

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, NOVEMBER 8, 2021 – 7:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
 - November 15 Town Meeting comments
5. Public Comment
6. Affirm appointment of Deputy Public Works Director

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for a Change of Manager of an All Alcohol Club License – Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc., located at 140 Palmer Avenue, Falmouth
 - b. Approve application for a Special One-Day All Alcohol Liquor License – Falmouth Theatre Guild, Highfield Theater, 58 Highfield Drive – Friday, Saturday, and Sunday; December 4, 5 & 6, 2021 and December 10, 11 & 12, 2021
 - c. Approve application for One-Day Sunday Entertainment License – Shipwrecked, 263 Grand Avenue – Sunday, 11/14/2021 from 11:00 a.m. to 6:00 p.m.
2. Administrative Orders
 - a. Vote to accept FY21 Wellness Grant in the amount of \$600.00 from Cape Cod Municipal Health Group to the Personnel Department grant account
 - b. Vote to Accept FY2021 Bulletproof Vest Partnership Program Award in the Amount of \$8,034.20
 - c. Authorize request to CPC for allocation of \$1 million in funding to the Falmouth Affordable Housing Fund
 - d. Approve request from Water Quality Management Committee for \$19,500 in AFCEE funding for a baseline study of the ecology of Little Pond by UMass-Dartmouth
 - e. Authorize signing by DEI Officer of Bridge to Blue letter of support with WHOI for grant application under the Build Back Better Program
 - f. Retroactive approval of Water Department's application for FY22 MIIA Risk Management Program Grant in the amount of \$10,000 for safety equipment
 - g. Approve request for permission to submit an application to the Conservation Commission to reconstruct an existing dock at 139 Edgewater Drive West

7:30 p.m. PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Pickle Jar Ltd. d/b/a Pickle Jar Kitchen at 170 Main Street, Falmouth (10 minutes)
2. Shade Tree Hearing – on application by the Falmouth Parks Department for the removal of two (2) Norway Maple trees at 187 Central Avenue, East Falmouth (10 minutes)
3. Vote to adopt new mooring regulations relating to house floats and house boats, continued from October 25, 2021 (10 minutes)
4. Wetlands/Dock Hearing – Teague I. Campbell – Reconstruct pier, ramp and float on the same general footprint as the existing dock in and over the waters of Rand's Canal, located at 147 Bay Road Extension, continued from October 25, 2021 (15 minutes)

8:15 p.m. BUSINESS

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

8:25 p.m.

2. Report – Commission on Substance Use (15 minutes)

8:40 p.m.

3. Presentation – Beach Committee (15 minutes)

8:55 p.m.

4. Discuss and vote to increase Beach Committee membership (5 minutes)

9:00 p.m.

5. Discussion of Charter Review Committee recommendations (10 minutes)

9:10 p.m.

6. Discussion on short-term rental tax receipts and allocation to affordable housing (15 minutes)

9:25 p.m.

7. Discussion on West Falmouth station staffing (10 minutes)

9:35 p.m.

8. Approve 2022 Annual License Renewals (5 minutes)

ALL ALCOHOL RESTAURANT

East End Tap, 734 Teaticket Highway
Falmouth Country Club, 630 Carriage Shop Road
Falmouth Jade, 143-145 E. Falmouth Highway
Flying Bridge, 220 Scranton Avenue
Josh's at Davisville, 133 E. Falmouth Highway
Moto Pizza, 500 Waquoit Highway
Paul Harney Golf, 74 Club Valley Drive
Paul's Pizza, 37 Elaine Avenue

ALL ALCOHOL PACKAGE STORE

Falmouth Food Mart & Liquor, 414 E. Falmouth Highway

ALL ALCOHOL CLUB

Cape Cod Curling Club, Inc., 37 Highfield Avenue

WINE AND MALT RESTAURANT

Homeport Sushi, 316 Gifford Street

WINE AND MALT PACKAGE STORE

Intergas Service Center, Inc., 607 Main Street

WINE, MALT AND CORDIAL INNHOLDER

Palmer House Inn, 81 Palmer Avenue

COMMON VICTUALLER

East End Tap, 734 Teaticket Highway
Falmouth Country Club, 630 Carriage Shop Road
Falmouth Jade, 143-145 E. Falmouth Highway
Flying Bridge, 220 Scranton Avenue
Homeport Sushi, 316 Gifford Street
Josh's at Davisville, 133 E. Falmouth Highway
Lobos House of Pizza, 338 E. Falmouth Highway
Moto Pizza, 500 Waquoit Highway
Paul Harney Golf, 74 Club Valley Drive
Paul's Pizza, 37 Elaine Avenue
Pie in the Sky, 10 Water Street

INNHOLDER

Palmer House Inn, 81 Palmer Avenue

ENTERTAINMENT

East End Tap, 734 Teaticket Highway
Flying Bridge, 220 Scranton Avenue

FORTUNE TELLER

The Holistic Swan, 628 West Falmouth Highway

9:40 p.m.

9. Review and Vote to Approve Minutes of Meetings:
 - Public Session – August 9, 2021 and October 4, 2021 (5 minutes)

9:45 p.m.

10. Individual Select Board Members' Reports (5 minutes)

9:50 p.m.

11. Town Manager's Report (5 minutes)

Douglas C. Brown, Chair
Select Board

OPEN SESSION

3. Announcements

- November 15 Town Meeting comments

OPEN SESSION

6. Affirm appointment of Deputy Public Works Director

Steven P. Cadorette, P.E.
Senior Environmental Engineer



Gordon R. Archibald, Inc.
Civil and Environmental Engineers

Education

B.S., 1981, Chemistry,
Bridgewater State College

B.S., 1991 Civil Engineering,
Northeastern University

Registrations/Certifications

Commonwealth of Massachusetts,
P.E. Registration No. 46307

Commonwealth of Massachusetts,
Title 5 Soil Evaluator, License No.
2865

Commonwealth of Massachusetts
Title 5 System Inspector, License
No. 4429

State of Rhode Island,
P.E. Registration No. 8536

State of Rhode Island, Dept. of
Environmental Management, Class II
Designer, Individual Sewage
Disposal Systems, License No.
D2115

State of Rhode Island, Department of
Environmental Management,
Individual Sewage Disposal Systems
Installer, License. No. 1550

State of Rhode Island, Department of
Environmental Management, Class
A/B Certified Underground Storage
Tank System Operator

Professional Affiliations

Chairman, Somerset MA, Zoning
Board of Appeals, Somerset, MA

Clerk, Somerset Water and Sewer
Commission, Somerset, MA

I have 32 years of experience in civil and environmental engineering consulting work. The most recent 15 years have been with Gordon R. Archibald, Inc. (GRA) as manager of its environmental services section. My responsibilities include civil and environmental engineering consulting for site development projects, environmental consulting for RIDOT highway and bridge projects, civil site design for RIDOT salt storage facility projects, budget preparation and management during construction, Request for Proposal and specification preparation for public sector bid solicitations, site assessment projects, petroleum and hazardous material release remediation, and Brownfields development projects.

Project experience includes:

Massachusetts Department of Transportation (MADOT), Sediment Evaluation Study, Replacement of Bridge No. L-03-024, Lanesborough, Massachusetts. Project manager for a sediment evaluation study for this project. The work included a comprehensive physical and chemical characterization in accordance with 310 CMR 9.07. The physical and chemical characterization was used to evaluate the sediment management options.

Private Client, Beneficial Use Determination (BUD) Cap Design, Former Taunton Street, Plainville, MA. Project manager for the civil and environmental engineering tasks to complete the beneficial reuse of 9,000 cubic yards of impacted concrete debris at an EPA and MADEP regulated site. The work included reviewing local and state wetlands and stormwater permitting requirements, preparing an existing conditions plan, finish grading of a 2.5 acre asphalt cap, site restoration, and detail plans. Stormwater modeling was completed to evaluate post-capping stormwater runoff flows and volumes and to design stormwater best management practices to manage the cap runoff. Contract specifications and quantity estimates were reviewed for the project bid documents. The project was inspected during and at the completion of construction to confirm it was completed in general accordance with the project plans and specifications.

Private Client, Turnpike Lake, North Dam, Phase I Inspection/Evaluation Report. Project manager for the visual inspection and report of conditions for the Turnpike Lake North Dam. The report was prepared in accordance with 302 CMR 10.07. A hydrologic and hydraulic evaluation of the dam impoundment, the dam spillway, and the downstream channel was completed in evaluate conditions under various design storms. The work included recommendations for ongoing operation and maintenance activities, minor repairs, and remedial modifications to bring the dam into compliance with the applicable dam regulations. A preliminary cost estimate was also provided.

OMNI Environmental Group, Town of Carlisle Public Schools, The Charles School - Corey Building, Point of Entry Drinking Water Treatment System. I was retained by OMNI Environmental Group to design a Point of Entry (POET) drinking water treatment system for an elementary school's drinking water system. The POET system treated raw water from the school's drinking water well. The system included a particulate filter, two granular activated carbon beds, a second particulate filter, and a UV treatment system. The treated water was discharged to a storage tank and was ultimately the school's potable water



source. An Operation and Maintenance (O&M) manual was prepared for the systems operation and maintenance. The system was approved for use at the school by the MADEP – Northeast Regional Office approval for the system's installation and use at the school.

Rhode Island Department of Transportation (RIDOT) Apponaug Circulator Long-Term Improvements, Warwick, RI. Project manager for the environmental consulting services required to construct the roadway, relocated Apponaug River channel, and stormwater management system on this project. GRA completed environmental site assessments for the entire project area including Phase I ESA and Environmental Transaction Screen (ETS) reports, a subsurface investigation that included 72 borings completed as monitoring wells, soil sampling, groundwater gauging and sampling, and Site Investigation Reports. A geophysical subsurface survey of the former mill property was completed to identify subsurface features related to the former industrial use that would potentially impact construction of the relocated river channel and the stormwater management system. A Remediation General Permit for a contaminated groundwater treatment system was prepared and approved by the RIDEM. Construction phase compliance activities included confirmatory sampling.

RIDOT - Stormwater Pollution Prevention Plans (SWPPP) and Spill Prevention Control and Countermeasure (SPCC) Plans. Project manager for the completion of twenty-six SWPPP plans and four SPCC plans for the Rhode Island Department of Transportation – Maintenance Division facilities throughout Rhode Island. The SWPPP work included site inspections of each facility to identify stormwater drainage patterns, potential pollutant sources, existing best management practices (BMP), and outfall locations. The SPCC site inspections included the preparation of material storage volume and locations, secondary containment methods, spill response equipment, and potential release receptors. Interviews conducted with site and administrative personnel were used to identify existing spill response protocols. The site inspection and interview information was then used to identify corrective measures required for spill response activities. Release notification and response actions had to be coordinated between two state agencies that stored oil and hazardous materials at many of the locations. The SWPPP and SPCC plans were then prepared in accordance with the governing regulations.

RIDOT - Highway and Bridge Maintenance Division Environmental Compliance. Project manager for the on-call RIDOT Highway and Bridge Maintenance Division contact for a range of environmental compliance and technical design services. These services were provided at the Department's maintenance facilities to document and maintain compliance with Rhode Island Pollutant Discharge Elimination System (RIPDES) stormwater requirements for owners/operators of such facilities; to investigate, analyze, and develop remediation plans for historical use past releases at certain sites; and to support the Department's responsibilities in maintaining its maintenance infrastructure in a state of good repair. Along with the above efforts, GRA was directed to develop site/civil engineering designs for capital improvements at a number of maintenance facilities (including layout and grading, pollution prevention and containment measures, and stormwater management), procuring the necessary regulatory approvals and producing plans, specifications, estimates, and other contract documents for bid.

RIDOT - Lincoln Salt Storage Salt Storage and Maintenance Facility. Project manager for the RIDOT major infrastructure improvements required to comply with a 2009 Consent Agreement with the RIDEM to provide covered salt storage at RIDOT Maintenance Facilities. GRA completed a site investigation to characterize subsurface conditions and designed remedial measures that allowed contaminated soils to be used as structural fill (and capped) beneath the salt storage building's bituminous concrete floor. GRA developed the site/civil design for this work, including layout and traffic circulation, new utility services, and stormwater management practices developed in accordance with the *Rhode Island Stormwater Design and Installation Standards Manual*. This location was the first RIDOT Salt Storage Facility to implement covered loading into its salt management practices.

RIDOT - Dillon's Corner Salt Storage Facility. Project manager for the site improvements required to redevelop the Dillon's Corner Salt Storage Facility in Narragansett. GRA designed the site/civil improvements required to convert this facility from an uncovered sand and salt storage facility to the second RIDOT salt storage facility with a covered loading bay. The improvements included the construction of a new salt storage building with covered loading bay, site grading, paving, utilities, and stormwater management measures.

RIDOT - Portsmouth Boyd's Lane Maintenance Facility. Project manager for the design of a maintenance complex to replace



the RIDOT's existing maintenance facility on Anthony Road in Portsmouth. GRA served as the lead site/civil engineer for the project, including a new 22,000 square foot maintenance building, fueling station, above-ground storage tanks for brine and magnesium chloride, lot infrastructure (pavements, curbing, walkways, fencing and access control, signing and striping, etc.), utilities, and stormwater management. Given the new site's proximity to the coastal environment of Island Park Cove and its associated flood zones, the drainage design was particularly critical element; thus, to provide the necessary management of stormwater runoff and protection of receiving waters, GRA developed a system of open and closed conveyances, stone diaphragm filter strips, bio-swales, and constructed wetland treatment systems to meet the requirements of the Stormwater Manual and the R.I. Coastal Resources Management Council (CRMC) Coastal Resources Management Program. In order to ensure compliance with the Department's obligations under the RIPDES MS4 General Permit, GRA also developed a Long-term Stormwater Operation and Maintenance (O&M) Plan and Stormwater Pollution Prevention Plan (SWPPP) for the new facility.

RIDOT – Civil Site Design for Three Salt Storage Facilities, RIDOT – Portsmouth, East Providence, and Pawtucket Facilities. Project manager for the civil site design and permitting for three additional salt storage facilities at existing RIDOT salt stockpile locations. Responsible for the design of an innovative depressed, covered vehicle loading area designed to prevent salt impact to stormwater during vehicle loading operations. As an alternative a covered loading ramp installed inside the facility was used to address grading problems at the East Providence facility.

University of Rhode Island (URI) – Environmental Consulting for the Demolition of Five Existing Buildings 190,000 sf, six story Fascitelli Center for Advanced Engineering. Project manager for the pre-demolition survey of five existing structures required to clear the site for the construction of the Fascitelli Center for Advanced Engineering. The demolition studies included the visual inspection of the buildings for regulated materials and special waste and the supervision of the asbestos containing materials and lead based paint consultant. Demolition specifications were prepared for the bid documents. The project also included collecting over three hundred soil samples from the perimeter of these buildings and analyzing them for PCBs. A separate site investigation that included soil and groundwater sampling completed by GRA was managed. I was responsible for completing all required regulatory compliance activities under the RIDEM Remediation Regulations. Contaminated soil excavation and disposal was supervised during construction. The site received a No Further Action letter from the RIDEM. A groundwater treatment system required as part of the dewatering system was designed and permitted by GRA.

University of Rhode Island (URI) - White Horn Brook Rehabilitation and Sediment Characterization and Management. Project manager for the sediment characterization and management consulting services required for the White Horn Brook stream restoration project. Sediment deposited in the channel by stormwater flow was sampled and characterized. Sediment management feasibility studies were completed and a sediment management plan was prepared. RIDEM approved the sediment management plan as a Short Term Measure. GRA then supervised the sediment removal and management activities.

Pawtucket Credit Union – Cumberland Rhode Island. Project manager for the design, permitting, and construction phase oversight for the site development as a new branch location. GRA prepared the site layout, grading, stormwater management system, and utilities services for the facility. The project required regulatory permits from the RIDOT, RIDEM, and the Town of Cumberland Planning and Zoning Boards. Remedial measures were designed to maximize the onsite reuse and capping of non-compliant soils and the installation of a stormwater infiltration system on the former apple orchard property.

OPEN SESSION

SUMMARY OF ACTIONS

1. Licenses

- a. Approve application for a Change of Manager of an All Alcohol Club License – Falmouth Elks Lodge #2380 B.P.O.E. of U.S.A., Inc., located at 140 Palmer Avenue, Falmouth



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00049-CL-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager Granted under Special Legislation? Yes No

If Yes, Chapter
(i.e. restaurant, package store) (Annual or Seasonal) (i.e. Wines and Malts / All Alcohol) of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Elks Lodge #2380 BPOE of USA Inc.

