerk; Boyd Demello
Subject: RE: Time Sensitive-Samaritans Special One- Day License - Bocce Festival

Fire Rescue has no issues

From: Falmouth Licensing <licensing@falmouthma.gov>
Sent: Friday, September 3, 2021 11:35 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Falmouth Health Department <health@falmouthma.gov>
Cc: Falmouth Town Clerk <townclerk@falmouthma.gov>
Subject: Time Sensitive-Samaritans Special One- Day License - Bocce Festival

Good morning,

Attached please find an application by the Samaritans on Cape Cod and the Islands for a Special One-Day Wine & Malt Beverages Permit as part of the 13th Annual Upper Cape Bocce Festival to be held on September 18, 2021, at Falmouth Academy, 7 Highfield Drive, Falmouth.

The food will be provided by La Cucina sul Mare and TIPS certification will be provided for the event bartenders before the license is issued. The applicant will contact Town Clerk's office regarding the planned raffle.

The applicant regrets the late notice for this event and has requested the Select Board review the application at their meeting on September 13th.

May we please request your recommendations to the Select Board by Wednesday, September 8th?

Thank you,
Phyllis Downey
508-495-7325

Phyllis Downey

From: Sean Doyle
Sent: Saturday, September 4, 2021 2:13 AM
To: Falmouth Licensing
Cc: Brian Reid
Subject: RE: Time Sensitive-Samaritans Special One- Day License - Bocce Festival

Good morning,

As long as all laws and by-laws are adhered to then this department does not have an issue with the request.

Thank you,
Sean Doyle

From: Falmouth Licensing
Sent: Friday, September 3, 2021 11:35 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Falmouth Health Department <health@falmouthma.gov>
Cc: Falmouth Town Clerk <townclerk@falmouthma.gov>
Subject: Time Sensitive-Samaritans Special One- Day License - Bocce Festival

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The applicant regrets the late notice for this event and has requested the Select Board review the application at their meeting on September 13th.

May we please request your recommendations to the Select Board by Wednesday, September 8th?

Thank you,
Phyllis Downey
508-495-7325

Phyllis Downey

From: Brian Reid
Sent: Thursday, September 9, 2021 3:12 PM
To: Diane Davidson; Phyllis Downey
Cc: Sean Doyle
Subject: RE: Special Event Application - Blues & Views

No objection from Police.

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

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. 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: Diane Davidson
Sent: Friday, September 3, 2021 1:12 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Christopher Campbell <christopher.campbell@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Eladio Gore <eladio.gore@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>; 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: Special Event Application - Blues & Views

Update:

The organizers of the Blues & Views event have requested a change of the date and time of the concert (email is attached) to:

Sunday, October 17, 2021 from 2:00 p.m. to 4:00 p.m. with a rain date of Sunday, October 24, 2021.

They have checked with the Recreation Department, and these dates are available.

Thank you,

SUMMARY OF ACTIONS

2. Administrative Orders

- a. Vote to authorize/approve letter of support for
Falmouth Housing Corp. Scranton/Main
Project**

SUMMARY OF ACTIONS

3. Special Events

Recurring – Recommended:

- a. Blues & Views – William Maurer – Bandshell /
Marina Park – Sunday, 10/17/21**

Special Event Application Notes: Blues & Views

The applicant requested a change of date and time from the originally requested October 20th at 6:00 – 8:00 pm to Sunday, October 17th at 2:00 – 4:00 pm.

The change was requested due to the possibility of uncomfortably cool weather in the evening of October 20th.

Town Manager's Working Group Review Form

Meeting/Review Date: September 2021
 Event Name: Blues & Views
 Applicant: William Maurer
 Location: Bandshell / Marina Park
 Date of Event: Wednesday, October 20, 2021 Time: 6:00 p.m. - 8:00 p.m.
 Rain Date: Thursday, October 21, 2021
 Set-up Date: 10/20/21 Time: 5:00 p.m. Breakdown Date: 10/20/21 Time: 8:00 p.m.
 Number of Attendees: 150 - 175
 Recurrence/# Years at Site: Recurring event
 One-Day Liquor License? Y/N No Food/Beverages? Y/N No
 Signs: Y/N Yes How Many: 1 banner Where: 1 banner + small signs at Marina Park
 Tents: Y/N No How Many: _____ Size: _____ Where: _____
 Parking Plan: Marina Park

Reviewers/Sign In :	<u>Print Name</u>	<u>Sign Name</u>	<u>Written Referral</u>
Department of Public Works:	_____	_____	Y ☐ N ☐
Parks Department	_____	_____	Y ☐ N ☐
Highway Department	_____	_____	Y ☐ N ☐
Engineering	_____	_____	Y ☐ N ☐
Police Department	_____	_____	Y ☐ N ☐
Fire Department	_____	_____	Y ☐ N ☐
Emergency Communications	_____	_____	Y ☐ N ☐
Recreation Director	_____	_____	Y ☐ N ☐
Building Commissioner	_____	_____	Y ☐ N ☐
Health Department	_____	_____	Y ☐ N ☐
Beach Department	_____	_____	Y ☐ N ☐
Marine & Environmental Svcs.	_____	_____	Y ☐ N ☐
Zoning Enforcement Officer	_____	_____	Y ☐ N ☐
Bicycle & Pedestrian Committee	_____	_____	Y ☐ N ☐
Other	_____	_____	Y ☐ N ☐

Does this Event Meet the Minimum Requirements of the Special Events Policy? – Yes/No

If No, what are the shortfalls of the application that must be addressed?

Yes.

Special Events Approved or Requested on this Date or Weekend:

Event	Location	Date
None.	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Known Private Events on this Date or Weekend:

None.	_____	_____
_____	_____	_____
_____	_____	_____

Additional Requests:

Use of public restrooms at Harbormaster Office.

Use of electricity at bandshell.

Special Consideration – Events Proposed on Main Streets of Villages

What measures/conditions are recommended for the Board to consider to respond to potential parking and traffic congestion in proposed area:

Conditions, comments, recommendations:

Correspondence Received:

Town Manager recommends application to proceed to Select Board for review and approval.

Julian M. Suso, Town Manager

Fees:

Fee Waiver Request: Yes/No No Approved _____ Not Approved _____

If approved, terms:

Initial/Town Manager



TOWN OF FALMOUTH SPECIAL EVENT PERMIT

EVENT NAME Blues & Views

APPLICANT NAME William Maurer

MAILING ADDRESS [REDACTED]

EVENT DAY & DATE Sunday, October 17, 2021

RAIN DATE Sunday, October 24, 2021

EVENT LOCATION Bandshell

EVENT TYPE Free live blues music

EVENT HOURS 2:00 pm – 4:00 pm SET-UP/BREAK DOWN TIME [REDACTED]

NUMBER OF ATTENDEES ~150 - 175 # OF VEHICLES ~25 - 50

ADDITIONAL DETAILS Family-friendly concert similar to Town Band event. Request use of public restrooms at Harbormaster Office. Request use of electricity at Bandshell.

CONDITIONS:

1. Contact Police Detail Sergeant 30 days prior to event to arrange for adequate public safety requirements.
2. Contact Health Department 30 days in advance of event for Temporary Food Service Permit for food vendors and to schedule inspections.
3. Contact Inspectional Services Department 30 days prior to event for tent permit, if applicable, and to schedule inspection.
4. Contact Fire Department 30 days prior to event to schedule inspections for food vendors.
5. Pick up key to access electricity to the Bandshell at the Recreation Department by the day before the event.
6. Contact Harbormaster's office prior to event to arrange for opening of restrooms.
7. Organizers to check Bandshell/Marine Park area following event to remove any litter and debris.

PERMIT FEE \$200.00 FILING FEE \$10.00

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

SELECT BOARD:

Diane

To all,

Attached please find an application for special event for a second Blues & Views Concert (first one was on Wednesday, August 18, 2021) to be held on Wednesday, October 20, 2021 at the Bandshell / Marina Park from 6:00 p.m. to 8:00 p.m.

Please review and send your recommendations to me and to Phyllis Downey by next Thursday, September 9, 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*

Diane Davidson

From: Diane Davidson
Sent: Friday, September 3, 2021 1:12 PM
To: Phyllis Downey; Boyd Demello; Brian Reid; Bruce Mogardo; Christopher Campbell; Craig O'Malley; Diane Davidson; Eladio Gore; Gregg Fraser; Jim Grady; Jeremiah Pearson; Joe Olenick; Julian Suso; Kristin Nickerson; Maggie Clayton; Mallory Langler; Pamela Marshall; Peter Johnson-Staub; Peter McConarty; Samantha Moir; Scott McGann; Sean Doyle; Timothy Smith
Subject: Special Event Application - Blues & Views
Attachments: SE-2021-Blues & Views.pdf; Permit Request Date Change

Update:

The organizers of the Blues & Views event have requested a change of the date and time of the concert (email is attached) to:

Sunday, October 17, 2021 from 2:00 p.m. to 4:00 p.m. with a rain date of Sunday, October 24, 2021.

They have checked with the Recreation Department, and these dates are available.

Thank you,

Diane

To all,

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Please review and send your recommendations to me and to Phyllis Downey by next Thursday, September 9, 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

Diane Davidson

From: Zelda MacGregor <zeldamacgregor@gmail.com>
Sent: Friday, September 3, 2021 12:12 PM
To: Diane Davidson; william maurer
Subject: Permit Request Date Change

Hi, Diane. Happy Friday!

I'm writing about the Blues and Views bandshell permit app I brought in this Monday. After thinking about the weather in October after the sun goes down, it occurred to us that we might want a daytime concert to stay warmer. We checked with the Rec department, and all Sundays are currently available at the Band Shell. We'd like to change our request to Sunday, October 17, Rain Date Sunday, October 24 with a time of 2-4pm. Do I need to come in for this or can you reflect it on our paperwork?

--

Zelda MacGregor
774.269.8867

Diane Davidson

From: Diane Davidson
Sent: Thursday, September 2, 2021 11:46 AM
To: Phyllis Downey (phyllis.downey@falmouthma.gov); Boyd Demello - Falmouth Fire Rescue Department (boyd.demello@falmouthfirema.gov); Brian Reid; Bruce Mogardo (bruce.mogardo@falmouthma.gov); Christopher Campbell; Craig O'Malley; Diane Davidson (diane.davidson@falmouthma.gov); Eladio Gore; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); James F. Grady - Department of Public Works (jim.grady@falmouthma.gov); Jeremiah Pearson (jeremiah.pearson@falmouthma.gov); Joe Olenick - Recreation Department (joe.olenick@falmouthma.gov); Julian M. Suso - Town Manager (julian.suso@falmouthma.gov); Kristin Nickerson; Maggie Clayton; Mallory Langler; Pamela Marshall; Peter Johnson-Staub (peter.johnson-staub@falmouthma.gov); Peter McConarty - DPW (peter.mcconarty@falmouthma.gov); Samantha Moir; Scott McGann (scott.mcgann@falmouthma.gov); Sean Doyle - Police Department (sean.doyle@falmouthpolicema.gov); Tim Smith - Falmouth Fire Rescue Department (timothy.smith@falmouthfirema.gov)
Subject: Special Event Application - Blues & Views
Attachments: SE-2021-Blues & Views.pdf

To all,

Attached please find an application for special event for a second Blues & Views Concert (first one was on Wednesday, August 18, 2021) to be held on Wednesday, October 20, 2021 at the Bandshell / Marina Park from 6:00 p.m. to 8:00 p.m.

Please review and send your recommendations to me and to Phyllis Downey by next Thursday, September 9, 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*



Town of Falmouth

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

Application for Special Events

PAID
\$10.00 CH# 112



CONTACT INFORMATION

Applicant's Name: WILLIAM MAURER
Mailing Address: [REDACTED]
Phone: N/A Cell Phone: 774.433.8574
E-Mail: [REDACTED]

EVENT DETAILS

Name of Event: BLUES & VIEWS
Type of Event: OUTDOOR CONCERT
Event Day & Date: WEDNESDAY, OCTOBER 20, 2021
Rain Date: THURSDAY, OCTOBER 21, 2021
Event Hours: From: 6 PM To: 8 PM
Setup Date: 10.20.21 Time: 5 PM Breakdown Date: 10.20.21 Time: 8 PM
Location Requested:

1st Choice: BANDSHELL
2nd Choice: _____

Number of Attendees: ~150-175 Number of Vehicles: ~25-50

Parking Plan: N/A

Will event include chairs, barriers, tents? (Yes or No) NO (tent permit application, if necessary)

Will event include signs? (Yes or No) NO (sign permit application, if necessary)

Will event be a road race? (Yes or No) NO (include route map, see reverse side for road race rules and sign)

Will event include use of Shining Sea Bike Path? (Yes or No) NO (see reverse side for bike path rules and sign)

Will event include food or beverages? (Yes or No) NO (temporary food permit application)

Will event include alcoholic beverages? (Yes or No) NO (one-day liquor license application)

Will event include entertainment? (Yes or No) YES What type? LIVE MUSIC

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

* WE WOULD APPRECIATE USE OF THE RESTROOM FACILITIES
* WE WOULD NEED ELECTRICITY SEE ATTACHED

Applicant's Signature: W. Maurer Date: 8/30/21

References: 1. MATTHEW PATRICK ZACH
2. KARL E. TAS LIEBERMAN
3. ZELDA MAGGIER ZOE

SELECT BOARD



Blues and Views is a concert series dedicated to bringing local and regional blues musicians to Falmouth and to raising awareness and support for the Falmouth Homeless Prevention Program, a fund operated by the non profit Falmouth Housing Corporation.