Address: 140 Palmer Avenue, Falmouth

License Type: All Alcohol Club License

New or Transfer of License _____

or

Change of License Change of Manager

Police _____

Fire _____

Building _____

Health _____

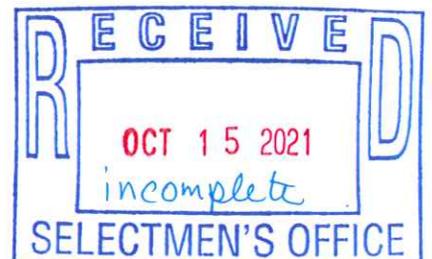
Zoning okay

Planning _____

DPW _____

Assessors No issues

NOTES:





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

AMENDMENT-Change of Manager **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Falmouth Elks Lodge #2380 B.P.O.E of U.S.A., Inc.	Falmouth, MA	00049-CL-0390

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Dana C. Nielsen	Treasurer	bpoefalmouth2380@gmail.com	7744872561

3A. MANAGER INFORMATION

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

Proposed Manager Name	Kirk Marks	Date of Birth		SSN	
Residential Address	345 Palmer Avenue Falmouth, MA 02540				
Email		Phone			
Please indicate how many hours per week you intend to be on the licensed premises	40	Last-Approved License Manager	Arthur W. Corey		

3B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

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

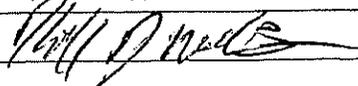
Start Date	End Date	Position	Employer	Supervisor Name
1987	current	Foreman	Grafton L. Briggs Lnd, LLC	Grafton Briggs

3D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature  Date **7-15-21**

APPLICANT'S STATEMENT

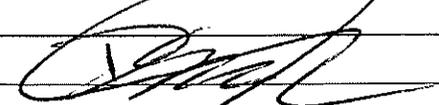
I, Dana C. Nielsen the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of Falmouth Elks Lodge #2380 B.P.O.E of U.S.A
Name of the Entity/Corporation

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

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

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

Signature:



Date:

9/15/2021

Title:

Treasurer

CORPORATE VOTE

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

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize
Name of Person

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

"VOTED: To appoint
Name of Liquor License Manager

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

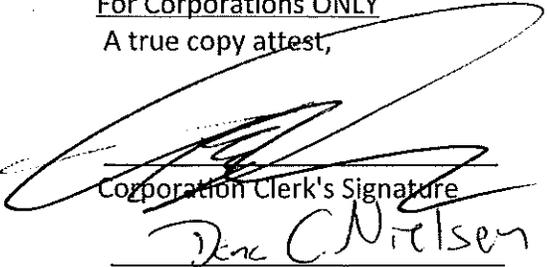
A true copy attest,

Corporate Officer /LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Dana C. Nielsen
(Print Name)

SUMMARY OF ACTIONS

1. Licenses

- b. Approve application for a Special One-Day All Alcohol Liquor License – Falmouth Theatre Guild, Highfield Theater, 58 Highfield Drive – Friday, Saturday and Sunday; December 4, 5 and 6, 2021 and December 10, 11 and 12, 2021

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Theatre Guild

Address: Highfield Theater 58 Highfield Drive, Falmouth

License Type: Special One-Day All Alcohol Liquor License

New or Transfer of License _____

or

Change of License _____

Police No objections

Fire _____

Building _____

Health _____

Zoning no issues

Planning _____

DPW _____

Assessor no issues

NOTES:

2021

License Alcoholic Beverages

21-4-AA

Fee:

75

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

Special License For The Sale Of All Alcoholic Beverages

License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To Falmouth Theatre Guild
Brian J. Buczkowski, Director-at-Large

Highfield Theater
58 Highfield Drive, Falmouth, MA 02540

On the following described premises:

THE ABOVE NAMED NON-PROFIT ORGANIZATION IS HEREBY GRANTED A
SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, TO BE DRUNK
ON THE PREMISES UNDER CHAPTER 138, SECTION 14, OF THE LIQUOR CONTROL

This license is valid from the 3rd day of December 2021 until the 5th day of
December 2021, unless earlier suspended, cancelled or revoked.

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

Friday 6:00 - 9:30 PM; Saturday & Sunday 3:00 - 6:00 PM

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for
temporary food permit with Health Department, 4. Rope or fence off area where alcohol will be sold and
consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their
official signatures this 8th day of November 2021

Licensing Board

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

2021

License Alcoholic Beverages

21-5-AA

Fee:

75

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

Special License For The Sale Of All Alcoholic Beverages

License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To Falmouth Theatre Guild
Brian J. Buczkowski, Director-at-Large

Highfield Theater
58 Highfield Drive, Falmouth, MA 02540

On the following described premises:

THE ABOVE NAMED NON-PROFIT ORGANIZATION IS HEREBY GRANTED A
SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, TO BE DRUNK
ON THE PREMISES UNDER CHAPTER 138, SECTION 14, OF THE LIQUOR CONTROL

This license is valid from the 10th day of December 2021 until the 12th day of
December 2021, unless earlier suspended, cancelled or revoked.

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

Friday 6:00 - 9:30 PM; Saturday & Sunday 3:00 - 6:00 PM

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for
temporary food permit with Health Department, 4. Rope or fence off area where alcohol will be sold and
consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their
official signatures this 8th day of November 2021

Licensing Board

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

SUMMARY OF ACTIONS

1. Licenses

- c. Approve application for a One-Day Sunday Entertainment License – Shipwrecked, 263 Grand Avenue – Sunday, 11/14/21 from 11:00 a.m. to 6:00 p.m.

LICENSE APPLICATION REVIEW

Restaurant/Business: Shipwrecked Falmouth in the Fall Beer Garden

Address: 263 Grand Avenue, Falmouth

License Type: One-Day Entertainment License

New or Transfer of License New

or

Change of License _____

Police No objection

Fire No issues, restaurant is reminded that in the event of poor weather indoor occupancy limit is 100 persons per COI apply

Building _____

Health No Issues

Zoning _____

Planning _____

DPW _____

Assessor _____

Recreation No issues, FYI-no vehicles allowed on the field

Parks No problems

Beach No concerns

. Communications No Issues

NOTES:



Town of Falmouth
 Office of the Town Manager/Selectmen
 59 Town Hall Square, Falmouth, MA 02540
 508-495-7320



ENTERTAINMENT LICENSE APPLICATION (per day)

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

NAME OF ESTABLISHMENT Shipwrecked

ADDRESS 263 Grand Ave. Falmouth Ma 02540

NAME OF OWNER/MANAGER Rob Loewen

TELEPHONE # 508-540-9600 EMAIL info@shipwreckedfalmouth.com

NARRATIVE DESCRIBING ENTERTAINMENT: Sunday November 14

Entertainment offered at shipwrecked after

Falmouth in the Fall Race. Will be a DJ during the day

**LOCATION OF ENTERTAINMENT Shipwrecked parking lot

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

DAY or DAYS APPLIED FOR: check all that apply MON ___ TUE ___ WED ___ THR ___ FRI ___ SAT ___

Hours entertainment will be offered 11-6

SUNDAY ENTERTAINMENT: Y/N (complete State application+ fee)

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT:

1. DANCING By Patrons Y/N Other Dancing Y/N ___

2. MUSIC Recorded Y/N Live Y/N ___ No. of Musicians ___ Amplification Y/N ___

Type of Instruments Computer and speakers

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

DATE _____ X R L
OWNER, MANAGER OR AUTHORIZED AGENT

Town Fees:
 FILING FEE: \$10.00
 PERMIT FEE: \$25.00 per day

BOARD OF SELECTMEN

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Falmouth



State Fee, \$ 2.00
Municipal Fee, \$ 5.00

LICENSE

For PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Shipwrecked in or on the property at No. 263 Grand Avenue (address)

The Licensee or Authorized representative, Robert Loewen in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion

Hon. Douglas C. Brown Mayor/ Chairman of Board of Selectman, Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

SUMMARY OF ACTIONS

2. Administrative Orders

- a. Vote to accept FY21 Wellness Grant in the amount of \$600.00 from Cape Cod Municipal Health Group to the Personnel Department grant account

CAPE COD MUNICIPAL HEALTH GROUP

CAPE COD 5 1500 IYANNOUGH RD.
HYANNIS, MA 02601
53-7107/2113

Premier

6477

Oct 06, 2021

PAY TO THE ORDER OF Town of Falmouth

\$ 600.00

Six hundred and 00/100

DOLLARS

Town of Falmouth



[Handwritten Signature]

AUTHORIZED SIGNATURE

MP

MEMO



CAPE COD MUNICIPAL HEALTH GROUP

6477

Town of Falmouth

Oct 6, 2021 | 6477

Reference	Item	Description	Amount
10/21w		FY 21 Wellness Grant	600.00

CC5 Operating account 0897005757

TOTAL (includes tax of (0.00)) 600.00

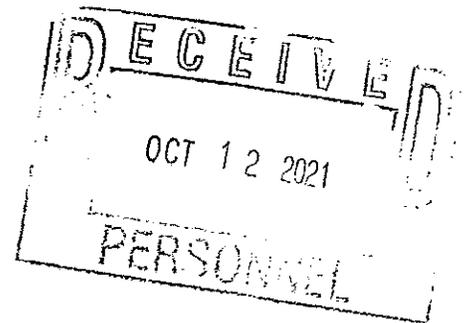
Cape Cod Municipal Health Group
c/o Gallagher Benefit Services, Inc.
11 Midstate Dr., Suite 200
Auburn, MA 01501

PROVIDENCE RI 028

7 OCT 2021 PM 5 L

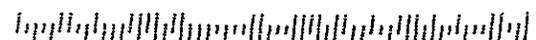
Thinkin

Town of Falmouth
Human Resource Dept.
59 Town Hall Square
Falmouth, MA 02540



Cathy-Lynne Belair

02540-277799



SUMMARY OF ACTIONS

2. Administrative Orders

- b. Vote to Accept FY2021 Bulletproof Vest Partnership Program Award in the Amount of \$8,034.20



Falmouth Police Department

750 Main Street Falmouth, MA 02540
Phone: 774-255-4527 | Fax: 508-457-2566
www.falmouthpolice.us



October 22, 2021

Mr. Douglas Brown, Chair
Select Board
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Subject: Acceptance of FY 2021 Bulletproof Vest Partnership = \$8034.20

Dear Select Board Members,

We have been designated to receive an award under the Fiscal Year 2020 Bulletproof Vest Partnership Program in the amount of \$8034.20. We are requesting that the Board of Selectmen formally accept this award.

The FY 2021 award may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1, 2021. The deadline to request payments from the FY 2020 award is August 31, 2023, or until all available funds have been requested. We have certified that a mandatory wear policy for vests is in place for our jurisdiction, a requirement of the Bulletproof Vest Partnership Program.

Thank you in advance for your attention to this matter.

Sincerely,

Edward A. Dunne
Chief of Police

SUMMARY OF ACTIONS

2. Administrative Orders

- c. Authorize request to CPC for allocation of \$1 million in funding to the Falmouth Affordable Housing Fund

FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011
Board of Selectmen, Trustees

59 Town Hall Square
Falmouth, Massachusetts 02540
(508) 495-7344

MEMORANDUM

TO: Julian M. Suso, Town Manager

FROM: Peter Johnson-Staub, Assistant Town Manager 

RE: Request to Community Preservation Committee for Falmouth Affordable Housing Fund

Date: November 3, 2021

Each year, the Community Preservation Committees (CPC) proposes an allocation of funds to the Falmouth Affordable Housing Fund (FAHF). The CPC has indicated it would welcome a recommendation from the Select Board as to the amount to be allocated each year. The current uncommitted balance in the FAHF is approximately \$481,190. In general, it is our recommendation that the Town allocate more funds to the FAHF than is required to subsidize known projects in light of the acute need for housing and the fact that having uncommitted funds available stimulates developer interest in pursuing projects that might not be considered without Town support. According to estimates provided by Finance Director Jennifer Mullen, the CPC will have over \$5 million in CPA revenue available to allocate for FY23, net of administrative expenses. Taking into consideration the proposed allocation of \$4,000,000 from general fund Free Cash to the FAHF this year, we are requesting the Select Board, as Trustees of the FAHF, vote to request \$1,000,000 from the Community Preservation Committee be allocated to the FAHF.

SUMMARY OF ACTIONS

2. Administrative Orders

- d. Approve request from Water Quality Management Committee for \$19,500 in AFCEE funding for a baseline study of the ecology of Little Pond by UMass-Dartmouth

Diane Davidson

From: Comcast [REDACTED]
Sent: Tuesday, November 2, 2021 6:16 PM
To: Julian Suso
Cc: Eric Turkington; Diane Davidson
Subject: Re: AFSCEE request for Little Pond baseline study

On Oct 19, 2021, at 2:42 PM, Eric t. Turkington [REDACTED] wrote:

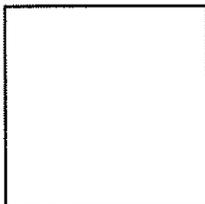
To: Julian Suso, town manager; Douglas Brown, Select board chair
From: Water Quality Management Committee
October 19 2021, Request for AFSCEE funding for Little Pond Baseline Study

At its October 18 2021 meeting the Water Quality management Committee voted unanimously to request the Board of Selectmen to authorize the expenditure from AFSCEE funds the amount of \$19,500 to fund a baseline study of the ecology of Little Pond by the School for Marine Science and Technology at the University of Massachusetts at Dartmouth. The original Massachusetts Estuaries Project study of Little Pond was done in 2005. The sewerage of little Pond watershed, which is calculated to remove 88% of the nitrogen needed to reach the pond's Total Maximum Daily Load limit, was completed in 2019 and all homes and businesses in the sewer service area were connected in that year. It is important for the town to know how and when the nitrogen reduction from the sewerage improves the water quality and benthic life in the pond. Accordingly, we need a baseline study now, before the impacts of nitrogen reduction through sewerage reach the pond waters. This study will tell the town what changes have occurred in the last 15 years, and will provide a baseline to measure what changes occur in the pond in the years ahead as a result of the sewerage.

This is a time sensitive matter since the sampling and eelgrass measuring needs to be done in the next month to provide equivalent data to that produced in 2005. We respectfully request it be placed on the Board's October 25 agenda.

Thank you for your consideration of this request.

ERIC TURKINGTON, Chair
Water Quality Management Committee



This email has been checked for viruses by Avast antivirus software.
www.avast.com

SUMMARY OF ACTIONS

2. Administrative Orders

- e. Authorize signing by DEI Officer of Bridge to Blue letter of support with WHOI for grant application under the Build Back Better Program



WOODS HOLE
OCEANOGRAPHIC
INSTITUTION

Natalie Nevarez Tirado, Ph.D.

Chief Diversity, Equity, and Inclusion Officer

266 Woods Hole Road, Woods Hole, MA 02543

Phone: 928-261-9379

natalie.nevarez@whoi.edu www.whoi.edu

October 19th, 2021

Linda Cruz-Carnall
Regional Director, Philadelphia Regional Office
U.S. Economic Development Administration
Robert N.C. Nix Federal Building
900 Market Street, Room 602
Philadelphia, PA 19107

Dear Director Cruz-Carnall,

I am in writing to offer my support of the Economic Development Administration Build Back Better Regional Challenge grant "Bridge to Blue" application that includes Woods Hole Oceanographic Institution (WHOI), Bristol Community College, Cape Cod Community College, Massachusetts Maritime Academy and in collaboration with the Southeastern Regional Planning and Economic Development District and Cape Cod Commission.

The purpose of the application is to bridge the gaps and address the economic development challenges in a Blue Economy cluster. Each institution and the partnerships they've already developed bring skills and expertise to this challenge. Of particular interest to my goals as Chief Diversity, Equity, and Inclusion Officer, is this collective approach which will develop a long-term strategy for the region that will drive equitable economic opportunity, development, and job growth.

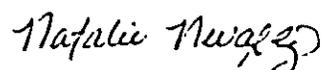
Each organization has unique and interrelated projects to make this strategy a success. Bristol Community College is building a National Offshore Wind Institute that targets underserved populations for training and jobs. Massachusetts Maritime Academy is developing a Maritime Center for Renewable and Responsible Energy that will also support a new aquaculture center. WHOI will construct a new state-of-the-art marine research facility called the Complex for Waterfront Access To Exploration and Research (CWATER).

The application will be led by WHOI, a hub and catalyst for our region's marine science and technology sector. The direct economic impact of activities from WHOI and organizations just in Woods Hole Village, where WHOI is located, exceeds \$400 million per year and supports thousands of jobs. WHOI's Iselin Marine dock facility is home to three federal research vessels – Neil Armstrong, Atlantis, and Tioga. It is comprised of test wells, shops, and laboratories responsible for more than \$50 million in annual economic activity benefiting area marine companies, sister marine institutions and colleges, local businesses, and the broader marine ecosystem of businesses.

This collaboration will energize a marine science and technology sector that is already a cornerstone of the region's Blue Economy and address long-standing economic development challenges.

A key goal of the proposed cluster is to build equity into every facet of the work in order to share benefits across the many communities present in Cape Cod including the Wampanoag tribe as well as a large a significant immigrant community. In my job as Chief Diversity, Equity and Inclusion Officer at WHOI, reporting directly to the President and Director of WHOI, Dr. Peter de Menocal, I am responsible for leadership and initiatives to reach populations historically excluded from ocean science and engineering, including underrepresented groups (Black, Hispanic/Latinx, and Native American), and women. I will bring this expertise to the Bridge to Blue regional economic cluster to develop the equity plan and support its implementation.

Sincerely,



Natalie Nevarez Tirado, Phd.
Chief Diversity, Equity, and Inclusion Officer
Woods Hole Oceanographic Institution

SUMMARY OF ACTIONS

2. Administrative Orders

- f. Retroactive approval of Water Department's application for FY22 MIIA Risk Management Program Grant in the amount of \$10,000 for safety equipment

Diane Davidson

From: Cathal O'Brien
Sent: Wednesday, November 3, 2021 11:51 AM
To: Julian Suso
Cc: Diane Davidson; Peter McConarty; Michael Reghitto; Brett Fitzgerald
Subject: RE: MIIA Risk Management Grant Program Reminder - Deadline 11/5/2021

Hi Julian,

I will proceed and make sure to list what we are requesting. Here is our general list:

1. Thermal imaging camera for locating water leaks and troubleshooting treatment plant problems
2. Gas monitors for checking dangerous gas levels in trenches and confined spaces
3. Ladders and rescue equipment for working in trenches and vaults/pits
4. Water hose to eliminate silica dust when jackhammering

Thanks,
Cathal

RISK MANAGEMENT



MIIA FY22 Risk Management Grant

September 17, 2021

Dear Member

Recently we introduced the FY22 [MIIA Risk Management Grant program](#) which offers both Risk Management and Flex Grants and provides members with solutions for effective risk management, enhanced safety practices, and greater asset preservation.

MIIA members can apply for the Risk Management Grant up to a maximum of \$10,000 per municipal entity, with total funding for this grant at one million dollars.

As a reminder, this year's Risk Management grant is automated allowing you to submit your application through an online grant application portal page. Before submitting however, we strongly encourage you to coordinate your application with Jilayne Mitchell, your MIIA Risk Manager, who can be contacted at: jmitchell@mma.org or 781-819-0053. After your discussion, click "[Online Application](#)" and you can proceed to fill out your MIIA Risk Management Grant request. Please note that once you start this online application you will receive an automatic email acknowledgement from the system which will include a link that you can use to continue your submission at any time. **There is no need to restart your application if you are unable to finish it in one session.**

We look forward to your thoughtful and proactive risk management grant requests.



Massachusetts Interlocal Insurance Association | Serving Massachusetts communities since 1982
Boston, MA | 617-426-7272 | 800-882-1498 | www.emia.org

MIIA | 3 Center Plaza Suite 610 , Boston, MA 02108

[Unsubscribe jmitchell@mma.org](mailto:jmitchell@mma.org)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by mmarino@mma.org powered by



SUMMARY OF ACTIONS

2. Administrative Orders

- g. Approve request for permission to submit an application to the Conservation Commission to reconstruct an existing dock at 139 Edgewater Drive West

Diane Davidson

From: Mike Borselli <mike@falmouthengineering.com>
Sent: Monday, October 25, 2021 2:58 PM
To: Diane Davidson
Cc: Jennifer Lincoln; Gregg Fraser; Erica Borselli
Subject: 139 Edgewater Drive West and Assessors Parcel 32 14 000E 000
Attachments: 2009SP sheets 1 & 2.pdf; Gregg Fraser no objection email.pdf; Overall Aerial Photo 2020.pdf

Hello Diane,

Thank you for taking the time to talk with me about our situation with the application to reconstruct the existing dock at the above referenced location.

To summarize, our client and the property owner, Adamo Rufo and Carpi B Realty Trust are applying to both Conservation Commission and Board of Selectmen to reconstruct the existing dock. The dock has been in existence since prior to 1975 as is evident from aerial photos.

There is a salt marsh the borders all of the properties off of Edgewater Drive West. All of the existing docks along this stretch of salt marsh cross the marsh owned by The Town of Falmouth.

I have attached a copy of the aerial photo from 2020, the plan to reconstruct the dock and comments from Greg Fraser indicating no objection to the dock reconstruction.

The new dock will be reconstructed such that it allows for public access beneath, by elevating it over the salt marsh. Elevating the dock will also improve the health of the salt marsh by eliminating shadowing. The new dock will also improve separation from other docks, therefore improving navigation.

As we routinely do, we intend to apply to Conservation Commission first, then The Select Board. In order to apply to Conservation Commission, we are required to provide authorization in writing from all property owners to apply.

In the past, we have been placed on an upcoming Select Board hearing agenda to describe the situation and hopefully obtain a favorable vote allowing us to proceed with application to Conservation Commission.

If we obtain permission from Conservation Commission to reconstruct the dock, we will then file a special permit application with the Select Board.

Can you advise us on how to proceed with this?

We are hopeful it is simply to be placed on an upcoming Select Board agenda in hopes of receiving a favorable vote to proceed with the Conservation Commission application.

Please advise.

We await your response.

Michael J. Borselli, P.E.

President

Falmouth Engineering, Inc.

17 Academy Lane, Suite 200

Falmouth, MA 02540

508.495.1225

www.falmouthengineering.com

Mike Borselli

From: Gregg Fraser <gregg.fraser@falmouthma.gov>
Sent: Wednesday, October 6, 2021 12:48 PM
To: Mike Borselli
Cc: Jennifer Lincoln
Subject: RE: Rufo - 139 Edgewater Drive West

Hi Mike,

Given the location I believe any impact to navigation would be minimal and affect only those properties north in the river. I have no objections to this plan as presented.

Gregg

From: Mike Borselli <mike@falmouthengineering.com>
Sent: Wednesday, October 06, 2021 11:22 AM
To: Gregg Fraser <gregg.fraser@falmouthma.gov>
Cc: Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>
Subject: Rufo - 139 Edgewater Drive West

Hello Gregg,

Attached is a plan showing a proposed dock reconstruction, an aerial photo of the area and a photo of the existing walkway with the closest dock across the channel shown in the background.

The existing dock has a Chapter 91 Interim Permit. The new owner wished to apply for permits to reconstruct the dock to improve conditions by shifting the alignment so there is more room in the channel.

The existing permitted dock has a float and is shown on the plan for reference. The new dock will be fixed and proposes to angle the dock so when the boat is tied to it, there is more room between both docks.

There are only a few of docks “upstream” from this position (see the aerial photo attached).

The reconstructed dock will eliminate the float, elevate the walkway above the salt marsh and provide great separation between the boats tied to this dock and the dock directly across from this dock.

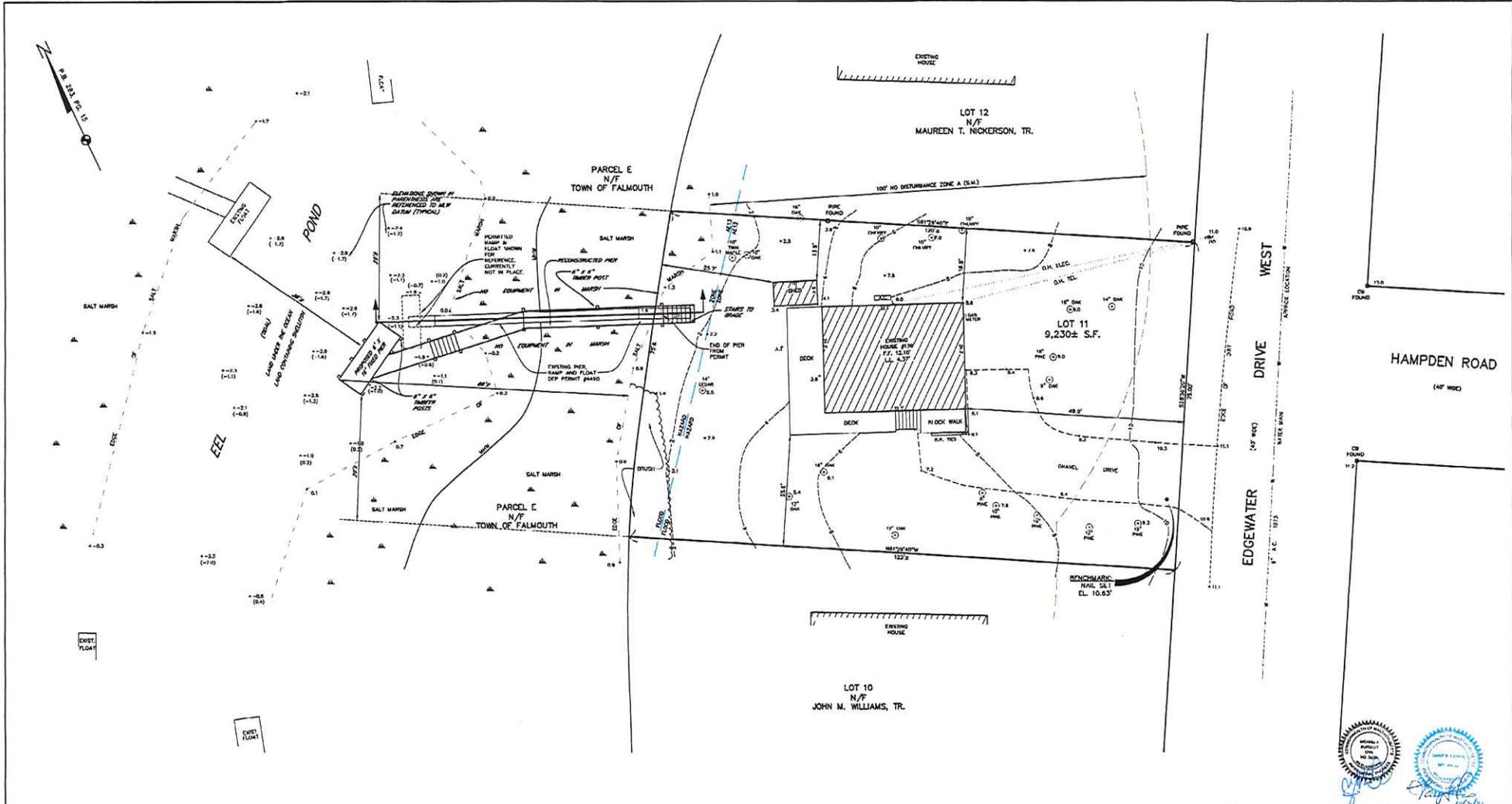
As you know, we must include your comments in any dock application we submit to Conservation Commission.

Please review and comment at your earliest convenience so we can proceed with the Notice of Intent application.

I copied Jen Lincoln on this email.

Thank you.

Michael J. Borselli, P.E.
President
Falmouth Engineering, Inc.
17 Academy Lane, Suite 200
Falmouth, MA 02540
508.495.1225
www.falmouthengineering.com

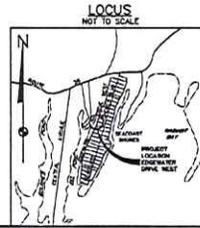
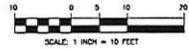


GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 32 14 0000 011
2. FLOOD ZONES: AE12 & AE13 (FEMA MAP 25001C0733J)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. LOT COVERAGE BY:
 - A. STRUCTURES: 1,168 S.F./9,230 S.F. = 12.7% < 20%
 - B. STRUCTURES/PARKING/PAVING: 1,482 S.F./9,230 S.F. = 16.2% < 40%
6. WIND BORNE DEBRIS REGION: HIGH
7. STREET ADDRESS: EDGEWATER DRIVE WEST
8. HOUSE NUMBER: 139
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.

LEGEND

- 10' ——— EXISTING 2' CONTOUR
- 10' ——— EXISTING 10' CONTOUR
- +11.5 EXISTING SPOT ELEVATION
- DAK ○ EXISTING TREE
- FT □ EXISTING UTILITY POLE
- CB □ EXISTING CONCRETE BOUND
- FOND □



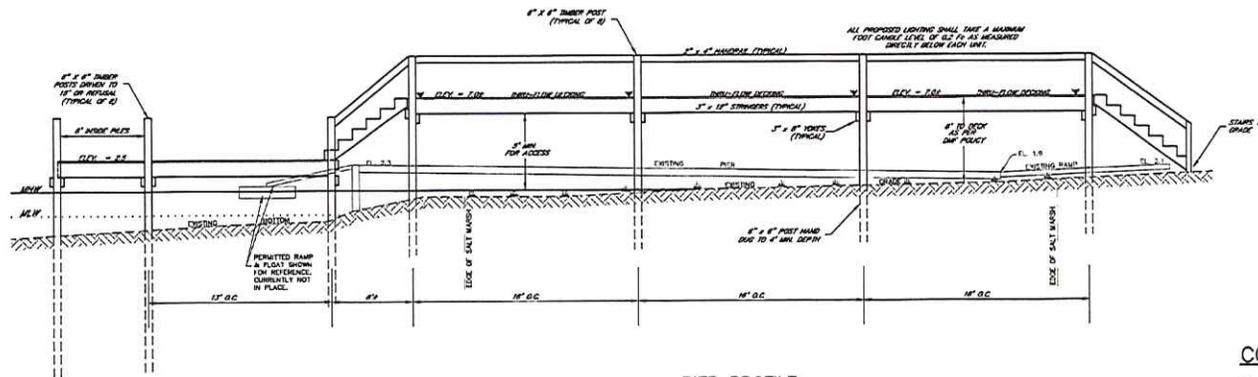
SITE PLAN - PIER RECONSTRUCTION
 FOR #139 EDGEWATER DRIVE WEST
 PREPARED FOR
ADAMO & CAROL RUFO
 FALMOUTH, MA

PLAN DATE: SEPTEMBER 28, 2021 PLAN SCALE: 1" = 10'

CIVIL ENGINEERING WATERWATER DESIGN TITLE & PLAN PLANS LAND USE PLANNING	 WELLES PERMITTING COASTAL ENGINEERING PIERE AND DOCKS COMMERCIAL/RESIDENTIAL
---	--

17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.485.1275
 PROJECT NUMBER: 20096P CAD FILE NAME: 20096SP DRAWN BY: LM. SHEET 1 OF 2

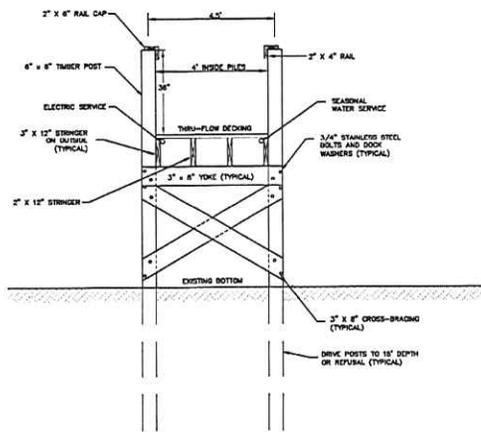




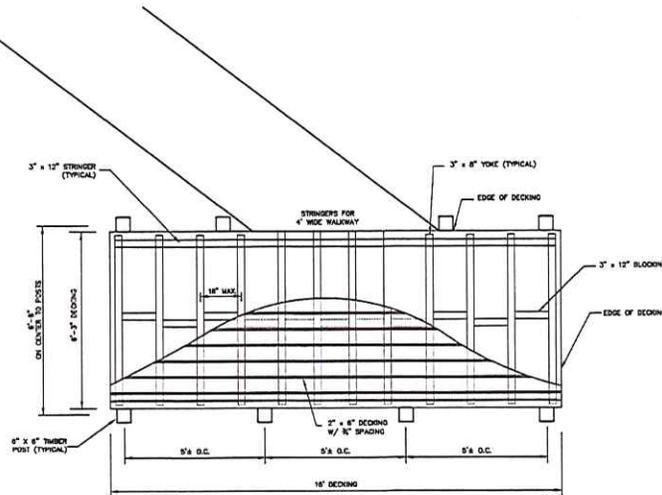
PIER PROFILE
SCALE: 1/4" = 1' - 0"

CONSTRUCTION NOTES:

1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
2. ALL WOOD MATERIALS SHALL BE NON OCA TREATED.
3. PILES SHALL BE DRIVEN, NOT JETTED, TO A MINIMUM DEPTH OF 15' OR REFUSAL.
4. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOCK WASHERS. HORIZONTAL CLIPS OR THRU BOLTS FOR STRINGER CONNECTION TO YOKE'S OR AS INDICATED ON THE PLANS.
5. ALL DOCK LIGHTING SHALL NOT EXCEED 0.2 FOOTCANDLE (FC).