For the Wednesday, October 20 concert, we would like to thank the sponsors of the 5th Annual Kirwin/Murray Tour de Falmouth Bike Ride, the participants in the bike ride, and the community for continuing to be supportive of this important fundraising endeavor. Please see www.tourdefalmouth.org for more information.

We will operate this concert under the same model as our August 18 concert at the same venue: live music on stage, safely spaced out concert-goers on the lawn. The concert is free and open to the public. We will have a banner of the 2021 Tour de Falmouth sponsors, which are not final yet so we have attached a previous year's example. We also expect to have other signage with the Blues & Views logo, attached and at the top of this page.

Thank you for your time and consideration.

For questions or clarification, please contact:

William Maurer
774.433.8574
wmmaurer@comcast.net

Zelda MacGregor
774.269.8867
zeldamacgregor@gmail.com

www.bluesandviews.org

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Hartel Realty

Loud Fuel Company, Inc. Falmouth Painting Rockland Trust
Notus Clean Energy LLC Barbo's Furniture A+A Paving Carpet Barn



Requirements for Prospective Users of the Shining Sea Bikeway

Organizations or individuals seeking to use the Shining Sea Bikeway for Special Events are required to affirm that they will abide by the rules for users of the Bikeway.

The Shining Sea Bikeway is a shared use path that serves transportation and recreational needs on a continuing basis and must not be impeded or blocked.

PROSPECTIVE USERS MUST AGREE TO

1. Stay to the right and pass on the left, giving an audible signal when passing
2. Allow breaks for passing traffic to merge into the event traffic: do not bunch up
3. Within 12 hours of the event, clear the path of any debris and directional markers
4. Confirm that helmets are in use, as required by law, for all bicyclists under 17 years of age
5. Provide marshals to direct participant traffic at road crossings so that traffic on the road and on the bikeway is not endangered or inconvenienced by the event
6. Obtain clearance from the Falmouth Police, if indicated, to hold the event
7. Notify all participants of their obligations under the above rules

ADDITIONAL REGULATIONS: TOWN OF FALMOUTH

- Dogs must be leashed and controlled at all times
- Pet waste must be cleaned AND removed from the path
- Groups must not span more than half (one 5-foot lane) of the path
- Move right when signaled to allow others to pass within the lane
- When stopping, move off the path surface

SAFETY AND CONSIDERATION

- The Shining Sea Bikeway is a Shared Use Path and all have equal rights to use it. Respect the rights of others.

Please sign and date to indicate acceptance of these requirements.

By N/A

Date 4/14

Organization N/A

Prospective Road Race Organizers Must Agree to:

1. Obtain clearance from Falmouth Police and Fire Departments to hold event.
2. Include course map with application.
3. Remove all trash from the race course immediately following the event.
4. Parking plan for event must be submitted with application.
5. All temporary race signage must be removed within 12 hours of event.
6. If tents are used, any tent over 400 sq. ft. requires a permit from the Building Department.
7. If beach access is requested, seek approval from Beach Department.
8. No permanent paint marking of road race course on roadway/bikeway (except Falmouth Road Race and Cape Cod Marathon).
9. Only chalk or washable paint can be used on roadways for race markers.
10. If food is served after the event, proper approval from the Board of Health is required.
11. \$600.00 deposit required upon approval.

Please sign and date to indicate acceptance of these requirements.

By N/A

Date 4/14

Organization N/A



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Fax (508) 457-2573

SPECIAL EVENTS USE POLICY **January 6, 2014**

1. Purpose

The purpose of this policy is to promote the enjoyment of Town Property without negatively impacting the site or our neighbors and to reduce the Town's liability for private activities authorized on public property.

2. Special Events Policy

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads closed upon request and in all municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Committee (Gus Cauty Recreational Building; Grounds and Recreational Facilities and Fields) and Library Trustees and Library Department (all public libraries and grounds) and the Parks Department (Goodwill Park), and Beach Committee, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

SPECIAL CONSIDERATION:

- a. *During the Months of July and August, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*
- b. *The Town Manager's Special Events Working Group will provide its recommendation to the Board.*

Each event must be approved by a vote of the permitting authority. Any individual or organization planning an event must complete a "Special Event Application Form" provided by the designated agency. The Permitting Authority will consider each complete application, including referrals from the Police Department, Fire Department, Department of Public Health and any other Town Department or Agency that may be involved in the event

- n. Special Event coverage –a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
 - Events Proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.
- p. All Special Events require review by the following departments:
 - Board of Selectmen (as specified)
 - Department of Public Works
 - Police Department
 - Fire Department
 - Any other permitting departments required, based on event proposed including, but not limited to:
 - Recreation Director
 - Building Commissioner
 - Design Review Committee
 - Health Department
 - Beach Department

A copy of all approved requests with special conditions shall be filed with the referring departments.

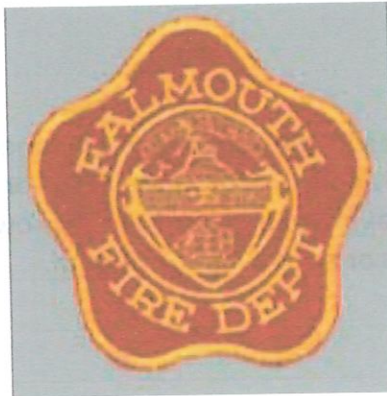
Per Order of the Board of Selectmen
January 6, 2014

I, W. Marer, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.

FALMOUTH FIRE RESCUE DEPARTMENT

FIRE PREVENTION

-PUBLIC EVENT STANDARDS-



This packet is provided for use during an approved Special Event in the Town of Falmouth with regards to regulatory items and inspectional services as outlined by the Falmouth Fire Rescue Department.

Print name of person or organization: WILLIAM MAURER

Date of Event: 10.20.21

Signature of representative: _____
(I acknowledge receipt of this packet and will adhere to any/all applicable requirements or conditions to be followed as outlined by the Fire Prevention Office of the FFRD)

Date received: _____

4. The use of any LPG fired equipment or any open flame cooking equipment such as a charcoal grill may require a permit. If required, the permit shall reflect the specific location the cooking is to take place. The area must be kept clear of combustibles and a minimum of a 3-A, 40-B, C (10LB) fire extinguisher shall be at each location, under this section, that intends to cook. No cooking or heat producing equipment shall be allowed in tents that are not fire retardant or that are accessible by the public.
5. Any displayed, motorized vehicle shall have its battery disconnected and its fuel supply reduced to not more than 1/2 tank or 10 gal. whichever is less. All motor vehicle tanks shall have locking gas caps or have their caps taped shut to prevent "tampering". Garden tractors, chain saws, power plants, and other gasoline-powered equipment shall be safeguarded in a similar manner.
6. No parking of any vehicles inside a building will be allowed unless with prior approval. Cars and trucks shall be removed immediately after unloading.

C. EXITS AND FIRE LANES

1. Exit identification and designation of the way thereto shall be provided and maintained at all times.
2. Exit lights and/or emergency egress lights shall be installed, by the host facility, if required by the Head of the Fire Department, or his designee. Such devices shall be installed per 780 CMR (building code).
3. Aisles and exits, as designated on approved show plans, shall be kept clean, clear, and free of obstructions. Booth construction shall be substantial and fixed in position in the specified areas for the duration of the show. Easels, signs, etc. shall not be placed in the exit paths.
4. All existing fire lanes shall be maintained, where possible, or additional temporary fire lanes shall be installed.
5. No vehicle shall be allowed to move through a crowd without at least two observers to prevent accidents.

D. EMERGENCY PLANS AND EQUIPMENT

1. Approved fire extinguishing equipment is located throughout the building, additional approved type fire extinguishers may be required on orders of the Fire

F. FLAME RETARDANT TREATMENT

1. All decorations, drapes, signs, banners, acoustical materials, hay, straw, moss, split bamboo, plastic cloth, and similar decorative materials, shall be flame retardant to the satisfaction of the Fire Rescue Department (per 527 CMR). Canvas, cloth, cardboard, leaves, and similar combustible material shall not be used. Accordingly, oil cloth, tarpaper, and certain plastic materials cannot be made flame retardant and therefore their use is prohibited.
2. All tents shall comply with 527 CMR 19.00 – tentage and/or 780 CMR - Building Code and/or NFPA 102 (whichever applies), and may require a permit through the appropriate authority having jurisdiction.

G. GENERAL

1. Literature on display shall be limited to reasonable quantities. Reserve supplies shall be kept in closed containers and stored in a neat and compact manner.
2. Show management shall assume responsibility for daily adequate janitorial and rubbish pick-up services, and shall advise all exhibitors that booths shall be cleaned of combustible rubbish daily. Rubbish shall not be allowed to accumulate.
3. Smoking, flammable liquids and open flames are not allowed in buildings and tents open to the public. No smoking signs will be posted.
4. Combustible materials shall not accumulate under bleachers.
5. Oily rags and waste shall be kept in a separate covered metal container.
6. The following items shall not be permitted, stored or sold: Electrically conductive balloons, weapons, fireworks, smoke bombs, stink bombs, snap caps, bomb bags, silly string and any other items that may cause harm, injury and/or may incite civil unrest. This includes, but is not limited to, displays, storage, sales, gifts, promotions, etc.

Phyllis Downey

From: Diane Davidson
Sent: Saturday, September 4, 2021 6:39 PM
To: Phyllis Downey
Subject: Fw: Special Event Application - Blues & Views

For the Blues & Views special event application.

From: Sean Doyle <sean.doyle@falmouthpolicema.gov>
Sent: Saturday, September 4, 2021 4:34 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>
Cc: Brian Reid <brian.reid@falmouthpolicema.gov>
Subject: RE: Special Event Application - Blues & Views

No objection from the PD

From: Diane Davidson
Sent: Friday, September 3, 2021 1:12 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Christopher Campbell <christopher.campbell@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Eladio Gore <eladio.gore@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>; 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: Special Event Application - Blues & Views

Update:

The organizers of the Blues & Views event have requested a change of the date and time of the concert (email is attached) to:

Sunday, October 17, 2021 from 2:00 p.m. to 4:00 p.m. with a rain date of Sunday, October 24, 2021.

They have checked with the Recreation Department, and these dates are available.

Thank you,

Diane

To all,

Attached please find an application for special event for a second Blues & Views Concert (first one was on Wednesday, August 18, 2021) to be held on Wednesday, October 20, 2021 at the Bandshell / Marina Park from 6:00 p.m. to 8:00 p.m.

Please review and send your recommendations to me and to Phyllis Downey by next Thursday, September 9, 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

Phyllis Downey

From: Maggie Clayton
Sent: Monday, September 6, 2021 2:35 PM
To: Diane Davidson
Cc: Phyllis Downey
Subject: RE: Special Event Application - Blues & Views

Beach Dept. approves moving this application forward to the Select Board. No questions from us.

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

From: Diane Davidson
Sent: Friday, September 03, 2021 1:12 PM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Bruce Mogardo <bruce.mogardo@falmouthma.gov>; Christopher Campbell <christopher.campbell@falmouthma.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Eladio Gore <eladio.gore@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>; Samantha Moir <samantha.moir@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
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Office of the Town Manager and Select Board
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59 Town Hall Square
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diane.davidson@falmouthma.gov
(508) 495-7321

PUBLIC HEARINGS

- 1. Flow Neutral Bylaw – Evaluation of Request for
Variance – Eel Pond Realty, LLC –
87 Water Street, Woods Hole (parcel 49A 01 003
000) (15 minutes)**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Falmouth will hold a public hearing on Monday, September 13, 2021 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA on the application of Eel Pond Realty, LLC, for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for a grocery store/deli and a proposed 67-seat restaurant at 87 Water Street in Woods Hole (parcel 49A 01 003 000).