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



LAYOUT OF PIER TEE
SCALE: 1/2" = 1' - 0"

PROPOSED PIER DETAILS FOR #139 EDGEWATER DRIVE WEST PREPARED FOR ADAMO & CAROL RUFO IN FALMOUTH, MA		
PLAN DATE: SEPTEMBER 28, 2021	PLAN SCALE: AS SHOWN	
CIVIL ENGINEERING	 Seaside Cape Cod and Southwestern Massachusetts	WETLANDS PERMITTING
WATERWAY DESIGN		COASTAL ENGINEERING
TITLE & PLAN PLANS		PIERS AND DOCKS
LAND USE PLANNING		COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 20098 CAD FILE NAME: 20098SP DRAWN BY: L.M. SHEET 2 OF 2		





139 EW Dr. West & 32
14 000E 000



- ▭ Parcels
- Road Ownership
 - ▬ all other values
 - COUNTY, TOWN
 - PRIVATE
 - STATE
- Water Features
 - ▭ POND
 - ▭ STREAM

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

1" = 40 ft



Town of Falmouth

October 25, 2021

PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Pickle Jar Ltd. d/b/a Pickle Jar Kitchen at 170 Main Street, Falmouth



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Pickle Jar Ltd. d/b/a Pickle Kitchen has applied for an Alteration of Premises to its All Alcoholic Common Victualler License located at 170 Main Street, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, November 8, 2021, at 7:30 p.m. on the above application.

Per order of the Select Board

LICENSING BOARD

Douglas C. Brown

Nancy R. Taylor

Samuel H. Patterson

Megan E. English Braga

Onjalé Scott Price

Publication date: Friday, October 22, 2021; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Pickle Jar Kitchen

Address: 170 Main Street, Falmouth

License Type: All Alcoholic Common Victualler

New or Transfer of License _____

or

Change of License Alteration of Premises

Police No objections

Fire No objections. Reminder: egress pathways to remain clear

Building _____

Health No issues

Zoning _____

Planning _____

DPW _____

Assessor No objection

NOTES:



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00208-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager Granted under Special Legislation? Yes No

Type (i.e. restaurant, package store) Class (Annual or Seasonal) Category (i.e. Wines and Malts / All Alcohol)

If Yes, Chapter of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

AMENDMENT-Change or Alteration of Premises Information

Change of Location

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

Alteration of Premises

- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Pickle Jar LTD.	Falmouth	00208-RS-0390

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The Pickle Jar Kitchen is applying for the continued use of their back patio. When Covid started we placed tables in the back of our restaurant to keep our business running when we did not have indoor seating. Our customers love the area we created and we would like to keep for the foreseeable future.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Elisabeth Lay	Treasurer	picklejarkitchen@gmail.com	508 540 6760

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

We have a back area that has been used for seating since Covid started. We are not going to make any alterations to the area but just continue to use it. There are small rocks on the ground, tables and fabric privacy fencing that comes down in the winter months. There is an exit to the back parking lot from the area.

2B. PROPOSED DESCRIPTION OF PREMISES

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

The Pickle Jar Kitchen would like to add the back patio we created during covid to be a permanent part of our restaurant. The area is in the back of the restaurant and will be 936 extra square feet.

Total Sq. Footage	1832	Seating Capacity	79	Occupancy Number	79
Number of Entrances	2	Number of Exits	3	Number of Floors	1

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

0 costs

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

APPLICANT'S STATEMENT

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

of Pickle Jar LTD.
Name of the Entity/Corporation

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

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

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

Signature:

Elisabeth Lay

Date:

9/24/2021

Title:

Treasurer

CORPORATE VOTE

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

For the following transactions (Check all that apply):

- Alteration of Licensed Premises
- Change of Location
- Other

"VOTED: To authorize
Name of Person

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

A true copy attest,

Elisabeth Lay
Corporate Officer /LLC Manager Signature

Elisabeth Lay
(Print Name)

For Corporations ONLY

A true copy attest,

Assunta Gallucci
Corporation Clerk's Signature

Assunta Gallucci
(Print Name)

REAR PATRO

to bathrooms and exit

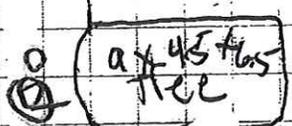
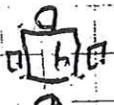
4 Foot Super Exit to patio

4 Foot Slides to Kitchen

EXIT

Entrance to patio

42 Feet



FIRE IRON

TABLES ARE 3' X 3' w/ 4 chairs each

Each box equals 2 feet

26 X

36 Feet

= 936 sq feet

PUBLIC HEARINGS

2. Shade Tree Hearing – on application by the Falmouth Parks Department for the removal of two (2) Norway maple trees at 187 Central Avenue, East Falmouth

TOWN OF FALMOUTH
PUBLIC HEARING NOTICE
REMOVAL OF PUBLIC SHADE TREES

In accordance to Massachusetts General Laws Chapter 87, a Public Hearing will be held by the Falmouth Select Board on Monday, November 8, 2021 at 7:30 p.m. in the Select Board meeting room, Town Hall, 59 Town Hall Square, Falmouth, MA to consider the removal of the following public trees:

187 Central Avenue: Removal of two (2) *Acer platanoides* (Norway maple) - Size (DBH 15" & 14").

Reason: Entrance for new development.

The trees identified above have been posted for public inspection. Any objections to their removal must be submitted in writing to the Tree Warden prior to or during the hearing. The mailing address for the Tree Warden is Department of Public Works, Town of Falmouth, 416 Gifford Street, Falmouth, MA 02540. Email: jeremiah.pearson@falmouthma.gov. Phone: 508-457-2543 x3008.

SELECT BOARD

Douglas C. Brown, Chair
Nancy R. Taylor, Vice Chair
Samuel H. Patterson
Megan English Braga
Onjalé Scott Price

Publication date: Friday, October 29, 2021; Falmouth Enterprise.



Town of Falmouth

Department of Public Works

Parks & Forestry Division

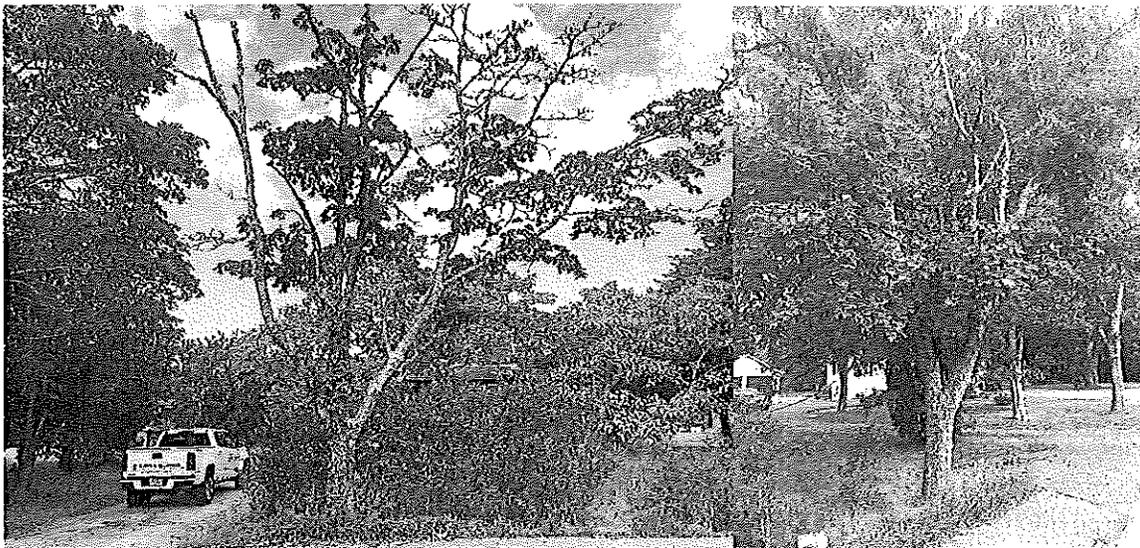
416 Gifford Street
Falmouth, MA 02350

Jeremiah Pearson
Parks Superintendent

Telephone: (508) 457-2543
Fax: (508) 548-1537

Tree Wardens Opinion letter for removal of two trees located at 187 Central Ave

Two Norway maples trees have been proposed for removal as part of new subdivision project located at 187 Central Ave. After Tree Wardens full assessment, I have found both tree's located in the Town Right of Way to be in poor health and structure with likely failure in the near future. If approved, the Parks Department would require two shade trees to be replaced by owner as a set-back plantings, and would need to meet species and planting requirements pre and post installation of said tree.



PUBLIC HEARINGS

3. Vote to Adopt new mooring regulations relating to house floats and house boats

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under section 231-15.1A (Promulgation of Mooring Regulations) on Monday, October 25, 2021 at 7:30pm in the Select Board Meeting Room. The purpose of the hearing is to amend or otherwise modify the mooring regulations relating to House floats and Houseboats. Interested parties may review the draft regulations at the Harbormaster's Office or online at <https://www.falmouthma.gov/233/Harbormaster>.

Per order of the
Select Board

October 1 and 8, 2021

TOWN OF FALMOUTH

Barnstable, ss

_____, 2021

NOTICE OF PROMULGATION OF MOORING REGULATIONS

In accordance with authority conferred by Chapter 231, sec. 15.1A, Waterways, of the Code of Falmouth, the Select Board of the Town of Falmouth, having complied with all relevant procedures, hereby adopts and promulgates the following regulations to be incorporated in Chapter 269, Mooring Regulations, of the Code of Falmouth:

§261-22 House Floats and Houseboats

A. Definitions.

House float – A floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence or dwelling with living quarters. House floats do not have any means of self-propulsion. This will include so called floating houses, house barges, shanty boat or any other floating structure that serve primarily as a residence or dwelling. House floats do not qualify as a vessel pursuant to MGL Chapter 90B.

Houseboat – A vessel that has been designed or modified to be used as a residence and is also capable of maneuvering on its own. Must be self-propelled and equipped as required for a vessel pursuant to MGL Chapter 90B. Shall be registered or documented as a vessel. Required items include but are not limited to navigational lights, sound making devices and emergency equipment.

MSD Type III – A marine sanitation devise which has a holding tank that prevents the overboard discharge of treated or untreated sewage. The holding tank cannot discharge overboard and is specifically designed for pump out only removal of sewage.

Floatation – Approved floatation consists of encapsulated floatation with an outer polyethylene or plastic shell and filled with Expanded Polystyrene Foam (EPS) or similar cellular foam. EPS is environmentally friendly and comes in a large selection of sizes and shapes. Each cubic foot of EPS will float 55 lbs. of weight.

Private Non-Commercial Use – The structure is for private, recreational use only. It may not be rented or leased out for short or long periods and no compensation of any kind is allowed for the use.

B. Regulations.

- 1. Approved locations and zones for House floats and Houseboats:

Great Harbor Woods Hole Zone: Within 600 linear feet of Ram Island or Devil’s Foot Island.
Eel Pond Woods Hole: All

- 2. Time of Year Usage:

Great Harbor Woods Hole Zone: April 15th to November 15th only.
Eel Pond Woods Hole: October 1st to June 1st only. (Winter storage)

3. Relocation of Exiting Mooring:

House floats and Houseboats currently located outside the Great Harbor mooring zone will be required to relocate to any suitable location within the zone when a mooring becomes available there.

4. Floatation:

New house floats are required to use EPS or equivalent encapsulated foam. Any existing house float that requires new floatation shall adhere to this provision.

5. Houseboat Registration:

Houseboats are required to be registered in accordance with MGL Chapter 90B or documented by the USCG as vessels.

6. Mooring Usage:

House floats and houseboats are authorized on moorings for private non-commercial use only.

7. Mooring Occupancy:

May not be used for overnight occupancy unless equipped with a Type III MSD or equivalent. The mooring permit holder is required to maintain a pump-out log and provide a written copy to the Harbormaster's office by December 1 annually.

8. Mooring Tackle Requirements:

Anchor weight shall be at least (3) three times the vessel anchor weight currently approved in section 269-5H. The Harbormaster may require any new or reassigned mooring be converted to an eco-mooring if located in a location which has eel grass.

9. Height Restriction:

The maximum height of any new structure measured from the waterline to the top of the structure shall not exceed (22) feet.

10. Expansion or Additions:

House floats may not be increased in size by adding additional float(s) without prior approval of the Harbormaster Department.

11. Inspections:

Harbormaster staff may inspect any house float to ensure compliance with these regulations or to investigate any complaints. Interior inspections shall require reasonable notice be provided to the owner. Houseboats may be inspected pursuant to MGL Chapter 90B.

12. Insurance:

New house floats shall have general liability insurance including environmental protection of at least 100,000 dollars. Proof of insurance shall be provided to the Harbormaster Department upon request.

Adopted this _____ day of _____, 2021

Town of Falmouth
By its Select Board

Doug C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English Braga

Onjalé B. Scott Price

Public Comments received via email follow.

Diane Davidson

From: Daniel Fairbanks [REDACTED]
Sent: Thursday, November 4, 2021 10:23 AM
To: Falmouth Selectboard
Subject: House Boat ordinances

To the Select board,

In your recent meeting (Oct 25th), the issue of houseboats and its current and proposed regulations were discussed. One concern I have from the notes of that discussion is the Harbor Master's (Gregg Fraser) statement that the proposed/current boundaries for such boats could accommodate up to 45 moorings that could be used for house boats. Currently there are 19 (ish) houseboats and while Gregg doesn't anticipate many more moorings becoming free to transition to a houseboat, I fear that over time its easily plausible that a majority of those moorings could be hosting a houseboat. I cannot imagine what our beautiful harbor would look like with so many house boats, but im sure it would look much more like a shanty town than an idyllic ocean retreat. I believe it is irresponsible of the harbor master to allow any rules that would portend to a such an unfortunate outcome. Ive brought to focus three of my concerns with the existing houseboats below.

Environmental Hazards

Already, there's a complete lack of respect from the current houseboats with regards to pumping waste overboard. I have spoken to many in the know that confirm that pump outs are rare or even non existent. As confirmation of this, on larger party weekends in the houseboat hood, I see the brown foam waste washing ashore with a distinct sewage smell. It is disgusting and should not be tolerated. There is absolutely no enforcement or encouragement to use pump outs. Im sure that this cannot be a healthful environment for the existing marine life. I know from personal experience that the Conservation Committee goes overboard to protect every blade of eel grass out there. A proliferation of houseboats is going to harm the delicate balance that currently exists. Im surprised that ConCom has not made their voice heard as it usually does.

Navigational Hazards

I also hear from current mooring holders in the houseboat zone that there is no rhyme or reason to the spacing of the houseboats and as a result, those that do have conventional recreational vessels (the original purpose of this harbor), have difficulties navigating around these unwanted structures. It is a shame that they have to endure this.

Community Hazards

As Mr. Fraser stated, the houseboat was introduced as a place to "live" and that intent still persists. People spend many overnights on these floats as I see personal watercraft rafted up to these houseboats all summer long. Apparently rafting to the houseboats is in violation of regulations but again not enforced. Essentially a whole neighborhood is developing in this designated float zone. In years past one of the house boats was raided for drugs, but do to insider information, the confirmed drug dealer was able to evade the raid. There is often excessive noise thru parties, some with permits, most without, and then there is significant tender traffic between house floats, town, and the islands that persistently violate speed limits and use no navigation lights. By allowing these houseboats we are inviting more of this unregulated behavior which I dont think favors the goal of this harbor and its surrounding community.

I personally agree with Richard Pierce that the house boats should be gradually phased out in entirety and return our beautiful harbor to its original purpose of hosting recreational vessels as is the case in 99.999999% of

harbors in the US. As pointed out there is a 20yr waiting list which could easily be shortened with appropriate use of the moorings.

Regards,

DJ

Diane Davidson

From: Sheila Barrows [REDACTED]
Sent: Monday, November 1, 2021 1:09 PM
To: waterways@falmouthmass.us; Falmouth Selectboard
Subject: Great Harbor Housefloat policies

To: Falmouth Board of Selectmen

Jeff Thomas waterways@falmouthmass.us

selectboard@falmouthma.gov

From: Sheila Barrows

RE: Great Harbor Housefloat Policies

Response to recent town meeting 10/25/21

Dear Mr. Thomas and Select Board Members,

I would like to express my concerns with the ongoing discussion about the housefloats in Great Harbor. I was unable to attend the meeting on October 25th but was informed there was a good turn out from the community I am a part of on the harbor.

My Dad, Jim Boyce, who passed away in September, 2015 was a housefloat owner. I have "inherited" his shack and have made some improvements because it was on the verge of sinking. He always had a holding tank, so we installed a new holding tank on our structure. We are grateful for the pump-out services provided by the Harbormaster, I would not want to pollute the water. We replaced all outdated floatation with new up-to-date hard plastic floats in an effort to both float better and not pollute the waters with aging hazardous materials. This is a constant work in progress and we love taking care of the float and the harbor, it is a true passion.

My Dad came here from New Jersey in the 60's to join the Coast Guard in Woods Hole. He loved the area and came to raise his family here. We have always been on the water in one harbor or another but he loved Woods Hole and so do I. When he procured his housefloat it had a lot of history and he loved and shared the stories of how it came to be his. (I won't bore you with these fading stories of the past.)

When my Dad died, he had been in Woods Hole for decades as a coastie, a tug boat captain, flagpole builder, guitar maker and musician. He was a true part of the community of "woodsholians" and has left his mark on the town. I loved going to see him and spend time on the housefloat when I lived out of state for a decade. When I moved back, it felt like an extension of his home and I would spend many hours with him and without him on the harbor. We had many great conversations floating on Eel Pond and Great Harbor in his ramshackle housefloat. My friends and family also came to share time with us out there, we all loved it so much. We still do. I have become the keeper or "captain" of our little slice of heaven and share the

responsibilities with my husband, family and friends. We are so grateful to have this place to spend time with each other and the community on the harbor. We have had countless celebrations out there with many members of the town, including Falmouth Youth Baseball teams and Falmouth Youth Hockey teams over the years. We also enjoy the peace it brings us to sit and float on the harbor and watch the world. It has been an amazing experience to share with others and we cherish the memories and look forward to making more.

Please consider keeping the “guidelines” in place, as they are very reasonable and we have been adhering to the Policy and Special Requirements. I do not believe the building permit should apply as these structures are not on land and I don’t understand how they could be regulated, these are floating vessels, not buildings. Thank you for your time and consideration in this matter. I am a Falmouth resident, born and raised here. I love this town and I hope to be a lifelong member of the housefloat community in Woods Hole.

Best Regards,

Sheila R. Barrows

27 Wild Harbor Rd.

North Falmouth, MA 02556



Diane Davidson

From: John Woodwell [REDACTED]
Sent: Sunday, October 31, 2021 4:19 PM
To: Falmouth Selectboard
Subject: No Need for More Regulations for Houseboats in Great Harbor

Members of the Board of Selectmen,

The houseboats in Great Harbor are one of the few remaining quirks that we can celebrate in Woods Hole – they even make it into the magazines. There is no evidence that they need special liability insurance, and no evidence that ones bigger than 10x20' need to be inspected by the town. It is one of the best uses of otherwise over-demanded under-used mooring spaces in the harbor, and one person's complaint about the view is not a reason to pursue unrelated regulations of the houseboats.

There is one ugly boat in Great Harbor (a white commercially manufactured aluminum and plastic boxcar-like thing that doesn't qualify as a "houseboat" according to the town). If it is important to keep the view attractive (I say it is), establish a design committee for all boats in the harbor, and leave it at that.

Thank you.

John Woodwell
Woods Hole

Diane Davidson

From: Dan Webb [REDACTED]
Sent: Sunday, October 31, 2021 10:59 AM
To: Falmouth Selectboard
Subject: Regulation of houseboats in Woods Hole

Dear Chairman Mr. Brown and members of the Board of Selectmen,

I'm contacting you regarding proposed new regulation of houseboats in Woods Hole, as described in Friday's Falmouth Enterprise.

The houseboats are a unique feature of Great Harbor. I find their eclectic designs to be charming, and entirely in keeping with the culture of Woods Hole. Many times we've detoured a boat trip just to see them. They seem to be quiet, and little occupied, even on summer weekends.

There's no doubt that Falmouth has a problem with mooring shortages and hoarding. The 19 houseboats are an insignificant part of that issue, representing 0.6% of Falmouth's approximately 3000 moorings. It seems the real issue here is an expectation of pristine viewshed from a neighboring home.

Of the various issues facing our town, new regulation of the houseboats seems like a low priority to me.

Respectfully,
Daniel H. Webb

P.O. Box 547
West Falmouth, MA 02574

Diane Davidson

From: Grey Zeien [REDACTED]
Sent: Saturday, October 30, 2021 2:03 PM
To: Falmouth Selectboard
Subject: Woods Hole houseboats

As a year-round resident and tax-payer for many years on Penzance Point, in Woods Hole, I have seen with dismay the proliferation of house/party boats in the harbor. Every year, 2 or 3 more appear.

I do believe that people whom currently own the house/party boats, having put time and money into them, seemingly with the Harbor Master's blessing or ambivalence, should be allowed to keep them on their current moorings.

However, I have repeatedly overheard conversations in town of people building them specifically with the intention of renting them out, "AirB+B" style during the season. This is contrary to the current regulations barring businesses from the floats. Neither new floats (if allowed) or current floats should be allowed to do so.

The current floats do contribute enough noise and traffic in the harbor without bringing in short-term partiers.

Should such a ban be kept in effect, then the issue becomes one of enforcement. How does an agency (the Harbor Master's office?) find out about the rule-breaking and what are the penalties?

These are issues that need to be addressed.

Respectfully,
GREY ZEIEN
174 Penzance Road
Woods Hole, MA 02543

Diane Davidson

From: Jonathan Goldman [REDACTED]
Sent: Friday, October 29, 2021 4:17 PM
To: Falmouth Selectboard
Subject: Housefloat Hearing

Dear Select Board;

I am attaching a letter I wrote responding to Richard Pierce's letter to the house float owners. It is important to note that several of my neighbors on Penzance have written, or said in Penzance Road Trust meetings or told me personally that Richard Pierce does not speak for them, despite his attempts to corral support from others. So in essence his "complaint" is an unjustified foray which has spilled over into jurisdictional overreach. The Waterways Committee determined that this was basically an individual complaint without merit or any real understanding of moorings, the use of the harbor, or the history of "alternative vessels" which has been present in Great Harbor for close to 50 years.

Mr. Fraser's "policy" need not be anything other than guidelines to be followed many of them simply re-emphasizing the obvious commonsensical aspects of boat design and implementation. Holding tanks, or composting toilets, the need for pump-out services, of serious calculation of displacement, floatation and corresponding mooring and vessel weight, pendant length, height and size requirements and even insurance have long been integral to these unique floating structures. It represents a culture of innovation, something Woods Hole and its residents pride themselves on.

I think it was a great closing statement by Megan English Braga to bring this entire discussion into perspective. Saying that she has lived in Falmouth all her life and never had a boat, a mooring, nevermind a houseboat, brings to the fore a rarefied and privileged discussion. However, I have always described Woods Hole 'as a drinking town with a sailing problem.' The love of not only the beauty of our waterborne life, its history, and its current use are an integral part of the culture of Woods Hole, and as such not in need of regulation beyond what already exists.

As I mentioned briefly from the podium, I had every intention of making the housefloat to the specifications that would designate it as vessel under the MA State's regulation for a home-made boat. Technically, my mooring, near Penzance, could moor whatever floating "vessel" I want within reason. In fact there is currently a pontooned housefloat, with two 50 HP (I think) engine on its stern. By all accounts it is a houseboat, but it does not lie 600 feet from Ram Island. It's MA registration numbers are clearly demarked.

The bottom line is no one owns the viewscape just as they do not own the mooring assigned to them. (As arbiter of such things we have the HarborMaster.) Nor does anyone have the right to say what is on someone else's mooring. Out of a need to eschew any acrimony on the harbor, a space that many of us deem sacred, I went to great lengths and expense to find another temporary mooring near Ram Island to both reduce my blood pressure (which had skyrocketed because of the meanspirited nature of the conflict) and to provide a peaceful environment for me, my family and those would ultimately enjoy use of the floathouse. Should we have an "historical" section of our harbor designated for historical boats only? Then Mr. Pierce, his Buzzards Bay 25, his brother's custom-made Lyman Morse "picnic boat" based on a 1920's boat and their neighbor's twin Herreshoff 12 1/2's could be all that they see. Instead they obsessively see someone else's innovative designs for a life on the water to not fit into the narrowly defined parameters of how an historic harbor "should" be.

As I have always maintained, life on the harbor should be 'live and let live'; that giving respect to others should be as integral to the use of the water as the "Rules of the Road".

Thank you for your patience in tending to this.

Best,

Jonathan Goldman
12 Sidney Street Woods Hole

Below is the email back and forth concerning Pierce's initial letter to the houseboat owners (not sent directly to me)

Dear John:

Thanks for sending me this letter from Richard Pierce to the houseboat owners.

As I am specifically named in his letter, I felt a response was necessary:

Beyond his urgent need to control his viewshed, it is important to say that no one owns the harbor, the water or even the mooring they have been assigned. Not Richard Pierce or anyone. Nor can anyone dictate what style, aesthetic or use is "allowed" on an individual mooring in Great Harbor.

I am saddened that it even needs to be said but not everyone can afford a beautiful Herreshoff Buzzards Bay 25 or a custom-made Lyman-Morse 1920's style aluminum picnic jetboat or believes that the harbor should be a museum for the elite yachtsman only. Such an assumption of exclusivity doesn't respect the evolutionary varied nature of our shared historic harbor.

Nor does it understand the well-documented Woods Hole history from a small industrial shipping port in the late nineteenth century with the Pacific Guano Works to a wide variety of large vessels from oceanographic research schooners and ships to steamships, from large barges for the maintenance of ripwrap, and even worker housing on much larger structures than the existing housefloats (in the days of Dan Clark).

The tidal nature of the harbor is also unusual as the currents of Woods Hole are in constant flux, influencing and flushing its surrounding waters constantly. From a sustainable environmental point of view, this necessitates the regulatory needs for holding tanks and the necessary responsibilities and obligations of boat owners to be environmental stewards when owning any marine vessel.

Mr. Pierce should learn the laws governing moorings, what constitutes a vessel, the rules of civic engagement and how the arbiter (Greg Fraser, The Harbormaster) handles the overwhelming nature of controlling the many mooring fields in the many harbors he has jurisdiction over.

That Mr. Fraser has a "policy" (which is NOT a law) to lay out in black and white and uphold these rules is a step towards civility and an attempt at diffusing yet another flashpoint of contention and division for our community.

The houseboats are "grandfathered" in Great Harbor and are subject to the same environmental regulations as vessels. As such Great Harbor (as the only harbor in the region to do so) is yet another testament to the unique nature of the culture of Woods Hole and of those who control and operate in the waterways for everyone to enjoy.

As this was an inspection year, I commissioned a mooring expert, Will Ostrom, to help me moor my houseboat on my mooring near Penzance the afternoon before the last major wind storm. For a year off and on I had consulted with the Harbormaster on the options regarding housefloats/self-made boats. I had also consulted with the State Department of Environmental Police making sure that everything we were planning was proper and within the parameters of the law. Employing a solar array and a composting toilet (head), for example, are integral to my design for low to zero environmental impact.

Still, there were three complaints, including Richard Pierce's. These were reported to the harbormaster after two of them had approached me by skiff as we were about to fortify our mooring pendants on our as yet unfinished houseboat. In response, Pierce announced aggressively that he was going to sue me. This foray by Mr. Pierce may well constitute being frivolous. None of us want this disharmony in our harbor or any acrimony for this sacred shared space.

To eschew any growing conflict, I searched out a different potential mooring near RAM island (not "grass island" as Pierce incorrectly cites) in an effort to comply with the harbormaster's suggestion to trade moorings with one closer to the islands. I found Dickie Edwards whose mooring was just North of Ram Island. Edwards agreed to exchange moorings with me for the season as long as the harbormaster agreed, which he promptly did.

I exchanged moorings as an act of civility and as an attempt at community peacemaking. But both Richard Pierce (and his brother Jeff in his texts to me), continued their increasingly personal harassment. Richard was circling and photographing the existing houseboats to support his efforts outlined in his letter of 8/3/21 as of last weekend.

In addition it should be noted that there was a meeting on this issue by a few Penzance abutters held prior to the annual Penzance Road Trust Board Meeting. Several of the attendees told me that when presented with this issue, the chairman basically said that the Board wanted nothing to do with these efforts to challenge houseboats and their owners as did many other members.

And yet, Richard Pierce wrote and sent his letter: "...if this [houseboats in general] is allowed to stand then our beautiful harbor will be turned into *a housing project...*" This kind of thinly veiled salvo is repugnant, condescending, deliberately inflammatory, deeply divisive and serves no purpose other than to exclude based on personal aesthetic *opinion*.

I hope I am not alone when I say of the use of the harbor is everyone.

On Aug 7, 2021, at 4:21 PM, John Vose [REDACTED] wrote:

Begin forwarded message:

From: Crickett Warner [REDACTED]
Subject: Fwd: Houseboats
Date: August 5, 2021 at 6:25:56 PM EDT

To: Chris Warner [REDACTED] Sue Beardsley
[REDACTED] Mark Howard
[REDACTED] John Vose
[REDACTED] Steve JUNKER [REDACTED]

Catherine Bumpus forwarded this message to the town from a Penzance resident, renewing + pushing forward his complaints about housefloats.

Begin forwarded message:

From: Catherine Bumpus [REDACTED]
Date: August 5, 2021 at 15:27:32 EDT
To: Crickett Warner [REDACTED]
Subject: Houseboats

Hi Crickett

I don't know if you want to share this with the houseboat community.

He submitted these comments and spoke during the public comment period. They couldn't talk about it because his request wasn't on the agenda. He will be on the agenda in September.

I took off his email address. Anyone can request the submission from the harbor master.

We can chat if you want.

Catherine

Sent: Tuesday, August 3, 2021 11:53 PM
To: Falmouth Waterways Committee
<waterways@falmouthma.gov>
Subject: Great Harbor Houseboat issue

To whom it may concern:

My name is Richard Pierce and I am reaching out to the waterways committee in order to resolve an issue I have with the proliferation of houseboats on Great Harbor. My father registered his first objection to their presence in the harbor when he first purchased property on Great Harbor in July of 1979. He complained to the harbor master up until his death in 1993. The issue has never been resolved, the number of house boats has

steadily increased from those early years and culminated a few weeks ago with the arrival of Jonathon Goldman's grand, double decker houseboat that he intended to moor on the inner harbor close to residence of Penzance point, who have since banded together to object not only the latest addition to the fleet of houseboats but to a greater degree to take this opportunity to finally address this issue head on. We have endured the lip service about "moratoriums", "600 ft limits" from grass island and other apparent rules which appear to be made up as you go along. I intend to get to the bottom of this mess and invite council to either vet this issue in a court of law where we can determine the interpretation of the by laws currently in existence and debate what governance the town of falmouth has over this mooring field and it's responsibility for upholding the current by laws governing "Town marina's, Moorings, Docks" and the bylaw prohibiting houseboats from these facilities, which by extension I would apply to your governing powers to collect fee's and regulate the mooring field in Great Harbor.

There are 14 houseboats currently residing in Great Harbor during the summer months. Several housboats have moor than one boat tied to them at any given time, Floats appear to be allowed to be used as floating docks (see pictures). I am concerned more floats appear to be under construction and that inevitably if this is allowed to stand then our beautiful harbor will be turned into a housing project. It already has taken on the appearance of one already. The existence of these I believe violates the towns by laws as they stand. I would also note other communities up and down the seaboard do not allow these floating houses and I will sight all the various by laws put in place by surrounding communities to prevent this issue from happening in their communities.

I have reached out to interested parties on the cape who are familiar with this issue and have experience in this matter. I would like an opportunity first to present my grievance with the handling of this matter over the previous decades and to try and resolve this matter before taking further steps. I hope you are willing to hear my out at the Waterways committee meeting scheduled for August 4, 2021 at 7 pm. I will be on the zoom call and will await an invitation to speak at the appropriate time. I am not a seasoned activist. I am a summer resident since 1979 and am now taking an interest in how the waterways are being managed and am eager offer my input to help maintain the beauty of this precious resource for all recreational boaters to enjoy, and not allow its beauty to be spoiled by houseboats and the attendant issues: environmental impact: pollution/ sanitation. I thank you for your time. Regards,

Richard Pierce
74 Penzance Rd
Woods Hole, MA 02543

Diane Davidson

From: Brian Switzer [REDACTED]
Sent: Monday, October 25, 2021 4:30 PM
To: Falmouth Selectboard
Subject: Houseboat Regulations

To the Selectboard,

As the most recent Commodore of the Woods Hole Yacht Club and a longtime Falmouth resident I ask that you table the proposed houseboat regulations until a more diverse group of Falmouth residents can be part of the process.