Per Order of the Falmouth Select Board

Publication date: Friday, September 3, 2021, Falmouth Enterprise

Account #: 2056

od and Falmouth hos-
ust have at least one
orth of blood on hand
es. Since each unit col-
purchased only lasts 42
a constant challenge to
sufficient supply. All
l collected at Cape Cod
re blood drives stays on
to help families, friends
ibors.
to blood drives in Sep-
ill receive either a com-
ive T-shirt or an Amazon
cholas G. Xiarhos Blood

appointment for the Nicholas
G. Xiarhos Blood Donor Center,
call 508-862-5663. To make an ap-
pointment at an upcoming blood
drive, visit www.capecodhealth.org/give-blood.

• September 16: 10 AM to 4 PM,
Falmouth Hospital, 100 Ter Heun
Drive, Falmouth

• September 20: 11 AM to 5
PM, Clark-Haddad American
Legion Post 188, 20 Main Street,
Sandwich

• September 27: 9 AM to 3 PM,
Cotuit Federated Church, 40
School Street, Cotuit

Classified Hours

Monday through Friday
8 AM - 5 PM

508-548-4700 or 1-800-286-7744

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peated e-mails sent to them by
Beacon Hill Roll Call asking for
a comment on Bernal's statement.

Hill plans to resign from his
House seat effective September 15
and a special primary election to
fill his seat has been scheduled for
November 2 and a general elec-
tion is slated for November 30.

is the lowest in the country by at
least \$3—with the national aver-
age at almost \$50 per hour.

"I filed this legislation because
I feel auto repairers in the com-
monwealth are not reimbursed
as well as they should be by in-
surance companies," said Sen.
Moore. "The cost of living in

Legal

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of
the Town of Falmouth will hold a public hearing on
Monday, September 13, 2021 at 7:30 p.m. in the
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Code of Falmouth, the so-called Flow Neutral
By-law, for a grocery store/deli and a proposed
67-seat restaurant at 87 Water Street in Woods
Hole (parcel 49A 01 003 000).

Per Order of the Falmouth Select Board

September 3, 2021

The FALMOUTH CONSERVATION COM-
MISSION will hold a public hearing under Section 40,
Chapter 131 of the general laws of the Common-
wealth of Massachusetts Wetlands Protection
Act and/or the Town of Falmouth Wetlands
Protection Bylaw on Wednesday September
15, 2021 at 7:00 PM.

In accordance with Chapter 20 of the Acts of
2021, relating to the 2020 novel Coronavirus
outbreak, the September 15, 2021 public meeting
of the Falmouth Conservation Commission 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 Conservation Commission utilizing the
Zoom virtual meeting software for remote access.
This application will allow users to view and par-
ticipate in the meeting. Text comments submitted
with the Chat function 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/Conservation>
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 concom@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 indi-
viduals with enforcement matters before the
Conservation Commission may appear remotely
and are not required to be physically present.
Applicants, their representatives and individuals
with enforcement matters before the Conserva-
tion Commission may contact the Conservation
Department 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 submit-
ted in advance of the meeting to concom@falmouthma.gov so they may be displayed for
remote public access viewing.

Complete applications are available by re-
quest and will be sent via email.

REQUESTS FOR DETERMINATION OF AP- PLICABILITY

**Stephen Tosti, 430 Davisville Road, Unit 4,
East Falmouth, MA** - For permission to up-
grade to a new Title V sewage disposal system
for Unit #4.

**Susan Gustin, 212 Meadowneck Road, East
Falmouth, MA** - For permission to vista prune
according to FWR 10.18(10)(b).

**Kenneth Foreman, Marine Biological Labora-
tory, 0 Menauhant Road (Parcel 46A 02 000
0005), East Falmouth, MA** - For permission
to install a concrete pad and water sampling
instrument.

**Cornelius Hurley and Old Silver Beach Home-
owners Association, Inc., 0 Santuit Road
(Parcel 000 046), 30 Nauset Avenue West and
34 Nauset Avenue West, North Falmouth, MA**
- For permission to selectively remove invasive
vines, litter, and yard waste.

**Michael J. Denomy, Trustee, 145 Walker
Street, Falmouth, MA** - For permission to con-
struct an addition and install a drywell.

REQUESTS FOR A HEARING UNDER A NO- TICE OF INTENT

**Arthur Meuse, 148 Antlers Shore Drive, East
Falmouth, MA** - For permission to construct a
vinyl bulkhead and to reconstruct a previously
licensed dock.

**George, Mary, and Leopold Fontana, 154
Antlers Shore Drive Trust, 154 Antlers Shore
Drive, East Falmouth, MA** - For permission
to reconstruct a previously licensed bulkhead
and dock.

**Joy Kaplan, Trustee, Joy Kaplan 2003 Re-
vocable Trust, 41 Bywater Court, Falmouth,
MA** - For permission to construct a second-floor
addition, expand an existing entry porch, and
all associated excavation, grading, mitigation
plantings, and landscaping.

HEARINGS UNDER AN ENFORCEMENT ORDER

**William T. Dowling Jr., Trustee, Venus Realty
Trust, 6 Scallop Cove, East Falmouth, MA** -
Unpermitted removal of vegetation within Con-
servation jurisdiction.

FLOW NEUTRAL BYLAW
ADJUSTED GUIDELINES TO BOS FOR WAIVER/VARIANCE CONSIDERATION

Presented to BOS for Discussion Purposes 6-4-18

Suggested Process:

1. BOS receives confirmation from Board of Health that proposed development *can* be accommodated with an on-site Title 5 system as well as confirmation from wastewater superintendent that sufficient capacity exists in the treatment facility.
2. BOS holds Public Hearing on proposed development.
3. Priority areas for waiver/variance consideration:
 - Economic Development. Wastewater connections that will provide significant year-round economic benefit to the Falmouth community. This should be documented with supporting data on employment, revenue generated, taxes paid, etc.
 - Affordable Housing. Wastewater connections that address affordable housing goals as described in the Local Comprehensive Plan and Housing Production Plan. In the case of a project subject to the MGL Ch. 40B comprehensive permit process, the Zoning Board of Appeals assumes the power of the Board of Selectmen and grants or denies the waiver/variance request.
 - Mixed Use Development in Business Redevelopment Zone. Wastewater connections which include mixed commercial use on the lower level with residential units above. This is consistent with the zoning bylaw and the Local Comprehensive Plan envisioned by the Planning Board for the eastern portion of the Main Street corridor.
 - Municipal Use.

Note: Process above adopted by Falmouth Board of Selectmen on 6-4-18

Chapter 180. Sewers and Septic Systems

Part 3. Service Areas and Districts

Article VIII. Flow Neutral Bylaw for Present and Future Sewer Service Areas

[Added AFTM 11-13-2013, Art. 41, approved 1-27-2014]

§ 180-51. Purpose.

The Town of Falmouth's Wastewater Treatment Facility on Blacksmith Shop Road (WWTF) has limited treatment and disposal capacity as determined by a discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). In order to comply with the terms and conditions of the discharge permit, to manage present and future wastewater flows, to meet present and future water quality standards, and to support broader community planning objectives, the Town adopts this Flow Neutral Bylaw for Present and Future Sewer Service Areas. This bylaw shall apply to all present sewer service areas of the Town, except for the New Silver Beach Sewer Service Area, governed by §§ 180-37 through 180-50 herein, and it shall apply to any future sewer service areas to be serviced by the Wastewater Treatment Facility on Blacksmith Shop Road. Nothing in this bylaw shall exempt the owner of a property in a present or future sewer service area from all other applicable statutes, bylaws, rules and regulations.

§ 180-52. Mandatory sewer connection; elimination of septic systems in sewer service areas.

- A. The requirements for mandatory connection in sewer service areas are detailed in § 180-6 of the Code of Falmouth, Sewers and Septic Systems.
- B. Within thirty (30) days of the property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

§ 180-53. Determination of wastewater flow in sewer service areas.

- A. Wastewater flow to the public sewer shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15; or 2) water meter data provided by the Department of Public Works as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Falmouth. Any structure, legally in existence as of January 1, 2014, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, Massachusetts State Environmental Code), and the number of bedrooms in the Assessor's records as of January 1, 2014, are presumed accurate.
- B. The flow allocations for present and future sewer service areas as of January 1, 2014, are as follows:
 - (1) Blacksmith Shop Road Wastewater Treatment Plant: 570,000 gallons per day (excluding Little Pond Sewer Service Area).
 - (2) Little Pond Sewer Service Area: 260,000 gallons per day (subject to approved CWMP).
- C. These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to environmental impact reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

§ 180-54. Allocation of available capacity in sewer service areas.

The Wastewater Superintendent shall periodically notify the Board of Selectmen of the available capacity at the Wastewater Treatment Facility. The Selectmen in consultation with the Planning Board may set priorities for the available capacity.

§ 180-55. Modifications to existing parcels or changes in use in sewer service areas.

- A. Single-family residences.
 - (1) Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000

square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.

- (2) New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
- (3) Addition of bedrooms, beyond those permitted in Subsection A(1) and (2) above shall require a variance from the Board of Selectmen in accordance with § 180-56.

B. Multifamily residences.

- (1) Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
- (2) New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right. In Zoning Districts where up to six (6) units per acre are allowed, up to three (3) bedrooms per permitted unit are allowed by right.
- (3) Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Board of Selectmen in accordance with § 180-56.

C. Nonresidential development.

- (1) Existing development.
 - (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of January 1, 2014, by 310 CMR 15 (Title 5) are allowed by right.
 - (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C(1)(a) require a variance from the Board of Selectmen in accordance with § 180-56.
- (2) New development.
 - (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
 - (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with § 180-56.

§ 180-56. Variances in sewer service areas.

- A. The Board of Selectmen, after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance, provided both Subsection A(1) and (2) below are satisfied:
 - (1) Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent. If sufficient capacity does not exist then no variance shall issue.
 - (2) Should the Wastewater Superintendent determine sufficient capacity exists the applicant must then demonstrate, through a positive referral from the Board of Health, that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances, can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral.
- B. The Board of Selectmen may, at its sole and absolute discretion, issue a variance that in its judgment could be granted without substantially derogating from the intent or purpose of this bylaw should the applicant fail to satisfy criteria in § 180-56A(2) above.

§ 180-57. Rebuilding a building because of casualty loss in sewer service areas.

Relating to Article VIII, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the wastewater flow and number of bedrooms of the structure being replaced.

§ 180-58. Mandatory water conservation in sewer service areas.

The Board of Selectmen may adopt mandatory water conservation measures, after public hearing, consistent with the purposes of this bylaw.

§ 180-59. Transferability in sewer service areas.

The number of bedrooms or flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the number of bedrooms or flow on another parcel or another's right to a sewer connection.

§ 180-60. Severability.

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

§ 180-61. Violations and penalties.

- A. Any person found to be violating any provision of Article VIII shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.
- C. This section shall in no way limit the Town's power and authority to seek other remedies at law that it may have. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the Town by such violation.

Phyllis Downey

Subject: FW: Reminder - 87 Water Street flow neutral bylaw WW Division memo

From: Scott McGann <scott.mcgann@falmouthma.gov>

Sent: Friday, September 10, 2021 12:33 PM

To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>

Subject: RE: Reminder - 87 Water Street flow neutral bylaw WW Division memo

This is the BoH voted language - *The Board of Health voted to inform the Select Board that the proposed design flow for the proposed uses of 87 Water Street (existing grocery store and proposed 67 seat restaurant)-or any flow- cannot be served by a Title 5 system sited on that lot.*

My comments:

There is no available land on that property (87 Water Street) that could fit a Title 5 septic system of any size or shape. The building takes up virtually the entire lot and its located on Eel Pond. The applicant cannot demonstrate that a septic system could fit on the lot. Many lots on Water Street and Main Street are unable to site a septic system as there is no available land for it to be placed. Health has no knowledge of the site ever having a septic system there since the sewer has been serving this location for many decades.

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



Falmouth Health Department

Falmouth Town Hall • 59 Town Hall Square • Falmouth, Massachusetts 02540
(508) 495-7485 • health@falmouthma.gov

BOARD OF HEALTH MEETING AGENDA

August 30, 2021 at 5:30 p.m.

Town Hall lower-level meeting room
59 Town Hall Square, Falmouth, MA 02540

This meeting is being held in-person
Times indicated for the agenda topics are approximate

Please note: the proposed poultry regulation discussion is being postponed due to the increased interest in this topic and the limited space in the normal Board of Health meeting location. A dedicated poultry regulation discussion will be held in the near future in a forum that will accommodate all those who are interested.

5:30 - Opening remarks and public comment

FLOW NEUTRAL BYLAW REFERRAL

5:30 – 87 Water Street – Flow Neutral Bylaw referral request. Applicant seeking an increase in flow to the sewer (food service establishment). The Board's referral will be sent to the Selectboard as part of the bylaw requirement.

Document: narrative of proposed project and a plot plan of the property.

SEPTIC SYSTEMS

5:40 – 5 Keechipam Way – local upgrade approval request

Assessed 3-bedroom home

Seeking reductions in setbacks required in 310 CMR 15.211

- Soil absorption system to a full foundation from the required 20' down to 1'
- Soil absorption system to a property line(street) from the required 10' down to 0.0'
- Soil absorption system to a property line from the required 10' down to 2'
- Pump Chamber to a slab foundation from the required 10' down to 7'
- Pump Chamber to a lot line from the required 10' down to 5'
- Septic tank to a slab foundation from the required 10' down to 1'

Documents:

Cover letter outlining the project and a plan from BSS Design dated 6/14/2021, rev. 8/10/21

SOLID WASTE

5:50 - The Solid Waste Advisory Committee (SWAC) will be presenting proposed regulations for discussion with the Board for a possible Board of Health adoption at a future Board of Health Meeting
- Continued discussion from 5/3/2021, 6/7/2021, 7/12/2021 and 7/26/2021.



Falmouth Health Department

Falmouth Town Hall • 59 Town Hall Square • Falmouth, Massachusetts 02540
(508) 495-7485 • health@falmouthma.gov

Documents: SWAC's proposed regulation named "Rules and Regulations for Solid Waste Collection and Mandatory Recycling"

COVID-19

6:50 - Discussion of the current state of the pandemic

Documents: Health Agent presentation from most recent COVID-19 update.

GENERAL BUSINESS

7:00 – Discuss Board chair position

7:15 – Review and approve minutes from 7/26/2021

Our Mission

The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

Posted August 26, 2021

Reposted August 27, 2021



TOWN of FALMOUTH

DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION
416 GIFFORD STREET, FALMOUTH, MASSACHUSETTS 02540
TELEPHONE (508) 457-2543

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: September 9, 2021

To: Board of Selectmen, Town Manager

cc: Falmouth Health Department, Falmouth Zoning Board of Appeals

Re: Flow Neutral Bylaw Variance Request – 87 Water Street

I have received a request for flow neutral bylaw review for proposed redevelopment at 87 Water Street (Parcel ID 49A 01 003 000). This parcel is in an existing sewer service area and is currently connected to Town sewer. The proposed redevelopment plan is to modify the second floor to accommodate a 67 seat restaurant.

The Title 5 design flow for the existing permitted uses (2,176 square foot store, approximately 1536 square foot office and a 2 bedroom dwelling unit) is 546 gallons per day. The Title 5 design flow for the proposed uses (2,176 square foot store and a 67 seat restaurant) would be 2,556 gallons per day, an increase of 2,010 gallons per day. Because this is a more than 10% increase in Title 5 design flow, this redevelopment requires a flow neutral bylaw hearing.

One of the two preconditions for the Board of Selectmen to grant a variance to the flow constraints of the Flow Neutral Bylaw is that "Sufficient capacity exists...as determined by the Wastewater Superintendent."

The following is a summary of wastewater system capacity, which is controlled by the groundwater discharge permit for the Wastewater Treatment Facility (WWTF):

Permitted Average Annual Discharge Flow (gallons per day):	710,000
Projected Average Annual Flow, With Variances Granted To-Date (gpd):	567,000
Projected Average Annual Flow as % of Permitted Flow	80%

Therefore, sufficient sewer system capacity currently exists to accommodate the projected additional flow from this property.

When the actual average annual flow to the WWTF reaches 80% of permitted flow, which is expected to occur in the next year or two, when Town activity returns to pre-covid levels and when all of the projects granted variances have been completed, the WWTF's discharge permit requires the Town to provide a plan to the Department of Environmental Protection for how the Town will

continue to meet its permit requirements. The Targeted Watershed Management Plan for Great Pond, currently in preparation, will include a plan for expanded discharge capacity. If that plan is not approved or implemented as envisioned, redevelopment in sewer areas could be limited by sewer system discharge capacity.

Not relevant to the flow neutral process, but as part of the sewer connection modification permit process, the property owner will need to submit to the Wastewater Division a plan to prevent kitchen fat, oil and grease from causing problems in the municipal sewer system.

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.



July 28, 2021

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

Re: Application under Flow Neutral By-law for proposed restaurant above Woods Hole Market, 87 Water Street, Woods Hole

Dear Julian:

Our client Eel Pond Realty, LLC owns 87 Water Street, Woods Whole, which includes the Woods Hole Market and Provisions. There has been a food market at the property for many decades. The business is important to Woods Hole. Over the years there has been a deli counter in the store, and seating has been provided in the store or outside where customers can take their food. When Jeff and Colleen Parrish purchased the market in 2011, they improved the patio seating along Eel Pond behind the building, and since 2014 there has been seating on the second-floor deck in the back of the building. Presently there are a total of 69 seats available for store customers to use.

Keeping the grocery store profitable has been a challenge. The store faces increasing competition from larger food stores and delivery services. Help is scarce and more expensive. To help sustain the grocery store on the first floor, Jeff and Colleen Parrish are proposing to open a restaurant on the second floor of the building. The restaurant would be open for breakfast and dinner food service and would use the existing seating areas, with reduced seating, plus 18 restaurant seats in the building on the second floor. The total number of seats will be reduced from 69 to 67 seats.

Applications have been filed with the Board of Appeals for a special permit and with the Planning Board for Site Plan Review. Copies of those applications and related correspondence are enclosed. The correspondence further describes the proposed operations. The ZBA filing includes a copy of the State Architectural Access Board decision allowing the proposed second floor restaurant seating. An application for a liquor license will be filed when the zoning approvals are further along.

Although there has been seating for store customers for many years, the store has not provided table service and the Parrishes have not previously intended to operate a restaurant under the Zoning By-law. The property is served by the municipal sewer system. With the

Julian Suso, Town Manager
July 23, 2021
Page 2

introduction of restaurant seating and the need for a special permit, a variance seems to be needed under the Flow Neutral By-law, Falmouth Code Section 180-51 et sec. Even though the total restaurant seats will be less than the number of seats that have been used by store customers for many years, Title 5, 15 CMR 15.203, specifies design flow of 35 gallons per day per seat, much more than a grocery store. Even if the deli within the store were considered a fast-food restaurant for Title 5 purposes, the design flow would increase from 20 GPD to 35 GPD with the restaurant use that is proposed. Consequently, since the increase in design flow will increase more than 10%, we think that under Code Section 180-55.C(1)(2), a variance should be obtained from the Select Board.

The Title 5 design flow for a restaurant with 67 seats, and a grocery store having floor area of about 2,176 square feet is 2,545 GPD. The design flow for the store and second floor uses that have been permitted (apartment and office) may be calculated to be 820 GPD (200 GPD for the store, 200 GPD for second floor offices, 220 GPD for a dwelling unit with a deed restriction). That suggests an increase in design flow of 1725 GPD.

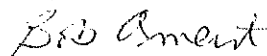
Per Code Section 180-56A.(1), to grant a variance the Select Board must obtain the determination of the Wastewater Superintendent that sufficient capacity exists in the municipal treatment facility. My understanding is that sufficient capacity does exist for the relatively small increase in design flow. That there has been seating and a restroom used by store customers for many years may or may not be relevant.

At 87 Water Street there is of course no possibility of installing a Title 5 septic system to serve either the existing or proposed uses, so the Select Board will not be able to obtain a positive referral from the Board of Health as described in Section 240-56.A.(2). However, under Code Section 180-56.B., the Select Board may grant a variance even without that referral where the grant of variance will not substantially derogate from the intent or purpose of the Bylaw. Given the history of the property and its current use, and taking into account the importance of the proposed restaurant to support Woods Hole's only true grocery store, the approval of the proposed restaurant use will "support broader community planning objectives."

Please schedule this request for a variance under the Flow Neutral Bylaw for hearing as soon as possible, and let me know the hearing date. Please contact me with any questions.

Thank you for your assistance.

Very truly yours,



Robert H. Ament

RHA/gmb

Enclosure

Cc: Eel Pond Realty, LLC
Zoning Board of Appeals

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

July 14, 2021

Noreen Stockman, Zoning Administrator
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application for Special Permit for restaurant use and increase in nonconforming lot coverage to allow new rear entry steps and walkway
87 Water Street, Woods Hole, MA 02543 - Assessors Parcel 49A 01 003 000
Eel Pond Realty, LLC, Owner

Dear Noreen:

This law firm represents Eel Pond Realty, LLC, and submitted herewith is our client's application for a special permit to allow restaurant use of portions of the building and patio at 87 Water Street, Woods Hole. The first floor Woods Hole Market will continue to operate. A new set of stairs and walkway are proposed for access to the rear of the building, increasing the already nonconforming lot coverage by structure from 74.3% to 77.2%.

This submission includes the following:

1. Application for Special Permit;
2. Owner's Authorization for representation by Ament Klauer LLP;
3. Filing fee of \$500.00;
4. Site Plans, Existing and Proposed, prepared by Holmes and McGrath, Inc.:
 - a. "Plan of Existing Structures prepared for Eel Pond Realty, LLC for Lot 0, #87 Water Street in Woods Hole, Falmouth, MA" date: June 18, 2021, (one full size copy and eight copies 11"x17");
 - b. "Plan of Proposed Deck prepared by Holmes and McGrath, Inc. for Lot 0, #87 Water Street in Woods Hole, MA" date: May 8, 2019, revised 6/24/21, (one full size copy and eight copies 11"x17")
5. Architect's drawings prepared by William F. Roslansky, Registered Architect, showing proposed rear entrance deck and elevation, proposed floor plans, and proposed seating (one full size copy and eight copies 11" x 17");
 - a. portion of plan entitled "Floor Plans Back Egress Woods Hole Market 87 Water St., Woods Hole, MA" Sheet A-1 Date: 4/17/2019 (note: the plan submitted only shows the plan's relevant elevations section labeled "(6) Egress Deck" and "East Elevation (waterfront)");
 - b. "Furnishings Plans Woods Hole Market 87 Water St., Woods Hole, MA" Sheet A-3 date 2/9/2021;

6. Table showing Restaurant Classification (Bylaw Section 240-13.2) estimating proposed Class 2 restaurant;
7. Decision of the Commonwealth of Massachusetts Architectural Access Board, Docket No. V21-025 (Amended), issued May 24, 2021, allowing the restaurant use, as proposed, with conditions.

There has been a food market at 87 Water Street for many decades, perhaps predating zoning in Falmouth. The applicant purchased the property in 2010 and has operated the Woods Hole Market and Provisions there ever since. For many years the store has included a deli counter and some seats where customers could consume purchases; the area behind the store along Eel Pond was laid with pavers and more formally arranged with tables and seating in 2011. At that time there was already a second-floor deck atop the rear portion of the store. In 2011, in Special Permit No. 13-11, the Board of Appeals approved enclosing the second-floor deck and increasing the lot coverage by structures to 80%, but that work was never undertaken. In early 2014, the second-floor deck was rebuilt and then used for seating.

Beginning in 2014 and since, the second-floor deck, the patio behind the store, and several seats inside the rear market have been available for customers of the retail store, including the deli, to consume their purchases. In 2011 the applicant installed a pizza oven and pizza has been sold as part of the deli operation. There are about 69 seats, 32 seats on the patio, 32 seats on the second-floor deck and five seats in the back of the first-floor store. The deli has always operated as a part of the retail grocery store, accounting for a minority of sales and revenue. The deli has become essential in maintaining the Woods Hole Market, the village's only true grocery store.

The proposed restaurant will be substantially separated from the market operation, with some overlap. The restaurant will serve breakfast and dinner, with service at tables and the bar, operating as a Class 1 or 2 restaurant (most likely Class 1). The restaurant food service will be closed at lunch time, when the seating areas will continue to be used by store customers. The restaurant will seek an all alcoholic beverage liquor license.

The restaurant will have 18 seats available inside the restaurant on the second floor; 28 seats on the covered second floor deck, five seats in the rear of the first floor, and 16 seats on the patio along Eel Pond, a total of 67 seats, slightly fewer seats than have been available to store customers. When the restaurant is closed for food service mid-day, all the seating will be available to store customers except for the inside second floor seats. When the restaurant is open for dining, only the first-floor interior seats and the patio seating will be available to store customers. The retail market does not have a liquor license, and alcoholic beverages will not be served from the deli or by store workers, but trained restaurant staff may take orders from and serve store customers who have taken seats.