There are many residents who have moorings in Great Harbor and were not notified that these regulations were being written.

My question is: Who wrote them and who was present when they were written?

Although many of the regulations proposed are reasonable, many seem to fly in the face of maritime law and the rights of Falmouth citizens.

I am not a houseboat owner but I believe the houseboats are a legal and valuable part of our Great Harbor community.

Most sincerely,

Brian Switzer

6 Quissett Ave

Woods Hole

Diane Davidson

From: RICHARD PIERCE [REDACTED]
Sent: Monday, October 25, 2021 2:13 PM
To: Falmouth Selectboard
Subject: Houseboats

Doug we on Penzance point have many questions and concerns regarding proposed amended changes to by laws regarding houseboats and house floats....from a concerned neighbor I offer the following concerns:

Mary -

Thank you for keeping track of all this!! I read through all the material you sent and had a few questions that might be added to the mix. On the "Notice of Promulgation of Mooring Regulations" with regard to "B. Regulations":

- Item 1. Does "Within 600 linear feet of Ram Island or Devil's Foot Island" increase /decrease or leave the same the area where the house floats/boats can be moored. How is the 600 linear feet measured - high or low tide?
- Looking at the photo you provided with an outline of the proposed (?) area, it appears to be halfway across the harbor with respect to the Beal / Greer harbor frontage and that of the Mackey / Green frontage.
- Item 2. Does the time year usage relate to both house floats and houseboats?
- Item 5. Refers only to houseboats being registered. What about house floats?
- Item 7. "The mooring permit holder is required to maintain a pump-out log and provide a written copy to the Harbormaster's office by December 1 annually." This is a big improvement over what was in the 9/15/19 policy. What are the consequences if there is non-compliance? Who enforces?
- Item 9. I hope that this height restriction includes any/all 'super structure' that some have added to their house floats? Remember the one with the 'flying bridge'!?!
- Item 13. Shouldn't ALL house floats and houseboats have insurance. Shouldn't they present proof when they get their permit? As a side note, I am assuming they have to get a permit each year?

These are the things that caught my eye!!

Thank you for considering the residences whose views are greatly affected by these houseboats.

Regards,

Richard Pierce
74 Penzance Rd
Woods Hole, Ma 02543

Diane Davidson

From: Crickett Warner [REDACTED]
Sent: Monday, October 25, 2021 12:58 PM
To: Falmouth Selectboard
Subject: Housefloat regulations

Friends,

In an effort to be succinct, I will keep this to a few bullet points:

- I am a lifelong resident of Woods Hole, a registered voter, and owner of a housefloat moored in Great Harbor.
- I have read an email from Mr. Pierce, proposing removal of housefloats.
- In his email, he uses some language that I find disagreeable on both a personal level and a community level, particularly his use of the term "housing project" as it does not accurately represent our small maritime community or the overall generous socio-economic spread in Falmouth.
- I ask the Select Board to consider the diversity of people that live in Falmouth, listening to differing viewpoints rather than just the opinion of the few part-time residents with considerable resources.
- I also ask the Select Board to temporarily table the discussion of the proposed regulations on the housefloats. They are a good draft and great start to the conversation and I believe there is further information to consider.
- The housefloat community did not see these proposed regulations until August 2021 and I have some concerns, particularly adding more work to the already busy building inspection department who — as far as I know — are not trained in construction of housefloats.
- I hope the Select Board will consider creating a steering committee to thoughtfully consider all aspects, including maritime law, naval construction, waterways usage, etc.

I look forward to attending the meeting this evening.

With great respect,

Crickett Warner
33 High Street
Woods Hole
[REDACTED]

Diane Davidson

From: RICHARD PIERCE [REDACTED]
Sent: Friday, November 5, 2021 2:02 PM
To: Falmouth Selectboard
Subject: Letter in Opposition To Houseboats

Dear Select Board:

I submit this letter in opposition to proposed amendment to otherwise modify the mooring regulations relating to House floats and Houseboats. I have submit below a "letter to the Editor" published in the Nov 5, 2021 Falmouth Enterprise. I hope to bring awareness to the growing problem we have relating to the proliferation of houseboats and house floats in Great Harbor. I plan to address in person the November 8, 2021 meeting my concerns about how this mooring field is managed: the availability of pump out services (as of today, there is no pump-out boat available to pump out any houseboat in Great Harbor) . I am concerned about the use of commercial moorings by entities with no commercial presence on the harbor? Reference: Damian McLaughlin, Clark Marine Group, Woods Hole Marine, Quissett boatyard). How and why do these entities get to control these moorings?

My primary concern is stopping any further proliferation of houseboats/ house floats. No more "additions", "extra floats" tied to them, no further expansion in height. And especially no more additional units. I am opposed to the Zone itself as it invites additional houseboats. I want this stopped and I want it scaled back to be in accordance with the prohibition of houseboats in all town mooring fields. I submit this with community spirit for fairness across all bodies of water where this regulation is applied without prejudice. There is no rational reason for these structures to have been allowed to exist from the start except for lax regulation on the part of the harbormaster. I appeal to the community to be the final arbiter of this matter but I feel compelled to stand up for what I believe to be a fair and rational argument and is in the spirit of bettering our community. Thank you for your service,

Richard Pierce
74 Penzance Rd
Woods Hole Ma 02543

[REDACTED]

Dear Editor:

In response to your recent article regarding proposed changes to Houseboat Regulation dated Oct 29. As an interested party to this process as an abutting property owner on Great Harbor, I am interested in the proposed change.

I would like to preface my comments with a brief history. My father purchased our family property as a summer residence in Woods Hole in 1979. Shortly there after, he lodged his first of many complaints with the harbor master at the time. Complaining that the mooring field had

houseboats which he objected to. At the same time in 1980 the Town of Falmouth introduced a by law that prohibits houseboats in Town owned marina's. Since then, houseboats on Great Harbor have proliferated to include approx. 14 houseboats and 4 commercial platforms. The proposed amendment grandfathers in all existing houseboats within an arbitrary 600 ft zone surrounding Ram Island and Devil's Foot Island. The proposal does not cap any additional houseboats within that zone, and caps the height to an astounding 22 ft!... There is no size restriction of house float square footage, but rather subjects any houseboat/housefloat over 200 sq. ft. to require a building permit.

I welcome an overdue discussion regarding the appropriate use of our Town mooring Fields. there is a 20 year wait list of recreational boaters. Why were the houseboats allowed to proliferate in Woods Hole vs other harbors? If houseboats continue to proliferate will this large portion of anchorage look like at worst a "shanty town" or an even bigger, more elaborate "housing development". I suggest that the intent set forth with the 1980 bylaw prohibiting houseboats should be enforced equally in all Falmouth harbors. Any exception such as the one proposed by the harbor master I deem " arbitrary and capricious".

That said, I am empathetic to houseboat owners who have a substantial investment involved. Should they be allowed to continue use of their mooring within the proposed zone? I am interested in the harbor returning to its original intended use as a precious resource for the enjoyment of all boats whose primary design use is "navigation and transportation". That includes sailboats, power boats, and commercial fishing craft. Not houseboats designed primarily for habitation. These waters, in my estimation are not intended as "housing projects" as is made clear by the 1980 prohibition.

There are many unanswered questions about how one enforces these regulations? How do you make sure the houseboats are not rented out on internet portals like Air BNB or Home Away. If allowed to exist and proliferate further within the zone will the town be responsible for policing? Fire and rescue? Will the Board of Health or the planning commission have a say in how this housing development is laid out? Considering that the houseboats are permanent through the season, is it reasonable to suggest that additional floats and watercraft tied to these "mother ships" pose a hazard to navigation?

I raise these questions to make manifest the concerns we have as neighbors abutting Great Harbor with regard to the legitimate and intended use of town owned mooring fields. I hope that a spirited debate ensues and that a sensible resolution is reached after a thorough public discourse.

Thank you for your consideration,

Richard Pierce
74 Penzance Rd
Woods Hole, MA 02543

birds. We hoped the owner would realize quickly that his chickens were loose, since they presented a definite hazard to humans and themselves. We warned oncoming cyclists to watch out.

Little did we realize that upon returning on the bike path going south, not only were the chickens still there, but to our horror there were bikes on the ground and one rider lying face down on the path unconscious. The riders were members of a bike club from Bourne. They were calling 911 but didn't know what location to give them, so they were glad we locals had arrived. Others breathlessly told us that the woman had tried to avoid one of the chickens, but a second one jumped into her path. She lost control and was thrown off her bike. A nurse with our group stayed with the injured woman. We tried to find the owner of the chickens on the street that intersected the bike path. No one seemed to be home, and we left a message with animal control. The injured rider was taken by ambulance to the hospital. On our way home we continued to warn other riders about the hazard. We assumed that the owner would collect his animals and make sure they stayed safely out of harm's way. We prayed that the woman would recover completely. It was tragic and embarrassing that our visitors had to find such a hazard on our beloved bike path.

Never did I expect to open the Enterprise a couple of weeks later and find a picture of a sign that said, "Free the Chickens!" And sure enough, the birds were again on the bike path. Now I enjoy "free range" chicken and like to think that I am eating meat that's been humanely raised, but free range does not mean completely free to roam anywhere! It means making sure the animals are in a safe space for foraging rather than kept in small cages, but not allowing them to become a hazard on the bike path or streets. I've noticed that regulations usually occur when the actions of some ignore their responsibility for the safety of others.

During the preparation for the Buzzards Bay Ride, I met one of the women from the Bourne bike group. She told me that her friend is still not completely recovered physically, and is very afraid to ride her bike, previously her fa-

Unanswered Questions

In response to your recent article regarding proposed changes to houseboat regulation dated October 29: As an interested party to this process and an abutting property owner on Great Harbor, I am interested in the proposed change.

I would like to preface my comments with a brief history. My father purchased our family property as a summer residence in Woods Hole in 1979. Shortly thereafter, he lodged his first of many complaints with the harbormaster at the time, complaining that the mooring field had houseboats which he objected to. At the same time in 1980 the Town of Falmouth introduced a bylaw that prohibits houseboats in town-owned marinas. Since then, houseboats on Great Harbor have proliferated to include approximately 14 houseboats and four commercial platforms.

The proposed amendment grandfathered all existing houseboats within an arbitrary 600-foot zone surrounding Ram Island and Devil's Foot Island. The proposal does not cap any additional houseboats within that zone, and caps the height to an astounding 22 feet. There is no size restriction of house float square footage, but rather subjects any houseboat/house float over 200 square feet to require a building permit.

I welcome an overdue discussion regarding the appropriate use of our town mooring fields. There is a 20-year wait list of recreational boaters. Why were the houseboats allowed to proliferate in Woods Hole versus other harbors? If houseboats continue to proliferate, will this large portion of anchorage look like at worst a "shanty town" or an even bigger, more elaborate "housing development?" I suggest that the intent set forth with the 1980 bylaw prohibiting houseboats should be enforced equally in all Falmouth harbors. Any exception, such as the one proposed by the harbormaster, I deem "arbitrary and capricious."

That said, I am empathetic to houseboat owners who have a substantial investment involved. Should they be allowed to continue use of their mooring within the proposed zone? I am interested in the harbor returning to

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There are many unanswered questions about how one enforces these regulations. How do you make sure the houseboats are not rented out on internet portals like Airbnb or HomeAway? If allowed to exist and proliferate further within the zone, will the town be responsible for policing? Fire and rescue? Will the board of health or the planning board have a say in how this housing development is laid out? Considering that the houseboats are permanent through the season, is it reasonable to suggest that additional floats and watercraft tied to these "mother ships" pose a hazard to navigation?

I raise these questions to make manifest the concerns we have as neighbors abutting Great Harbor with regard to the legitimate and intended use of town-owned mooring fields. I hope that a spirited debate ensues and that a sensible resolution is reached after a thorough public discourse.

Richard Pierce

Penzance Road
Woods Hole

Day For Dads, Kids Planned

The Waquoit Bay National Estuarine Research Reserve and the Coalition for Children will hold an hour-long outdoor nature adventure designed for male caregivers and young children (up to age 8) on Sunday, November 14, at 12:30 PM. The event will include beachcombing and a nature walk focused on exploration, teamwork and connecting with children.

The reserve is at 131 Waquoit Highway in East Falmouth. This event is free, but registration is required. Visit www.thecoalitionforchildren.org/special-events

vaccine is worse and act as though distancing are these attitudes cost COVID is killing people—grand- s, fathers, rela- ls—every day in he pace contin- nearly another cians in the next

rs have a chance ple, by strongly not requiring— by setting strict ing, testing and for anyone who inated. A start- w just what per- yeas has gotten

casual attitude ected in a walk i itself. I regu- ealthy minority, residents don't in stores. That's oston, where I r a doctor's ap- urprised to see ng outside kept ually everyone shop at which o some lunch ile, both state f Boston work- tine mandates ve resulted in rates.

it's worth not- f COVID cases le has been e County than on, according Times. As of es for the city sparsely pop- identical. Of ople who get likelihood we VID spikes. hould set the a pandemic, h represents e public, and ublic. That's terprise's edn to heart by

PUBLIC HEARINGS

5. Wetlands/Dock Hearing – Teague I. Campbell – Reconstruct pier, ramp and float on the same general footprint as the existing dock in and over the waters of Rand’s Canal, located at 147 Bay Road Extension



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, October 25, 2021 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Teague I. Campbell for permission to reconstruct the pier, ramp and float on the same general footprint as the existing dock in the waters of Rand's Canal located at 147 Bay Road Extension, North Falmouth, MA. Area affected is Rand's Canal. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, October 1, 2021 and Friday, October 8, 2021; Falmouth Enterprise.

Diane Davidson

From: BSS DESIGN <mail@bssdesign.com>
Sent: Monday, November 1, 2021 2:44 PM
To: Falmouth Town Manager
Subject: 147 Bay Road
Attachments: Campbell Dock Plot Plan 11-1-21.pdf

Hello,

Attached you will find a revised plan for 147 Bay Road that we just dropped off today. Please contact us if you have any questions.

Thank you,

Rachel for

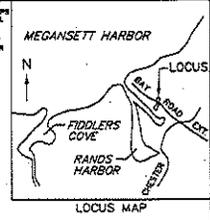
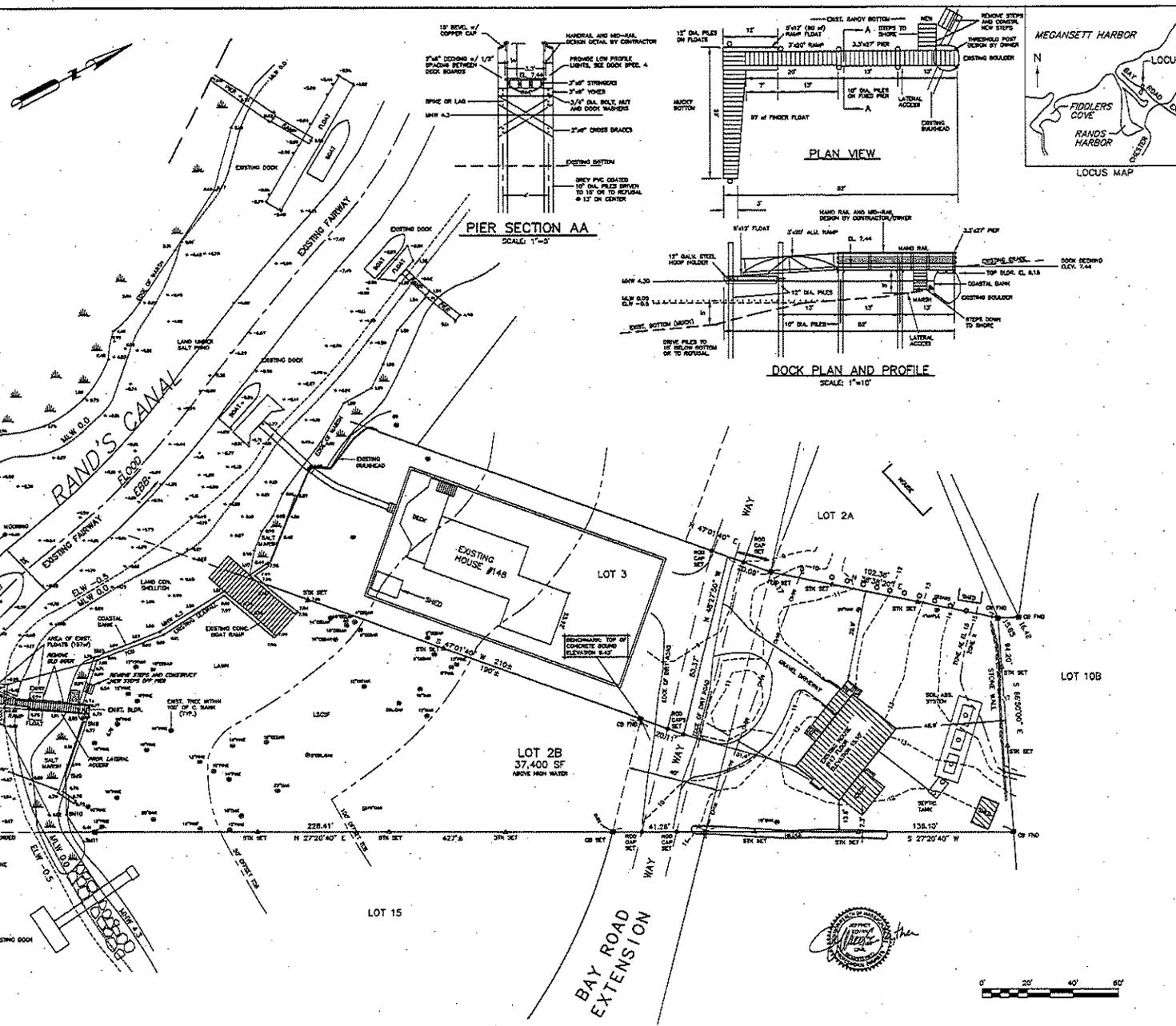
Jeffrey E. Ryther, P.E.
BSS Design, Inc.
164 Katharine Lee Bates Road
Falmouth, MA 02540
Office: 508-540-8805
www.bssdesign.com