Under the Zoning Bylaw Requirements, the retail grocery store would require 11 parking spaces, except the store operation predates the parking regulations. Second floor uses, such as offices and an apartment, would require six or seven spaces. The seating available to store

customers has not been accounted for in the parking requirements, as there has been no table service, and the deli prepares sandwiches to order and is a component of the grocery. The restaurant with 67 seats would require 34 parking spaces, about 25 spaces more than the historical uses would require. But there is no parking available on-site or designated elsewhere, as is true of most of the other retail and restaurant establishments in Woods Hole, including the restaurants on each side of the subject property. As the Board of Appeals stated in its 2011 decision, "Parking for the businesses along Water Street is primarily on-street parking." There is metered parking to the west of locus, on Water Street, MBL Street and North Street. Many people arrive in Woods Hole on public transportation, or by bicycle or on foot. Many customers will be staff or visitors to nearby scientific institutions that provide private parking in Woods Hole village or nearby, with existing shuttle services. The restaurant will have different peak hours than the grocery store. For all these reasons, applicant believes that any additional traffic generated by there being a new restaurant will not materially affect traffic operations or parking conditions in Woods Hole, and that the reduction or waiver of parking requirements may be allowed under Section 240-107.B.

The sustainability of Woods Hole Market and Provisions is important to the Woods Hole community. Staying open year-round has been a financial challenge, such that the store has closed for portions of the off-season. The lack of parking immediately adjacent to the store is a problem for many customers buying groceries; adjacent parking will not be as important for the restaurant customers. Competition with larger markets and delivery services has increased. Insurance costs, including flood insurance, have significantly increased. Hiring grocery store staff has become more difficult and expensive, even in the summer. There needs to be greater revenue from the building operations, and the proposed restaurant, with a liquor license, will contribute to that.

An application for Site Plan Review is being filed, and an application will be filed for a variance under the Flow Neutral By-law with respect to additional waste water flow into the municipal sewer system.

Please contact me with any questions. Please schedule this matter for hearing as soon as possible, and let me know the hearing date scheduled. Thanks.

Very truly yours,

Bob Ament

Robert H. Ament

RHA/gmb
Enclosure

cc. Eel Pond Realty LLC, Branch J. Parrish, Manager



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF FALMOUTH

TO THE BOARD OF APPEALS:

Date: July 13, 2021

The undersigned hereby petitions the Board of Appeals to vary the terms of the Zoning Bylaws of the Town of Falmouth/Acts of Zoning at premises:

Deed Reference: Book 25136, Page 326 Parcel ID: 49A 01 003 000
Address: 87 Water Street, Woods Hole, MA 02543
Owner's Name: Eel Pond Realty, LLC Phone: (508) 566-5601
87 Water Street, Woods Hole, MA 02543
Applicant's Name: Same Phone: Same
Mailing Address: Same
Zoning/District: B1 Property Use: retail (food market) and restaurant (Class 1 or 2)

Applying with respect to Zoning Bylaw Code: 240-3.C.; 240-18.1 (multiple uses), if applicable; 240-51.D. (Class II restaurant); 240-107.B. (parking reduction)

Size of Existing Structures: 32' x 68' (1st floor), with second floor 32' x 48'
Size of Proposed Structures: no change except new rear steps and walkway, 24.2' x 4.5'

Applying for (circle only one): Special Permit OR Variance OR Administrative Approval

State briefly the reasons for Special Permit: Add new walkway and steps to rear entrance, increasing existing non-conforming lot coverage by structures to 77.2%. Allow restaurant (Class 1 or 2) with 23 inside seats (5 on first floor, 18 new seats on second floor), up to 28 seats on existing rear roof deck, and 16 seats on existing ground level patio, all in addition to the existing food market (but inclusive of seating used for existing food market/deli), without providing any off-street parking.

Property Sewered: YES Projected Wastewater Flow: 2545 GPD per Title 5, 310 CMR 15.203 for 67 seat restaurant & store

NOTE: IF POSSIBLE, SEND PDF OF ALL PLANS PROPOSED TO FALZBA@FALMOUTHMASS.US

Owner: Eel Pond Realty, LLP Town Clerk:

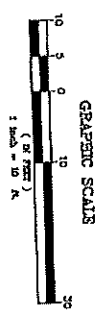
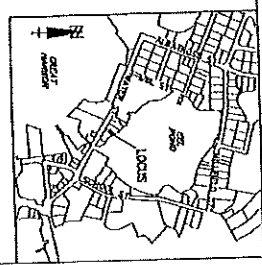
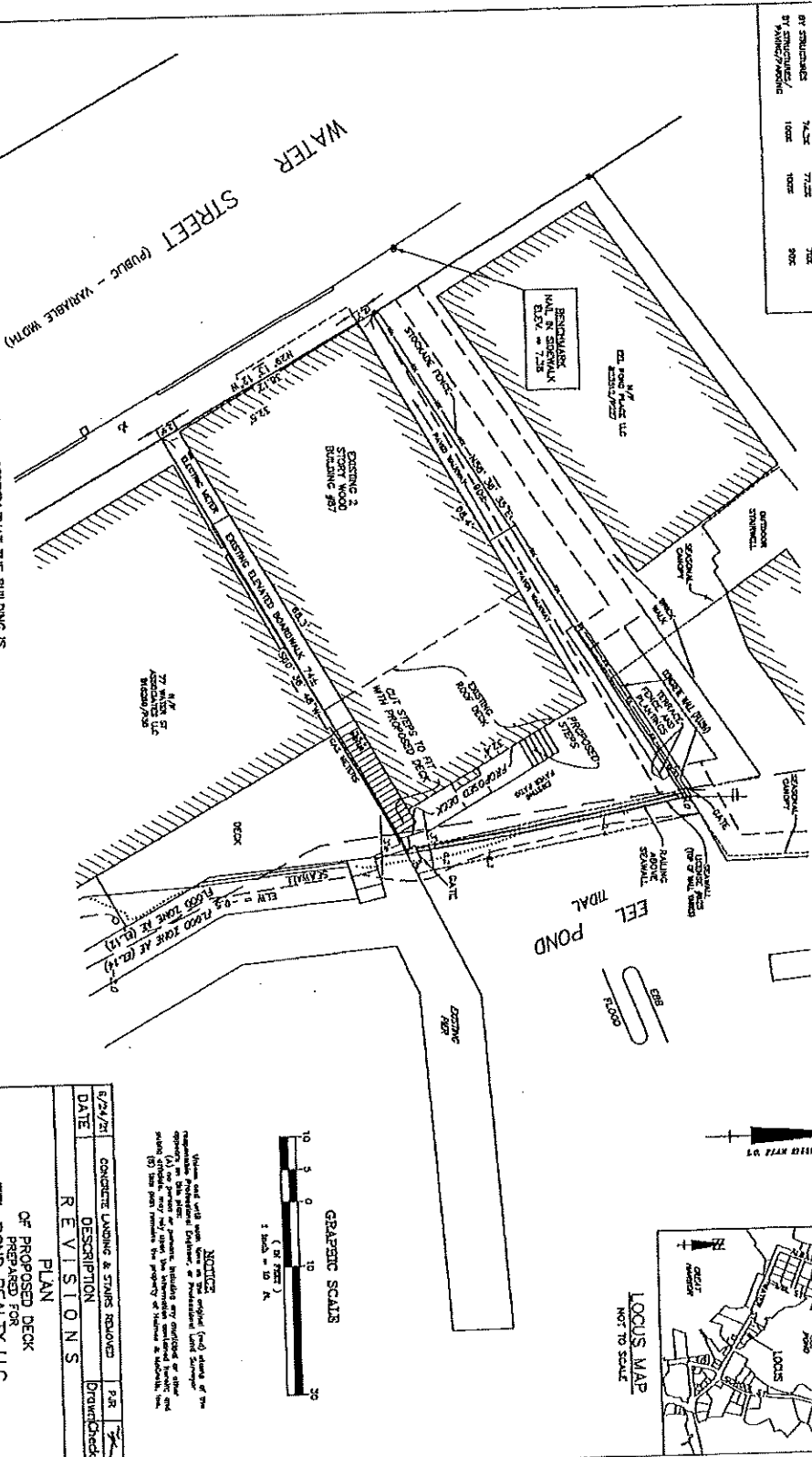
Agent: Robert H. Ament
Robert H. Ament, Esquire
Address: Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Phone: 508-540-6555, Facsimile: 508-457-1293
bob@amentklauer.com

NOTE: By filing this application you hereby grant access to the subject property by the Board Members and staff of the Appeals Board. This application and attached requirements must be complete before filing with the Board of Appeals. (REV: April 2018)

LOT COVERAGE NOTES (FOR OWNER APPROVAL)

BY STRUCTURES	BY STREETS	BY STREETS/	BY STREETS/	BY STREETS/
74.2%	77.2%	70%	70%	70%
100%	100%	100%	100%	100%

WATER STREET (PUBLIC - VARIABLE WIDTH)



NOTICE
 This plan was prepared by the undersigned (and others of the undersigned's firm) as a professional service. It is the responsibility of the undersigned to ensure that the plan is accurate and that it complies with all applicable laws and regulations. The undersigned does not warrant the accuracy or completeness of the information provided herein, and the undersigned is not responsible for any errors or omissions in the plan. The undersigned is not responsible for any damages or losses resulting from the use of the plan. The undersigned is not responsible for any claims or liabilities arising from the use of the plan. The undersigned is not responsible for any claims or liabilities arising from the use of the plan.

DATE	DESCRIPTION	BY
5/24/21	CONCRETE LANDING & STAIRS REMOVED	DRW/DR

PLAN	
DATE	5/24/21
DESCRIPTION	CONCRETE LANDING & STAIRS REMOVED
BY	DRW/DR

WOODS HOLE
 SCALE: 1" = 10'
 DATE: MAY 2, 2018

holmes and mcgrath, inc.
 508-448-2264
 508-448-2264
 508-448-2264

- NOTES:**
1. BUILDING NUMBER: 87
 2. ZONING DISTRICT: BUSINESS 1
 3. FLOOD HAZARD ZONES: AE (EL. 12) & AE (EL. 14)
 4. REFERENCE: L.C. PLAN 15748 B
 5. BOOK 28136, PAGE 326
 6. WIND EXPOSURE CATEGORY: C

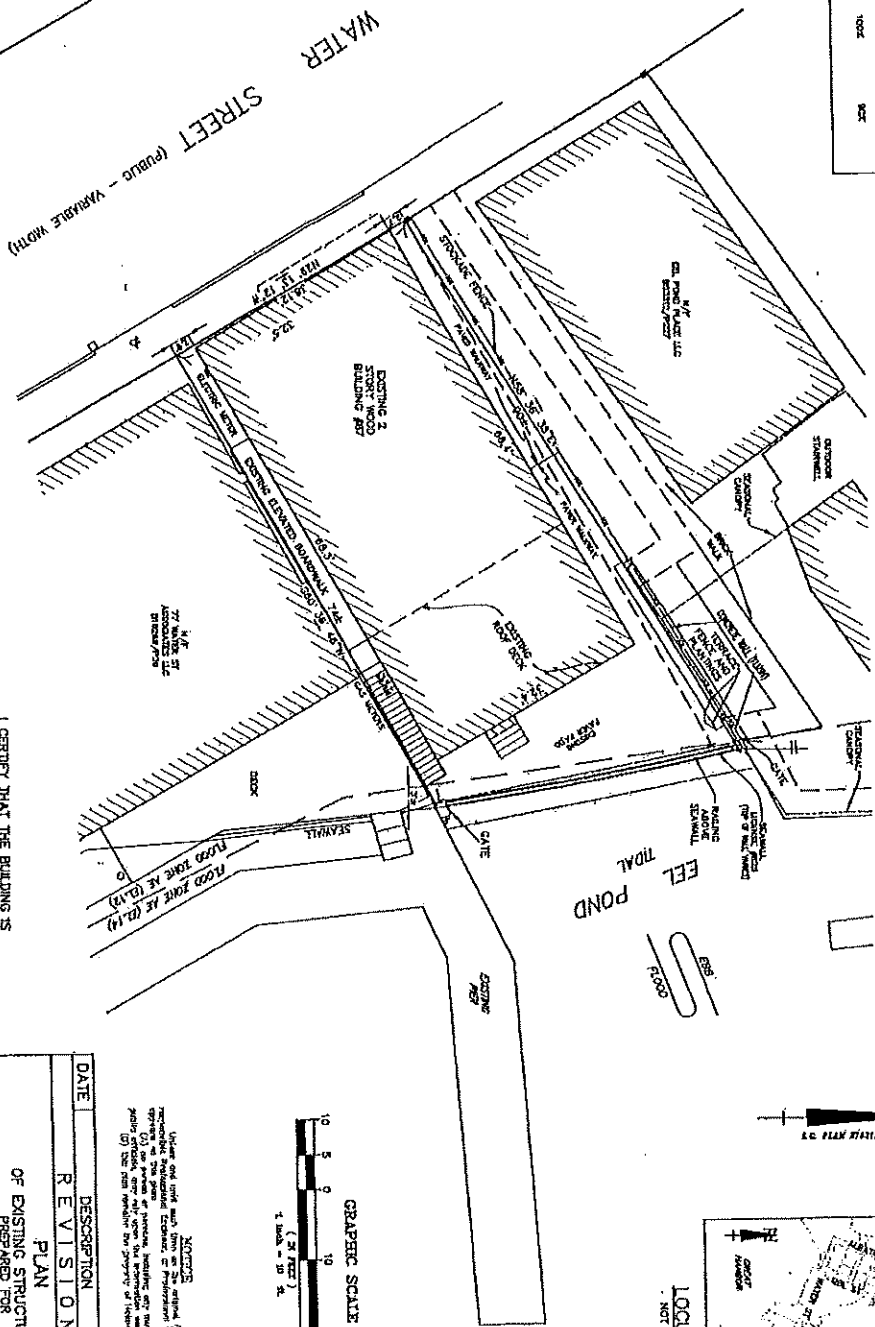
I CERTIFY THAT THE BUILDING IS LOCATED IN FLOOD PLAIN ZONE AE (EL. 12) AND AE (EL. 14) AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 250007814 AND THAT FLOOD PLAIN ZONES AE (EL. 12) AND AE (EL. 14) ARE SPECIAL FLOOD HAZARD AREAS.

HOLMES AND MCGRATH, INC.
 Michael B. McGrath
 Registered Professional Land Surveyor

I CERTIFY THAT THE BUILDING IS LOCATED ON THE LOT AS SHOWN.

HOLMES AND MCGRATH, INC.
 Michael B. McGrath
 Registered Professional Land Surveyor

LOT COVERAGE NOTES (FOR ZONING PURPOSES)	
BY STRUCTURES	74.3%
BY STRUCTURES/ PAVING/PAVING	100%



 Հ.Ր. ՔԱՆՈՒՄԱՐ



LOCUS MAP

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft

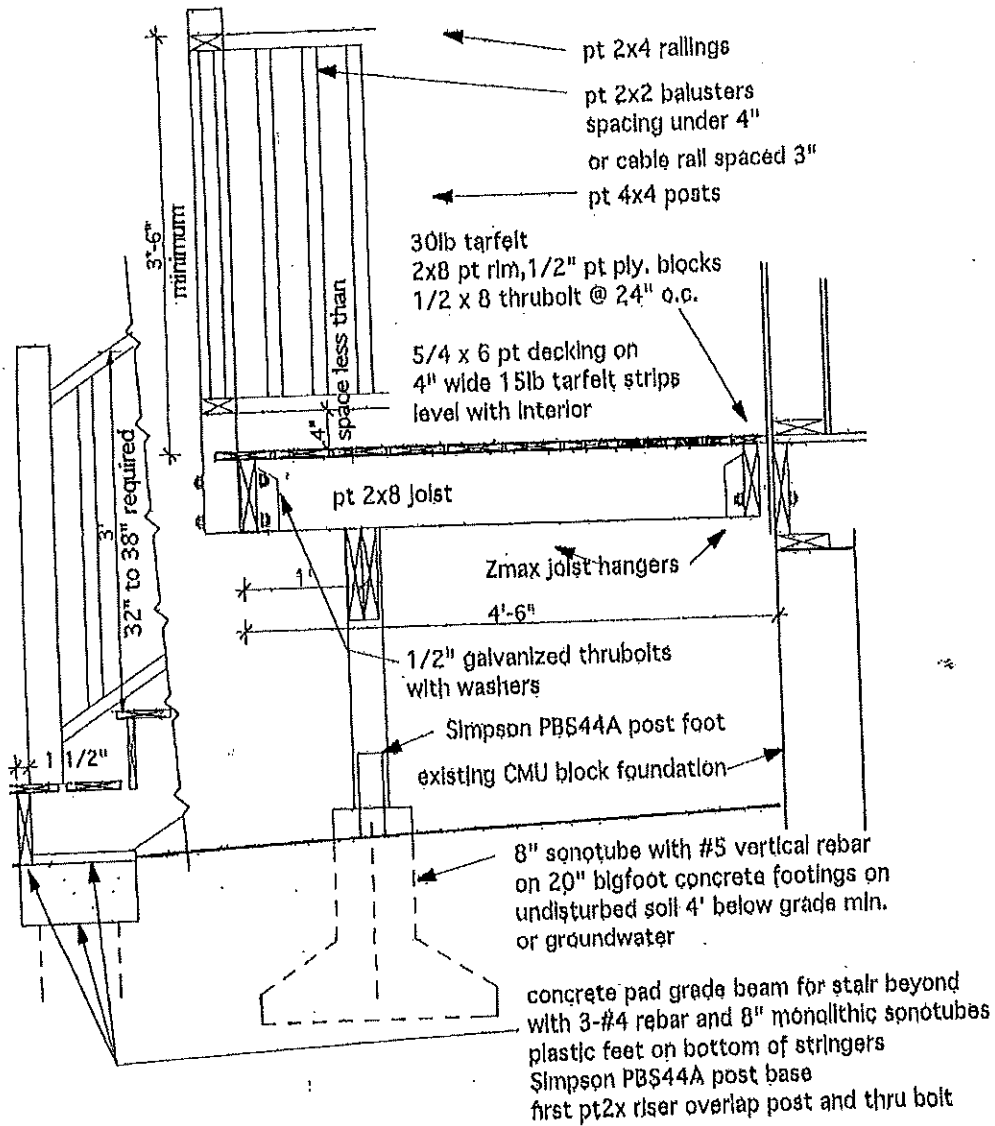
Value and right must then be the original (and) estate of the recipient. Subsequent transfers to employment and, therefore, (2) as person at present, including any transfer of other rights, which, after the expiration of the term, is not subject to the same transfer. The same transfer of rights is not subject to the same transfer.

DATE	DESCRIPTION	Drawn/Checked
REVISIONS		

OF EXISTING STRUCTURES
PREPARED FOR
EEL POND REALTY LLC
FOR LOT 9, #87 WATER STREET
IN
FALMOUTH,
MA

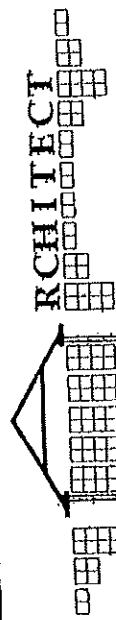
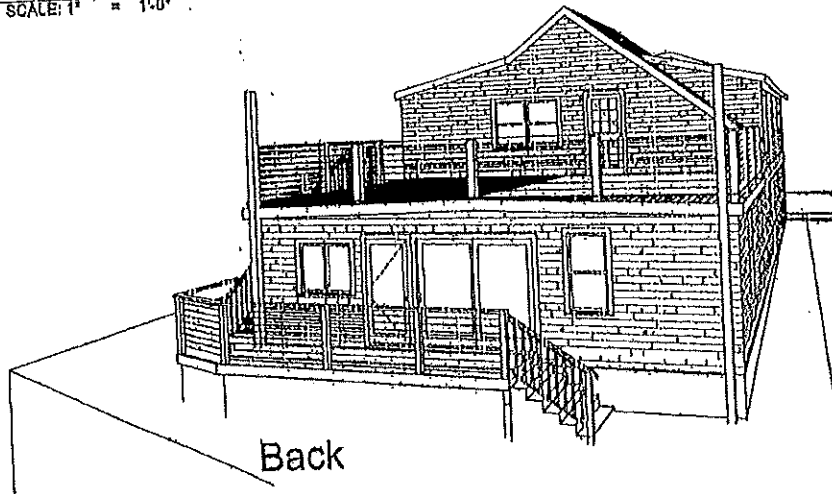
holmes and mcgrath, inc.

 105 NORWATER STREET, SUITE 204, BIRMINGHAM, AL 35203 205.448-1944 www.balmainarchitects.com	DRAWING: P-2R	CHECKED: <i>[Signature]</i>	
	JOB NO: 213035	DWG. NO.: 80-3-62A	



6 Egress Deck

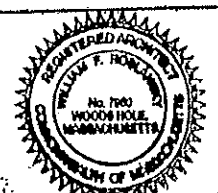
SCALE: 1" = 1'-0"



William F. Roslansky

(508) 540-8950

26 Albatross Street, Woods Hole, Massachusetts, 02543



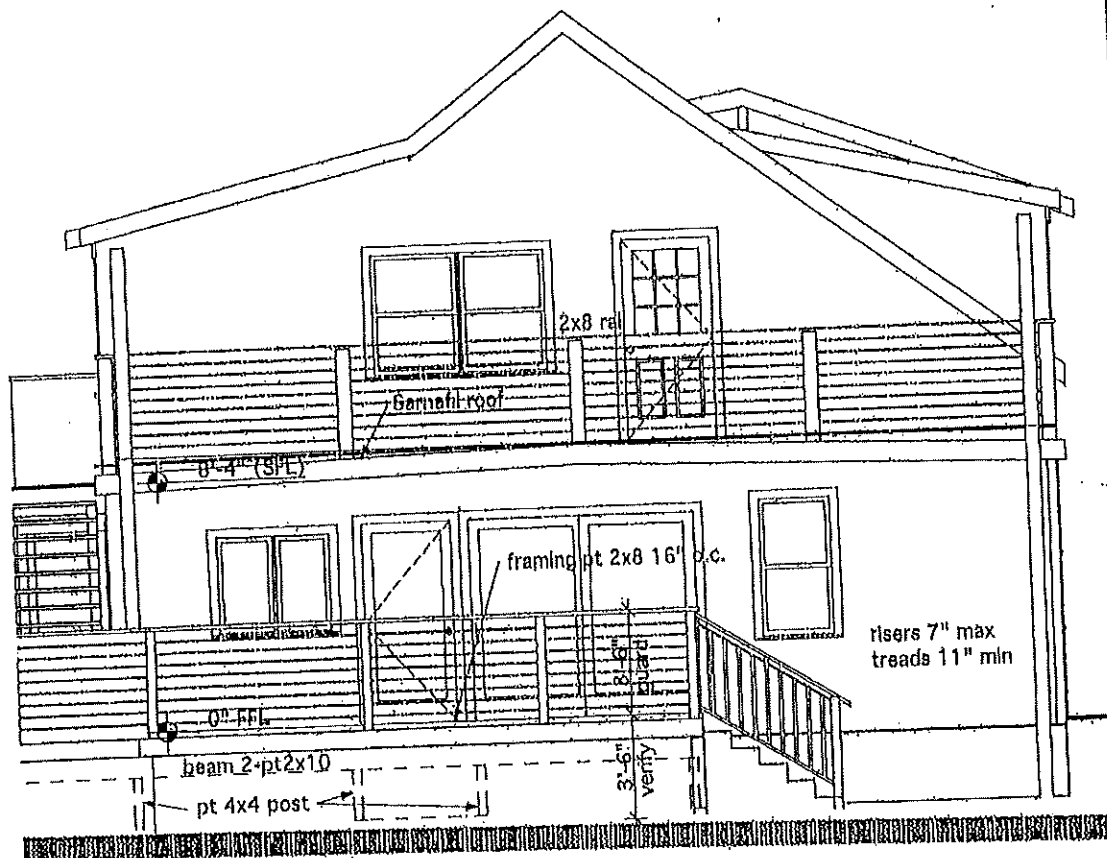
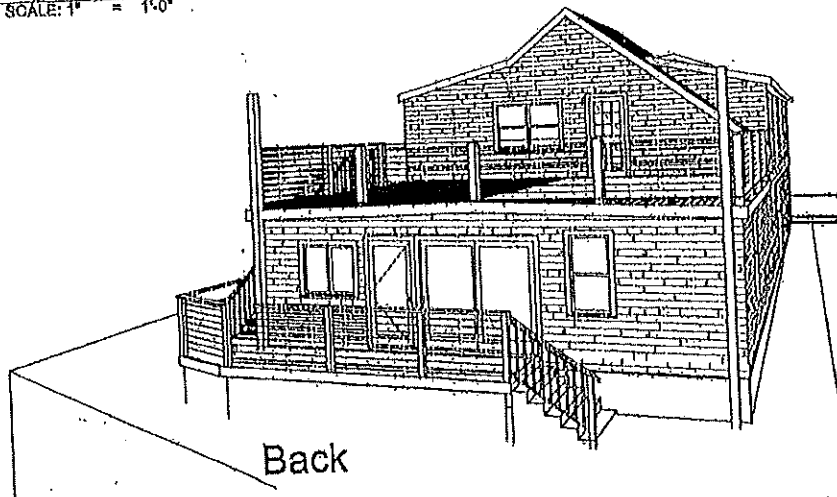
William F. Roslansky

oor Plans Back Egress

oods Hole Market

Water St., Woods Hole, MA

⑥ Egress Deck
SCALE: 1" = 1'-0"