Virus-free. www.avg.com

- NOTES**
1. LOCUS IDENTIFICATION: WOODS No. 147 BAY ROAD EXT. ASSESSORS No. 03 03 01 0038
 2. LOT 28 PLUM BOOK 125 PAGE 135
 3. LOCUS IS WITHIN ZONING DISTRICT R2 FLOOD ZONE 4E D. 15 AND ZONE X BUILDING CODE WIND EXPOSURE CATEGORY D WIND-BURNING DEERS RECTOR LOCUS IS NOT WITHIN ZONE II OF A PUBLIC WATER SUPPLY WATER RESOURCE PROTECTION DISTRICT COASTAL POND OVERLAY DISTRICT ENHANCED SPECIES HABITAT WILDLIFE CORRIDOR OVERLAY DISTRICT BLACK BEACH / SIPPEWSETT MARSH DCPC WACQUOT BAY AZCC
 4. LOT COVERAGE BY STRUCTURES:
 - a. EXISTING 1,447 SF 3.38
 5. CONTOURS ARE FROM ON-THE-GROUND SURVEY BASED ON NAVD. BENCH MARK TOP OF CONCRETE FOUND. ELEVATION 8.42'. SOUNDINGS ARE BASED ON NAVD. DATUM EL. 0.0
 6. SEPTIC SYSTEM WAS DRAWN AS OUR INTERPRETATION OF RECORD AS-BUILT SWITCH FROM HEALTH DEPARTMENT.
 7. EXISTING BUILDING OFFSETS ARE MEASURED TO CORNER BOARDS, NOT FOUNDATION.

- DOCK SPECIFICATIONS**
1. ALL LARGE FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL OR STAINLESS STEEL.
 2. PROPOSED TIMBER PILING SHALL NOT BE TREATED WITH ANY TOXIC PRESERVATIVES (USE PINE COATED). CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE WATERS OF RAND'S CANAL EACH DAY.
 3. THE MAXIMUM HORIZONTAL FOOT-CANDLE LEVEL SHALL NOT EXCEED 0.2 FOOT-CANDLES (Fc).
 4. THE PROPOSED FLOAT SHALL BE EQUIPPED WITH A DURABLE DECK OR STORED ON THE UPLAND.
 5. THE DECKING SURFACE OVER THE EXISTING SALT MARSH SHALL HAVE A MINIMUM OF 2" SPACING. ALL VISIBLE FASTENERS (NAILS, CLIPS) USED ON DOCKING AND RAILS SHALL BE STAINLESS STEEL.



BSS DESIGN
ENGINEERING & SURVEYING

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300 Ballantine Ave Suite 201
Falmouth Massachusetts 01906
508.448.0808 FAX 508.448.1450

PLOT PLAN - DOCK RECONSTRUCTION
PREPARED FOR
TEAGUE CAMPBELL
147 BAY ROAD EXT.
NORTH FALMOUTH, MASSACHUSETTS

Scale	1" = 20'
Date	JAN. 7, 2021
Drawn	JER
Checked	
Job Number	15184
Revisions	<ul style="list-style-type: none"> 1. MAY 8, 2021 2. REMOVED ACCESS STEPS 3. REMOVED PILING AREA FROM 180 SF TO 120 SF 4. REMOVED 100 SF OF PILING FROM 4" TO 2.5"
	<ul style="list-style-type: none"> JULY 16, 2021 1. REMOVED STEPS AND CONSTRUCTED NEW STEPS 2. REMOVED DOCKING
	<ul style="list-style-type: none"> JULY 22, 2021 1. CORRECTED SITE PLAN
	<ul style="list-style-type: none"> NOV. 1, 2021 1. ADDED LARGER BOATS & EXISTING BOAT FAMILY.
Sheet	
Use	SITE PLAN AND DETAILS
Drawing number	B24-99

RECEIVED

SEP - 2 2021



TOWN OF FALMOUTH ~~FALMOUTH TOWN CLERK~~
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, MA

Date: 8/23/2021

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

OWNER: Teague I. Campbell 147 Bay Road Ext., North Falmouth, MA 02556
(full name) (address)

AGENT: BSS Design, Inc. 164 Katharine Lee Bates Road, Falmouth, MA 02540
(full name) (address)

APPLICANT: Teague I. Campbell PO Box 11, North Falmouth, MA 02556
(full name) (address)

1. Location of Property: Map 05 Section 03 Parcel 011 Lot 002B

Street Name and House Number 147 Bay Road Extension

2. Body of water, marsh or stream affected: Rand's Canal

3. Description of property and project site: Developed Waterfront property
with a house, shed, seawall and dock.

a. Dimensions, Acreage of total parcel: 37,400 sf (0.86 Acres)

b. Length of water marsh frontage: 155'

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

d. Dimensions of area to be filled: None

e. Volume of dredging spoil to be moved: None

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

Disposition of Spoil: N/A

f. Describe proposed riprap or bulkheading, if any: Existing Bulkhead

g. Other (docks, piers and etc.) Existing Dock License No. 3795

h. Method (equipment to be used) for proposed work: Marine Contractor

4. Purpose of proposed work: Private Recreational Use

5. Zoning which governs area: RB

6. Date of application for permit to dredge or fill from the Commonwealth of
Mass. No proposed dredging Army Engineers

7. Has a permit ever been approved or refused for this location by State,
Federal or Local Authority? Approved Order of Conditions

8. Remarks All waterfront structures are approved and licensed by the Town,
state and government

9. Project Summary for legal notice: This project is to reconstruct the pier,
ramp and float on the same general footprint as the existing dock.

Owner: Teague I. Campbell

Agent: BSS Design, Inc.

147 Bay Rd. Ext., N. Falmouth, MA 02556
(Name & Address)

164 Katharine Lee Bates Rd., Falmouth, MA 02540
(Name & Address)

TEL #: 508-563-9800

TEL #: 508-540-8805

Applicant: Same as Owner

(Name & Address)

TEL #: _____

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

September 1, 2021

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

Re: 147 Bay Road

To whom it may concern:

I, Teague I. Campbell, being an owner of the property at 147 Bay Road, North Falmouth, MA, give permission to Jeffrey E. Ryther, P.E., of BSS Design, Inc. to represent me regarding the application and hearing for the Selectmen's Wetland Permit.

Sincerely,

JEK for Applicant

Jeffrey E. Ryther, P.E. for
Teague I. Campbell

cc: BSS Design, Inc.

Public comment received by email.

Diane Davidson

From: Keith Tortorella [REDACTED]
Sent: Tuesday, October 26, 2021 9:31 AM
To: Falmouth Selectboard
Cc: [REDACTED] Keith Tortorella; [REDACTED]
[REDACTED]
Subject: 147 Bay Road Dock Reconstruction

Good Morning and thank you for the opportunity to speak in front of the board last night at the Select Board Meeting regarding the Application for Dock Reconstruction at 147 Bay Road, North Falmouth, MA.

There are a few additional points that I would like to make regarding Mr. Campbell's Application:

1. The Public Notice States that Mr. Campbell is requesting Permission to reconstruct Pier, Ramp and float on **Same General Footprint** as the existing Dock in the waters located in the waters of Rand's Canal Located at 147 Bay Road Extension, North Falmouth, MA.
 - a. It is clear that the application is to extend the Dock both East to West and North to South. **There is no same general footprint as this is a significant increase in size in both directions which would have direct impact on navigation thru the deepest part of the channel adjacent to Mr. Campbell's Dock for the boat owners (4 total) East of Mr. Campbell's dock as well as the general public.**
2. When I made mention that the applicant could put a larger boat on the dock which would create greater navigational challenges, I believe that my comment may have been misunderstood. The greatest challenge we face is the extension of the dock coming out into the deepest part of the channel an additional 9'. My neighbor Mr. Barton stated to the board that at lower tides, it represents a current navigational challenge to pass thru the channel next to Mr. Campbell's boat. **Extending the Dock out another 9' would create greater challenges and potentially make the channel impassable.**

My comment about a larger boat adds two additional challenges to the 9' extension.

1. A wider Beam boat would add additional footage (Beam width) to the 9' dock extension.
2. If Mr. Campbell decided to purchase a larger boat, i.e. 38', the boat at the bow end would extend out an additional 7' in the westerly direction.

3. The engineer representing Mr. Campbell made comment that the part of Rand's Canal West of Mr. Campbell's dock out to Buzzard's Bay creates the same navigational challenges that exist adjacent to Mr. Campbell's dock. This is simply not true. There are no boats moored in the middle of the channel West of Mr. Campbell's dock and Navigation after Mr. Campbell's dock to Buzzards Bay is not impeded in any way.
4. The one dimensional engineering plan provides a lot of information but does not illustrate in 3D what reality is regarding challenges we all face in Rand's Canal. The Boat illustrated on the engineering plan Southwest of Mr. Campbell's boat and dock looks to be a significant distance away from Mr. Campbell's Boat. An in person view of Rand's Canal paints a very different picture. Additionally, the bank directly across from Mr. Campbell's dock continues to deteriorate and fall into the Canal. Additional Silt has formed along Mr. Campbell's sea wall as well. This build up is a result of ongoing silt movement from tidal flow, the herring run and earth falling into the canal prior to Mr. Campbell installing his new sea wall.
5. In 2019 there was an application filed by parties Steven Balas and Micheal Kachodoorian for dock extension in a channel off of Eel Pond. Neighbors who have their boats docked on their floats in the channel argued during the hearings that placement of the new floating dock would make navigation difficult and interfere with access to their floats. The Board found in favor of the Neighbors and declined the application for Dock Expansion. (there were administrative challenges that followed the final hearing / ruling)

In closing, when Mr. Campbell purchased his property on 147 Bay Road Extension, he was well aware of the status of his permitted dock and the challenges **that we all face with ongoing changes to the waterway in Rand's Canal due to mother nature**. It would be unfair to make Mr. Campbell personal situation better at the demise of the other 4 Boat owners East of Mr. Campbell's dock as well as the general public that have equal rights to navigate the channel at their leisure.

I respectfully ask the board to approve Mr. Campbell's request for a new dock but without approval to extend of the dock beyond the current footprint.

Sincerely,

Keith J. Tortorella

Keith J. Tortorella
Country Club Enterprises
2D Express Drive
Wareham, MA 02571

BUSINESS

1. Discussion/update on COVID-19 issues

BUSINESS

2. Report – Commission on Substance Use

BUSINESS

3. Presentation – Beach Committee

BUSINESS

4. Discuss and vote to increase Beach Committee membership

Beach Committee

Presently a 5-member committee.

The Select Board appointed 2 alternates with terms that expired on 11/1/21, until final adoption of charter change, allowing Select Board the authority to modify the membership.

<u>Current Membership</u>	<u>Term Until</u>
Margaret Mitchell, Vice Chair	6/30/22
Barbara Schneider	6/30/23
Dan Shearer	6/30/22
Joseph Strazzulla	6/30/23
Vacant (full member)	6/30/24
Nancy Quigg (alternate)	11/1/21 Note: has submitted an application for full member.
Vacant (alternate)	11/1/21

The vacancy for the full member with term until 6/30/24 has been advertised with a deadline for applications set for November 15.

After the vote to increase membership, an ad will be placed in the Falmouth Enterprise and on the Town Website for the two new full member positions, with a two-week deadline for applications.

Town Committee Vacancies

The Falmouth Select Board announces the following vacancies on Town committees:

Committee	Term Until
Agricultural Commission (1 position)	6/30/22
Beach Committee (1 position)	6/30/24
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/23, 6/30/24
Cape Cod Commission (1 position)	4/24/24
Commission on Disabilities (4 positions)	6/30/22, 6/30/23, 6/30/24
Conservation Commission (2 alternate positions)	6/30/22, 6/30/23
Constable (1 position)	6/30/24
Council on Aging (1 position)	6/30/24
Cultural Council (3 positions)	6/30/22, 6/30/24
EDIC (2 positions) (1 industrial development experience and 1 affordable housing experience)	6/30/22, 6/30/24
Edward Marks Building Advisory Committee (1 position)	12/31/21
Energy Committee (2 positions)	6/30/23, 6/30/24
Historical Commission (1 position)	6/30/22
Human Services Committee (2 positions)	6/30/24
Transportation Committee (1 position)	6/30/24
Veterans Council Committee (1 at-large position)	6/30/22

Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees>.
Deadline for applications is Monday, November 15, 2021. Please submit applications to the Office of the Town Manager and Select Board, or email to townmanager@falmouthma.gov.

BUSINESS

5. Discussion of Charter Review Committee recommendations

Guest Commentary

How Best To Manage Complex Issues Facing The Town

By PETER L. CLARK

As the Falmouth Charter Committee began gathering ideas on government operations under the current charter, one focus was the ability of the select board and town manager to create solutions for the complex issues the town is facing. The charter states: "The board shall serve as the chief executive goal-setting and policy-making board of the town..." The board also is charged with recommending major courses of action to Town Meeting.

Seven of our 22 recommended charter amendments have dealt with this area, and we have made the related non-amendment recommendations below.

What is the point of plans if they are not coordinated and do not impact policies and actions?

One problem that we encountered was that the planning board's comprehensive plan, the select board's strategic plan,

and the town manager's capital improvements plan seemed too often created in isolation from each other. Several of our recommended charter amendments clarify the coordination of these plans.

Our committee was made aware of frustrating gaps between the plans and select board policies and managerial decisions. The following select board responsibility was added to the charter at our urging: "The board shall issue procedures to assure that the actions of town agencies are evaluated for consistency with the Strategic Plan and the Local Comprehensive Plan." We feel the specific procedures should be created soon by the select board, for adaptability, they should not be embedded in charter language.

Is there enough time spent by the select board on planning and policy?

We see the need for more proactive deliberation on agendas to plan and develop policy and regulations on topics such as:

1. Health and public safety.
2. Water and wastewater management.
3. Coastal resources management, including beaches and waterways.
4. Housing.
5. Recreation facilities, including beaches and bicycle access.
6. A sustainable job market, including balancing tourism and other interests.

We grew very concerned that the select board carries such a wide variety of other administrative decisions that there is insufficient time for the big issues. We understand that meeting more than twice every two weeks creates unsustainable conditions for a volunteer board, and also for management in preparation

and follow-up. Running meetings for three or four hours creates fatigue and complicates public participation. We applaud the "summary of actions" agenda item for efficiency and the current effort to attach time limits to agenda items.

However, preserving time for planning and policy suggests that the board must delegate routine administrative functions more fully to staff within regulations set by the board. Our review of 18 months of select board agendas (2019-2020) shows seven categories with 246 separate items requiring action that are essentially administrative (including various types of licenses, Eversource permits, sign variances and one-day and special event approvals).

To further free up time, we recommend that the select board consider pursuing special legislation to establish an elected liquor licensing commission to

operate under bylaws recommended to Town Meeting.

Do professional staff play the appropriate role with the select board on agenda items?

We observed that the select board could work more efficiently with the town manager and paid staff. As the complexity of planning and policy issues continues to grow, the manager and staff should be expected more often to prepare for select board meetings by (1) analyzing problems on the agenda; (2) providing past precedents and existing legal constraints; and (3) proposing options based on staff expertise.