East Elevation (waterfront)

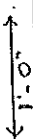


William L. Wells

Floor Plans Back Egress

Woods Hole Market

Date: 4/17/2019 Scale: 1/4" = 1'-0"

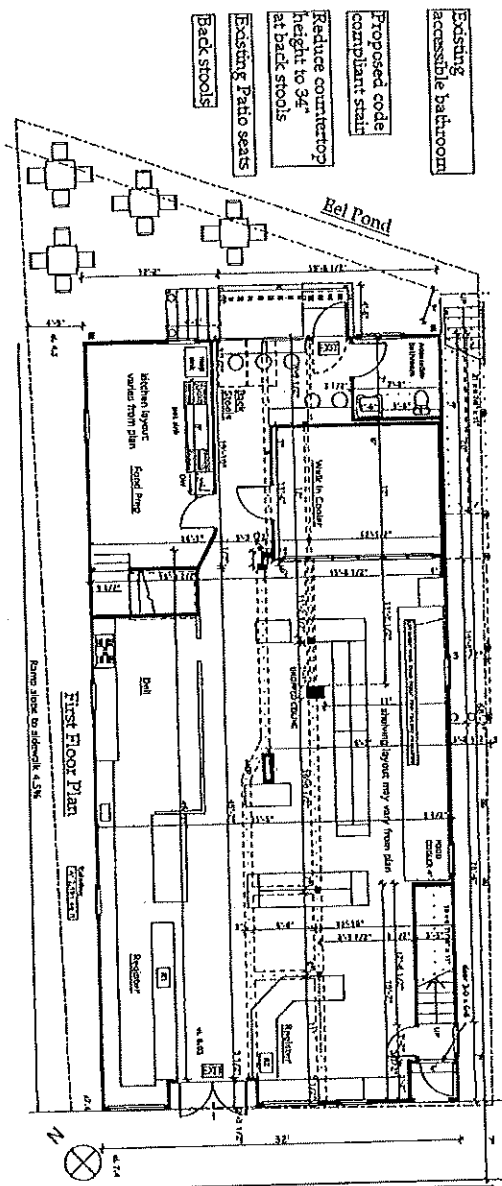
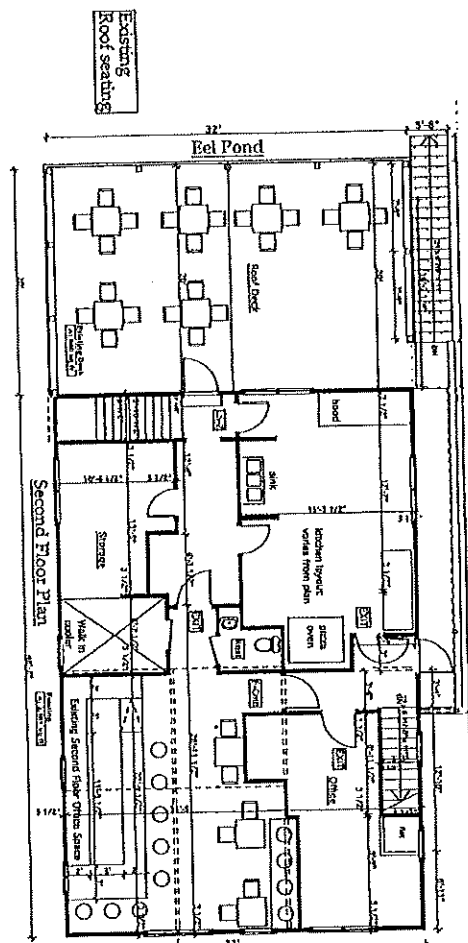


Rev. Date & Type:

Sheet No.

A-

Woods Hole IV



There are various existing dimensions and slightly nonconforming conditions which are grandfathered and do not significantly reduce accessibility

Side Alley
ramp only;
width, 37"

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

ARCHITECTURAL ACCESS BOARD
Docket No. V21-025

In re

Woods Hole Market & Provisions
87 Water Street
Woods Hole

AMENDED DECISION¹

Procedural History

This matter is before the Architectural Access Board ("AAB" or "Board") based on an Application for Variance, dated February 6, 2021, pursuant to 521 CMR 4.00, submitted by Branch Parrish, owner of Woods Hole Market & Provisions (the "Petitioner"). The application seeks variances from the requirements of 521 CMR 25.2 (entrance approach) and 521 CMR 28.1 (vertical access).

The Board initially reviewed the matter at its regularly scheduled meeting on March 8, 2021 at which time it voted to schedule an adjudicatory hearing with written notice thereof issued on March 24, 2021.

The hearing was held on April 5, 2021 in accordance with G.L. c. 30A, §§ 10 and 11; 801 CMR 1.02 *et seq.*; and 521 CMR 4.00.² Mr. Parrish appeared on the Petitioner's behalf as did Colleen Parrish, Bill Roslansky, RA, and Michael Connolly, former chair of the Massachusetts Historical Commission. The Board voted to grant the requested variances with certain conditions. The written decision was issued on April 26, 2021.

Thereafter, the Petitioner submitted a Motion for Reconsideration, pursuant to 801 CMR 1.01(7)(l). In particular, it requested revisions to the Order on the grounds that the noted language would negatively impact "business succession planning that is appropriate for the investments which will help sustain the only grocery store in Woods Hole village." The Board reviewed the Motion on May 24, 2021 at which time it voted to grant the Motion and to permit the change to the language as requested, finding that it did not substantively alter the conditions set thereby.

¹ The Instant decision addresses the Petitioner's Motion for Reconsideration, submitted following its receipt of the April 26, 2021 decision that followed the adjudicatory hearing of the matter. The prior decision is unchanged apart from the updates to the procedural history and the change to the second and third paragraphs of the Conclusion and Order, *infra*.

² Due to the ongoing COVID-19 state of emergency, the hearing was held remotely on the Microsoft Teams platform.

Applicable Laws & Regulations

Pursuant to 521 CMR 3.3.1, "[i]f the work being performed amounts to less than 30% of the *full and fair cash value* of the *building* and ... a. if the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR."

Per 521 CMR 25.1, "[a]ll public *entrance(s)* of a *building* or tenancy in a *building* shall be *accessible*. Public *entrances* are any *entrances* that are not solely service *entrances*, loading *entrances*, or *entrances* restricted to employee use only."

Per 521 CMR 25.2, "[t]he approach to an *accessible entrance* shall be a paved *walk* or *ramp* with a slip resistant surface, uninterrupted by steps. *Entrance(s)* shall have a *level space* on the interior and exterior of the *entrance* doors complying with Fig. 25a and 25b."

Pursuant 521 CMR 28.1, "[i]n all multi-story *buildings* and *facilities*, each level including *mezzanines*, shall be served by a passenger elevator. If more than one elevator is provided, each passenger elevator shall comply with 521 CMR 28. *Accessible* elevators shall be on an *accessible route* and located within the *space* with which it is intended to serve."

Exhibits

The following documentation was entered into evidence:

- Exhibit 1: Board Packet AAB 1-59, including the Application for Variance, all correspondence, photographs and plans submitted.
- Exhibit 2: Email correspondence from Kathleen Haynes, chair of the Falmouth Commission on Disabilities ("FCD"), to the Board, dated March 21, 2021.

Factual Findings

The following findings of fact and conclusions of law are supported by substantial evidence, based on the credited testimony of the witnesses, documents admitted into evidence and AAB records. G.L. c. 30A, § 11(2), § 14(7).

- 1) The Petitioner has owned the market since 2010. AAB 15. The building was constructed around 1920. Falmouth Assessor records.
- 2) The building is two stories in height and is located in a flood plain. AAB 13.
- 3) The building has a total area of 4,362 ft² with 2,181 ft² per floor. AAB 8.
- 4) Customer seating includes 16 located at the rear patio, 24 at the roof deck, and five on the ground floor. AAB 13, 14, 22.
- 5) The seating at the patio is accessible. AAB 13.
- 6) The path along the side of the building from the sidewalk to the patio has a minimum width of 37". AAB 13.
- 7) Access between floors is via a stair. AAB 22.
- 8) The existing ramp at the entrance has a 6" rise and is 30" long. AAB 21.
- 9) The value of building permits applied for within the 36 months prior to submission of the Application for Variance is \$26,125. AAB 9.

- 10) Anticipated construction costs for work not yet permitted is \$30,000. AAB 9.
11) The building's assessed value is \$359,100. AAB 9.

Discussion

The Board's jurisdiction is established pursuant to 521 CMR 3.3.1a, which states that, "[i]f the work being performed amounts to less than 30% of the *full and fair cash value* of the *building* and ... If the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR." Here, the proposed work is estimated to cost \$30,000 with the total spent or anticipated to be spent within 36 months of the Application at \$56,125. This is significantly less than 30% of the value of the building ($\$359,100 \times 30\% = \$107,730$). The Petitioner concedes the Board's jurisdiction.

However, pursuant to 521 CMR 4.1, an "owner or an owner's representative or tenant who thinks that full compliance with 521 CMR is *impracticable* may apply to the Board for a *variance* from 521 CMR." Impracticability is defined to mean either that compliance with 521 CMR "would be technologically unfeasible" or that it would "result in excessive and unreasonable costs without any substantial benefit to persons with disabilities." 521 CMR 5.00.

The building is a two-story, wood-framed structure located in a flood plain. The Petitioner uses it as a market and light-fare provider with seating currently available on the ground floor, roof deck and rear patio. Two seats on the first floor can easily be made accessible; these have a direct view of the waterfront. The facility also includes an accessible bathroom that is available for use by the public. There are 16 seats at the rear patio which are also accessible. This area is accessed by a walkway at grade along the side of the building that is minimally 37" wide.

The first-floor retail area has 3' double doors opening onto the street. The Petitioner indicates that all wheelchair traffic has been successful getting in and out of the store at this entrance. Assistance is also on hand from the clerk who operates at the counter immediately inside the door. During good weather the front doors are hooked open, leaving a 6' wide entry.

The Petitioner proposes to add 18 indoor seats on the second floor which is only reached via a stair and seeks a variance from the requirement to make the second floor accessible. Primarily, it argues that installation of an elevator is technologically unfeasible, explaining that the building is extremely old with limited space. In severe conditions, there can be as much as 5' of flood water in the market. An elevator could not be waterproofed or protected from such flooding; a flood would ruin critical components of the elevator.

The Petitioner also maintains that there is insufficient space available for an elevator and that installation is prohibitively expensive, requiring elevating the entire building by 5' in order to satisfy the building code. The cost of an elevator is approximately \$100K in addition to changes to the building to construct a fire-rated shaft which would cost an additional \$40K. In addition, to this the associated reframing of this old building would be disruptive to the second-floor framing which is 8" or less in thickness. The floors are not level so creating level thresholds and landing areas would also be difficult.

Further, replacing the existing ramp would require one that is 6' with a 5' level landing in front of the doors for 11' of lost space inside the building. The affected area would encompass both check-out areas and the total cost for such a retrofit is \$32K along with the loss of critical space.

Mr. Roslansky asserts that the sidewalk cannot be altered because it would require a 12" drop at the curb and the inclusion of a guard rail. In addition, the sidewalk would then bury more of the wood framing which would be prone to rotting and trigger the need for foundation work; this would create multiple problems for the street and adjacent buildings. Nor is it clear that the building code would even allow lowering a section of the floor since it is below the flood plain.

While, the building is not listed as historic, Mr. Connolly nonetheless noted its historic significance to the village of Woods Hole. Ms. Haynes also indicated FCD's support for the requested variances, stating that the age and location of the market make installing an elevator both an excessive expense and technologically unfeasible. Further, the Petitioner has made positive attempts to include persons with disabilities in the community. Particularly, the facility has the only accessible restroom in Woods Hole. Additionally, it will offer the same services on both floors.

Mr. Parrish asserted that the business is continually struggling to remain relevant, facing competition from large grocery chains with their greater discrepancy in pricing, a lack of workforce in the grocery industry, rising food and operations costs and, in the last year, the pandemic. Further, the Petitioner struggles because of the limited parking in the area with rising parking fees hurting the market's ability to attract customers. To survive, it must increase the availability of seating.

Analysis

The Board has now reviewed and considered the submissions and the witnesses' testimony. It finds that the evidence is sufficiently substantial, credible and detailed to establish such Impracticability as to warrant the requested variance with the conditions described below.

Conclusion and Order

In light of the foregoing, the Board votes as follows:

- to **GRANT** a variance from the requirements of 521 CMR 25.2 on the following **CONDITIONS**: (1) an automatic door opener is installed at the front entrance³; (2) signage, useful to the visually impaired, is conspicuously posted, directing patrons to the accessible route to the patio; and (3) pertinent information regarding the facility's accessibility features is posted on the Petitioner's website.
- to **GRANT** a variance from the requirements of 521 CMR 28.1 on the following **CONDITIONS**: (1) the variance and these findings apply only to and for the current and proposed market and restaurant uses in accordance with the plan entitled "Furnishing Plans Woods Hole Market 87 Water St., Woods Hole, MA" (Sheet A-3), prepared by William F. Roslansky, Architect, dated 2/9/2021; (2) two interior water view restaurant seats on the first floor will be made accessible; (3) to accommodate a

³ The Petitioner opposed the condition and indicated that it might submit additional evidence to avoid it. The Board may consider such submittal if timely made.

person with a disability who is able to access the second floor by stairs, at least one seat on the second floor shall meet the requirements of 521 CMR Sections 35.3 – 35.6; and (4) pertinent information regarding available accessible seating will be posted on the Petitioner's website.

- to **EXPEDITE** this decision of the Board, therefore, bypassing the Board's approval of the decision prior to it being sent out to all parties concerned.
- these variances and these findings apply only with respect to the market and restaurant uses described herein and shown on the referenced plan. At its discretion, the Board may reopen and revisit this matter upon any substantial changes to the use of the facility.

A true copy attest, dated: May 24, 2021

ARCHITECTURAL ACCESS BOARD

By:

Dawn Guarriello, Chair (Not Present)

Raymond Glazier, Executive Office of Elder
Affairs Designee

Andrew Bedar, Member (Not Present)

David Johnson, Member

Ana Julian, Member

Patricia Mendez, Vice Chair

Jeffrey Dougan, Massachusetts Office on
Disability Designee

Elizabeth Myska, Member

Meaghan O'Brien, Member

A complete administrative record is on file at the office of the Architectural Access Board.

This constitutes an order of the Architectural Access Board. In accordance with G.L. c. 30A, §14 and G.L. c. 22, §13A, any person aggrieved by this decision may appeal to the Superior Court of the Commonwealth of Massachusetts within thirty (30) days of receipt of it.

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

July 15, 2021

Thomas Bott, Town Planner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Site Plan Review 87 Water Street, Woods Hole, MA

Dear Tom:

Eel Pond Realty LLC owns 87 Water Street, Woods Hole, site of the Woods Hole Market and Provisions grocery store. The owners propose to open a Class 1 or 2 restaurant to operate there, mainly on the second floor, as the first-floor grocery store continues to operate. Enclosed is a copy of the application for special permit filed with the Board of Appeals.

Apparently, the grocery store predates zoning. For many years there has been a deli as part of the store with seating available in and outside the building where store customers could consume their deli purchases. Since 2014, the second-floor deck has been used that way. There has never been table service and the seating was not considered restaurant seating.

The present restaurant proposal is described in the correspondence to Noreen Stockman dated July 14, 2021. The restaurant would serve breakfast and dinner. At lunch time, there would not be restaurant food service, but we will be requesting a liquor license to allow the restaurant to serve alcoholic beverages to deli customers in the designated seating areas. There are already 69 seats available to store customers. The seating will be slightly reduced, so there will be up to 67 seats available. Because there will now be restaurant seating, this may be considered a change of use, triggering the application of parking requirements and the need for a special permit and site plan review. Of course, on-site parking is not available, so the Board of Appeals is being asked to waive the parking requirements.

Delivered herewith are:

1. Application for Site Plan Review;
2. Site Plans prepared by Holmes and McGrath, titled:
 - a. "Plan of Existing Structures prepared for Eel Pond Realty, LLC for Lot 0, #87 Water Street in Woods Hole, Falmouth, MA" date: June 18, 2021;
 - b. "Plan of Proposed Deck prepared by Holmes and McGrath, Inc. for Lot 0, #87 Water Street in Woods Hole, MA" date: May 8, 2019, revised 6/24/21;
3. Architectural Drawings prepared by William Roslansky;

Thomas Bott, Town Planner
July 15, 2021
Page 2

- a. portion of plan entitled "Floor Plans Back Egress Woods Hole Market 87 Water St., Woods Hole, MA" Sheet A-1 Date: 4/17/2019 (note: the plan submitted only shows the plan's relevant elevations section labeled "(6) Egress Deck" and "East Elevation (waterfront)");
 - b. "Furnishings Plans Woods Hole Market 87 Water St., Woods Hole, MA" Sheet A-3 date 2/9/2021;
4. Copy of Board of Appeals application for special permit; and
 5. Filing fee of \$200.00.

In terms of Site Plan Review, I do not think there is much for the Planning Board to review. Please give me a call about this after you review it.

Please schedule this for Planning Board discussion as soon as possible. Thanks.

Very truly yours,



Robert H. Ament

RHA/gmb
Enclosure

cc: Eel Pond Realty LLC

FORM SP-2

TOWN OF FALMOUTH, MASSACHUSETTS

PLANNING BOARD

APPLICATION FOR A SITE PLAN REVIEW FROM THE PLANNING BOARD

Date: July 13, 2021

To the Planning Board of the Town of Falmouth:

The undersigned hereby applies for a Site Plan Review under Section 240-191 et seq. (Article XXXIX) of the Zoning By-laws of the Town of Falmouth, namely to allow the addition of a new walkway and steps to the rear entrance of the property located at 87 Water Street, Woods Hole, MA, and to allow restaurant use in addition to the existing food market/deli known as the Woods Hole Market and Provisions without providing any off-street parking.

Property located at: 87 Water Street, Woods Hole, MA 02543

Falmouth Assessor's Map: 49A Section 01 Parcel 003 Lot 000.

Applicant's name: Eel Pond Realty, LLC

Address: 87 Water Street, Woods Hole, MA 02543

Telephone: (508) 540-6555 (Ament Klauer LLP)

Applicant's interest: Owner

Applicant's signature: Eel Pond Realty, LLC

By: Robert H. Ament
Robert H. Ament, Esquire
Ament Klauer LLP, Attorney for Applicant
39 Town Hall Square
Falmouth, MA 02540
(508) 540-6555
bob@amentklauer.com

Diane Davidson

From: Diane Davidson
Sent: Wednesday, September 1, 2021 10:40 AM
To: Amy Lowell; Scott McGann
Subject: FW: Request for Flow Neutral Bylaw Variance - 87 Water Street
Attachments: Woods Hole Market-87 Water Street-Application for Flow Neutral Bylaw Variance.pdf; Woods Hole Market-87 Water Street-Application for Special Permit.pdf; Woods Hole Market-87 Water Street-Site Plan Review.pdf

Hi Amy and Scott,

I am preparing to send the public hearing notice to the Falmouth Enterprise today for a hearing on the application for Flow Neutral Bylaw variance for 87 Water Street. The hearing is scheduled with the Select Board on Monday, September 13. Will that give you enough time to prepare your recommendations?

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*

From: Diane Davidson
Sent: Tuesday, August 17, 2021 11:33 AM
To: Amy Lowell <amy.lowell@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Subject: FW: Request for Flow Neutral Bylaw Variance - 87 Water Street

Hi Amy and Scott,

Just checking on the status of your review and comments on the attached application for Flow Neutral Bylaw variance for 87 Water Street.

The Select Board meet on August 30 and September 13, and if we plan on placing this request on 8/30, I will need to send the ad to the paper tomorrow. Otherwise, for September 13, no rush.

Thank you,

Diane

From: Diane Davidson
Sent: Thursday, July 29, 2021 3:09 PM
To: Amy Lowell <amy.lowell@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman

<noreen.stockman@falmouthma.gov>

Subject: Request for Flow Neutral Bylaw Variance - 87 Water Street

Amy,
Scott,

Attached, for your review and recommendations, please find an application for a variance to the Flow Neutral Bylaw for Woods Hole Market located at 87 Water Street, Woods Hole.

Also attached, for your information, are copies of an application to the Planning Board for site plan review and an application to the Zoning Board of Appeals for a special permit.

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: Diane Davidson
Sent: Monday, August 23, 2021 2:33 PM
To: Bob Ament
Subject: Application for Flow Neutral Bylaw Variance - 87 Water Street

Hi Bob,

The Flow Neutral Bylaw Variance Hearing for 87 Water Street is presently scheduled on the September 13, 2021 Select Board agenda. The Board of Health has this request scheduled on its August 30 agenda, and Scott McGann has asked that you contact him this week.

If you have any questions, please let me know.

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: Diane Davidson
Sent: Thursday, July 29, 2021 3:09 PM
To: Amy Lowell; Scott McGann
Cc: Julian Suso; Thomas Bott; Noreen Stockman
Subject: Request for Flow Neutral Bylaw Variance - 87 Water Street
Attachments: Woods Hole Market-87 Water Street-Application for Flow Neutral Bylaw Variance.pdf; Woods Hole Market-87 Water Street-Application for Special Permit.pdf; Woods Hole Market-87 Water Street-Site Plan Review.pdf

Amy,
Scott,

Attached, for your review and recommendations, please find an application for a variance to the Flow Neutral Bylaw for Woods Hole Market located at 87 Water Street, Woods Hole.

Also attached, for your information, are copies of an application to the Planning Board for site plan review and an application to the Zoning Board of Appeals for a special permit.

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*

BUSINESS

- 2. Discussion, vote on proposed Remote Participation Policy for Boards/Committees**



Town of Falmouth

Remote Participation Policy

Adopted _____, 2021

The Select Board authorizes remote participation for all appointed and elected Town Boards, Committees, and Commissions in accordance with the requirements of Massachusetts Open Meeting Law, M.G.L. c. 30A, § 20(d) and 940 CMR 29.00, section 29.10: Remote Participation, in the following manner. The Select Board emphasize that pursuant to the requirements of the Remote Participation provisions of the Regulations issued by the Attorney General, a quorum of the public body, including the chair, or in the chair's absence the person authorized to chair the meeting, must be physically present at the meeting location, as required by M.G.L. c. 30A, § 20(d); and members of the public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, § 23D.

Reasons for Remote Participation:

- Personal illness
- Personal disability
- Emergency
- Military service
- Geographic distance

Approved Technology for Remote Participation

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. (Accommodation shall be made for any public body member who requires TTY service, video relay service, or other forms of adaptive telecommunications).

- Telephone, internet, satellite enabled audio, or video conference, utilizing the Select Board approved remote conference platform.
- Any technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
 - When video technology is in use, the remote participation shall be clearly visible to all persons present in the meeting location.
 - The Chair, or in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

The public body using remote participation may determine which of the foregoing acceptable methods will be used by its members.

Falmouth, MA Remote Participation Policy

Procedure for Utilizing Remote Participation:

Step 1: Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair, or in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

Step 2: At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 20.10(5) for his or her remote participation. The chair's statement does not need to contain any detail about the reason for the member's remote participation. This information shall also be recorded in the minutes.

Step 3: All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

Step 4: A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the presence of that person is approved by a simple majority vote of the public body.

Step 5: When feasible, the chair or, in the chair's absence the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that they reasonably anticipate will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, § 22.

The Select Board reserves the right to revoke Town Board remote participation at any time under 940 CMR 20.10(13).

EFFECTIVE DATE:

This policy shall become effective on _____, 2021.

Phyllis Downey

From: Frank Duffy
Sent: Wednesday, September 8, 2021 3:40 PM
To: Julian Suso; Peter Johnson-Staub
Cc: Diane Davidson; Phyllis Downey; Kim Fish; Michael Palmer; Thomas Bott
Subject: Remote participation policy
Attachments: Draft Remote Participation Policy 9-8-21 (003).docx

Julian: I enclose herewith a draft Remote Participation Policy for consideration by the Select Board. I have advocated for this policy before and several years ago the board declined to adopt it. Some members of the board felt it would encourage members to stay home. However in today's environment remote participation is not a convenience, but practically a necessity. Today we have a member of an important board who must stay home during convalescence, but who is otherwise capable of participating in a meeting. There will be other occasions where remote participation is appropriate.

This policy is based on the Open Meeting Law regulations promulgated by the Attorney General and found in 940 CMR 29.00 et seq. Remote participation applies only to members of a board or committee who cannot physically attend an in person meeting for the reasons approved in the policy. It is not intended as a standing excuse to stay at home. The policy applies only when a quorum of member is physically present in the meeting room. As a practical matter, most members who participate remotely under this policy will do so by telephone on the table or desk with the volume turned up so they can hear and be heard by all present.

This policy does not apply to members of the public. If the public is to participate remotely, the meeting must be presented via Zoom or similar technology and this policy

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