None of this precludes full discussion by the select board and ample public input on final outcomes, but the process would save board energy spent pursuing dead ends or reinventing existing solutions. One clear example is the complex decision-making required for issuance of wetland

special permits. Numerous legal, scientific and policy factors should be researched, analyzed and distilled by staff as background before board deliberation on decisions.

How do you coordinate and follow policies that are not available?

We could not find personnel policies, and we heard of others not being aware of policies or frustrated by lack of easy access to approved policies. Since policies can be created or changed by vote of the select board, we recommend that each proposed policy action should be clearly labeled as such in the agenda and in minutes. Also, if a policy is approved, it should be added to a web-based system for easy reference by town staff and the public much as bylaws are electronically accessible in the Town Code.

(Dr. Clark is chairman of the Falmouth Charter Committee)

https://www.capenews.net/falmouth/columns/how-best-to-manage-complex-issues-facing-the-town/article_099f23bf-273d-545d-83cc-a8acf3bf5959.html

Guest Commentary

How Best To Manage Complex Issues Facing The Town

By PETER L. CLARK

Oct 15, 2021

[Home](#) / [Falmouth](#) / [Falmouth Columns](#)

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4. Housing;
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(Dr. Clark is chairman of the Falmouth Charter Committee)

BUSINESS

6. Discussion on short-term rental tax receipts and allocation to affordable housing

Diane Davidson

From: Julian Suso
Sent: Thursday, October 21, 2021 2:38 PM
To: Doug Brown
Cc: Nancy Taylor; Diane Davidson; Peter Johnson-Staub; Edward Curley; Jennifer Mullen
Subject: RE: Falmouth Short-term Rental Tax Receipts

We can place on the draft SB agenda for November 8.
Julian

From: Doug Brown <doug.brown@falmouthma.gov>
Sent: Thursday, October 21, 2021 2:08 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Nancy Taylor <nancy.taylor@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Edward Curley <wecurley@yahoo.com>
Subject: Fwd: Falmouth Short-term Rental Tax Receipts

Hi Julian

I'm forwarding some information received from Ed Curley regarding the town meeting article for additional funding options for affordable housing. Can we discuss this at our meeting on November 8th? It may be helpful to discuss prior to town meeting. I had meant to add this to the 25th but it seems like that may be a challenge with so much already on this agenda.

Thank You, Doug

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

Cell 508 560 4149

Begin forwarded message:

From: Doug Brown <doug.brown@falmouthma.gov>
Date: September 29, 2021 at 10:50:48 PM EDT
To: Edward Curley [REDACTED]
Cc: Julian Suso <julian.suso@falmouthma.gov>, Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>, Nancy Taylor <nancy.taylor@falmouthma.gov>
Subject: Re: Falmouth Short-term Rental Tax Receipts

Hi Ed

Thanks to you and Wayne for sharing this information. I will consider placing an agenda item for this discussion on October 25 for Select Board consideration prior to Town Meeting.

I will check with Vice Chair Dr Nancy Taylor and Mr Suso to confirm.

Thank You, Doug

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

Cell 508 560 4149

On Sep 29, 2021, at 7:41 PM, Edward Curley [REDACTED] wrote:

----- Forwarded Message -----

From: Edward Curley [REDACTED]
To: Doug Brown [REDACTED] douglas.brown@falmouthma.gov
<douglas.brown@falmouthma.gov>; Ed Curley [REDACTED] Wayne
Lingafelter [REDACTED]
Sent: Wednesday, September 29, 2021, 07:40:16 PM EDT
Subject: Fw: Falmouth Short-term Rental Tax Receipts

Hello Doug. When you and I spoke a few days ago, you expressed interest in available data concerning the new short-term rental tax that Falmouth has been collecting for the past year or so. *Below is the information you requested!* My sincere thanks to Wayne Lingafelter, who gathered these data from Peter Johnson-Staub during the AHC working group research that resulted in our AH Funding Options Report, plus from Rep. Dylan Fernandes' office this week to confirm the numbers. Please let me know how you'd like to proceed Doug, both now and at Town Meeting.

----- Forwarded Message -----

From: Wayne Lingafelter [REDACTED]
To: 'Edward Curley' [REDACTED]
Sent: Wednesday, September 29, 2021, 03:55:26 PM EDT
Subject: STR Receipts

Ed – I did find the PJS email I mentioned receiving in August and have studied both the hotel/motel tax revenue and STR revenue information it contains. I also heard back from Dylan's office today on my request for additional information about the STR taxes. The information that Carlie from Dylan's office provided was consistent with the info from PJS, although it had an additional quarter, which was helpful because it gives us a full **two years of data to analyze.**

The data are quarterly payments of tax receipts to Falmouth from the Commonwealth, beginning in September of 2019 and ending in June of this year (2021). The data contain very dramatic swings: for example, the STR Receipts range from \$66,803 to \$456,700 per quarter. This variability seems most likely to be tied to two factors: (1) the natural seasonality of the data, for example the highest receipts were collected in the summer/fall months; and (2) the impact of COVID, which for example you can see in a dramatic reduction in the hotel/motel tax receipts in the second quarter of 2020, and an increase in STR in 2021.

I think with respect to the questions Doug Brown has asked, I offer the following observations:

1. The total tax receipts (STR and Hotel/Motel) over the two-year period of September 2019 to June of 2021 was \$3,385,071.
2. The total STR receipts over these eight quarters was \$1,493,308 or an average of approximately \$187,000 per quarter. The "Traditional Room Tax" receipts over the same period were \$1,891,763 or an average of approximately \$236,000 per quarter.
3. This means that STR reflected **44%** of the total STR/H&M tax receipts over the two year period and the Hotel/Motel Tax revenue was 56% of the total.
4. PJS quoted a statistic in the spreadsheet that the percentage of STR was 33.5% for FY2020, while FY2021 had STR equal to 52.5% of the total. I assume this is because the hotel/motel tax receipts had not yet been fully impacted by COVID in FY2020 and the isolation benefits of STR lodging had a positive impact on STR in FY2021. This is the most discernable trend in the STR data; a clear increase of 19 percentage points from FY2020 to FY2021, which is a 57% YoY increase. Specifically, the estimated STR results in FY2020 were \$502,555 versus \$990,753 actual receipts in FY2021.
5. These tax receipts generate an annual average STR of \$747,000. Assuming the current 5% is the underlying tax rate, an increase of 1% in tax rate to 6% should generate an additional +/- \$150,000 in STR. A similar 1% increase in the traditional room tax rate will generate an additional +/- \$190,000 in additional tax receipts. The total of these two numbers is essentially what we referenced in the table on page 8 of our AH report (\$375,000).
6. Assuming an increase in the STR/H&M tax rate of 1% (from 5% to 6%) as we presented in our report, **the allocation of 100% of the STR to FAHF would result in an annual funding of approximately \$1.2 million based upon the most recent fiscal year data.** This assumes that the strong occupancy trends for the STR as generated by COVID in FY2021 remain in place.

I am happy to discuss this information with you or with Doug Brown as you deem appropriate. Please let me know if there is anything else I can assist you with regarding this issue. Regards - Wayne

Wayne Lingafelter



BUSINESS

7. Discussion on West Falmouth station staffing

BUSINESS

8. Approve 2022 Annual License Renewals

ALL ALCOHOL RESTAURANT

East End Tap, 734 Teaticket Highway
Falmouth Country Club, 630 Carriage Shop Road
Falmouth Jade, 143-145 E. Falmouth Highway
Flying Bridge, 220 Scranton Avenue
Josh's at Davisville, 133 E. Falmouth Highway
Moto Pizza, 500 Waquoit Highway
Paul Harney Golf, 74 Club Valley Drive
Paul's Pizza, 37 Elain Avenue

ALL ALCOHOL PACKAGE STORE

Falmouth Food Mart & Liquor, 414 E. Falmouth Highway

ALL ALCOHOL CLUB

Cape Cod Curling Club, Inc., 37 Highfield Avenue

WINE AND MALT RESTAURANT

Homeport Sushi, 316 Gifford Street

WINE AND MALT PACKAGE STORE

Intergas Service Center, Inc., 607 Main Street

WINE, MALT AND CORDIAL INNHOLDER

Palmer House Inn, 81 Palmer Avenue

COMMON VICTUALLER

East End Tap, 734 Teaticket Highway
Falmouth Country Club, 630 Carriage Shop Road
Falmouth Jade, 143-145 E. Falmouth Highway
Flying Bridge, 220 Scranton Avenue
Homeport Sushi, 316 Gifford Street
Josh's at Davisville, 133 E. Falmouth Highway
Lobos House of Pizza, 338 E. Falmouth Highway
Moto Pizza, 500 Waquoit Highway
Paul Harney Golf, 74 Club Valley Drive
Paul's Pizza, 37 Elain Avenue
Pie in the Sky, 10 Water Street

INNHOLDER

Palmer House Inn, 81 Palmer Avenue

ENTERTAINMENT

East End Tap, 734 Teaticket Highway
Flying Bridge, 220 Scranton Avenue

FORTUNE TELLER

The Holistic Swan, 628 West Falmouth Highway

BUSINESS

9. Review and Vote to Approve Minutes of Meetings
Public Session – August 9, 2021; October 4, 2021

TOWN OF FALMOUTH
SELECT BOARD
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540
Meeting Minutes
MONDAY, AUGUST 9, 2021 – 7:00 P.M.

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 9, 2021 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

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

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

Present: Doug Brown, Chair; Nancy Taylor, Co-Chair; Megan English Braga; Sam Patterson; Onjalé Scott Price.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Call to Order by Chair Brown at 7 p.m.
2. Pledge of Allegiance
3. Recognition
Chair Brown noted the passing of Liam Maguire, he and his wife have brought a real piece of Ireland to Falmouth, wish the family the best at this difficult time.
4. Announcements
Scott Price announced the Woods Hole Partnership Education Program Interns are in Woods Hole for a week, 930-2pm and link is in the chat section if people want to see what the symposium in the Redfield Auditorium is all about.
5. Public Comment

Sharon Bunstra, 65 Peterson Road, requested the Select Board consider implementing an indoor mask mandate. She spoke with Windfall Market Manager, most customers have started wearing masks again, she asked him to require the employees to wear masks, he said it is too hard to mandate that without a town or state requirement. She would like Falmouth to follow CDC guidelines and mandate indoor mask policy.

Alan Robinson, resident, Town Meeting approved bylaw banning commercial sales of water bottles smaller than 1 gallon goes into effect on 9/1/21. There is little awareness of the upcoming ban, no messaging he is aware of to the general community. His concern that come 9/1/21 there will be surprised shoppers. He urged the Select Board to take an effort via various means to get the word out before 9/1/21. DPW and Solid Waste Advisory Committee have drafted a poster and will display it at Saturday's Falmouth Walk. He read the poster, which educates the ban effective on 9/1/21.

Karen Bissonnette, commented about AARPA funds, there was no discussion about community housing when this was discussed. Median priced house before covid was \$439,000, May 2021 \$731,000. Housing Roundtable with the Governor talked about AARPA, and the funds were a great opportunity for affordable housing, there needs to be flexibility with local government and local politics and process will be a problem. The funds Towns have present an unusual opportunity because Towns have some choice of spending the funding. He would like to see 20% of funds used for housing, and Karen is asking the Town to commit 20% of our AARPA funds to affordable housing. Wastewater issues are not because of the pandemic, but housing is. The Governor said if we do not do more than what we have done, we will never get to where we need to get to if we want to make it a place where people with moderate means can make a life. She hopes the Select Board will discuss this at another meeting and include the Affordable Housing Committee.

SUMMARY OF ACTIONS

1. Administrative Orders

- a. Approve Eversource petition to install one (1), 3" conduit and one (1) Handhole #56/H4A on Cataumet Street. This work is to be done to provide electric service for customer at 31 Cataumet Street.

This is recommended by Town staff.

Patterson motion approval. Second English Braga. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- b. Vote to award lease of 300 Dillingham Ave. to Joe Q Veterans Coffee Break, Inc. Peter Johnson-Staub noted 1 proposal in response to the solicitation, recommending award of a lease.

English Braga motion approval. Second Mr. Patterson. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

Chair Brown noted a \$4,000 rent. Johnson-Staub issued request for proposals asked for a price proposal, the proposal submitted by Joe Q was \$4,000 per year. There were five criteria that were looked at, one was price, presumably they chose to get the highest rating they could get by submitting a \$4,000 price proposal. Under terms of the lease, the Town is responsible for any major repairs to utilities, there will be ongoing costs to the Town.

English Braga noted only one proposal was received and even though not required, it is an older building, will require upkeep so it will defray some of the costs the Town will put forth to maintain the building,

The Select Board felt the rent was reasonable.

- c. Approve request to refinance affordable home mortgage, 150 Cloverfield Way, East Falmouth
English Braga motion approval. Second Taylor. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- d. Vote to accept donation from Robert and Susan Catalano on behalf of David's Old Silver Swim, Inc. in the amount of \$500.00 to the Beach Department Donation Account for the "Dare to be Great" award to a lifeguard

Patterson motion approval. Second Taylor. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- e. Vote to accept donation from New England Endurance Events in the amount of \$1,900.00 to the Beach Department Donation Account

Taylor motion approval. Second Patterson. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- f. Vote to approve Conservation Department application for Mass Wildlife Habitat Management Grant for continued invasive plant management and prescribed burn in the Coonamessett fields area

Patterson motion approval. Second English Braga. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- g. Authorize letter of support for proposed expansion of existing Bourne landfill
The Town has a contract with them.

English Braga regularly hears curbside pickup is one of the services in Falmouth that is really valued and possible because just delivering to a landfill that is close enough that the waste management company can do that at a price the Town can afford. The idea it can extend its life to 2040 is significant. The options after that are few and include more transportation at a higher price. In other communities, it is an inequitable system with pay as you throw. She wants to support Bourne in their efforts.

English Braga motion approval. Second Taylor. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- h. Vote to accept donation \$3,750 from the Falmouth Road Race to the Beach Department /donation Account

Taylor motion approval. Second Patterson. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- i. Vote to expend \$3,750 from the beach department donation account to fund the Beach Department annual staff awards banquet, August 17

Taylor motion approval. Second English Braga. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

2. Special Events

New – Recommended:

- a. Beach Wedding Ceremony – Hazelton/Bird – Menauhant Beach, Saturday, 8/21/21
Bruce Mogardo, Beach Department Superintendent, reminded not to be near the bridge on Menauhant Beach.
- b. Beach Wedding Ceremony – Ciortescu – Old Silver Beach – Saturday, 8/28/21
- c. Beach Wedding Ceremony – Girouard – Old Silver Beach – Sunday, 10/10/21

English Braga motion approval. Second Taylor. Vote: Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

7:30 p.m. PUBLIC HEARINGS

1. Vote to Adopt Stormwater Management Rules and Regulations (**15 minutes**)

Chair Brown noted the hearing notice announced public hearing in person. Discussion tonight and will wait on voting in case there is anyone who hoped to attend the meeting at Town Hall.

Jim McLoughlin, Town Engineer, and Nate Cristofori, CEI Consulting Firm, were present and explained they are seeking adoption of storm regulations required by the MS4 permit, MA DEP, and the EPA. The plan tonight is to go through the power point presentation, and they will answer any questions. This is a requirement for the Town's MS4 permitting and long overdue.

Cristofori, CEI, working with the Town meeting these requirements, in year 4 of this multi-year permit. Engineering and the DPW bearing the brunt of the permitting requirements, more focused on implementation of things in the field. The regulatory updates that the Town needs to do is what he will

review tonight. He made a presentation via PowerPoint. MS4 is Municipal Separate Storm Sewer System, regulates pollutant discharges into water bodies via the Town's drainage system. Phase I regulated communities over 100,000 people in 1990. Phase II regulated communities with more than 1,000 people in 1999. This is an unfunded mandate, comes down from the EPA, communities bear the burden of funding. Six control measures include public education, good housekeeping, illicit discharge detection and elimination; construction site requirements, post construction requirements. He reviewed the 3 regulatory mechanisms: 1. illicit discharge detection and elimination-only storm water in the storm water drainage system. 2. Require erosion and sediment controls during construction. 3. Post construction, how is storm water being handled. #1 applies everywhere; 2 and 3 only apply on a project that disturbs an acre or more. The regulations were supposed to be in place last year, they are expecting them in place now. Everything will run through the DPW.

Patterson asked about the enforcement of these regulations? After review of the application, the DPW notifies the Building Inspector it's in compliance. But for noncompliance, the initial enforcement is with DPW, ultimately it goes to the Select Board regarding fines. MA state law caps the fine at \$300. Existing basins and outflows that go directly to bodies of water, how is that addressed. Cristofori said that they will be allowed.

Scott Price asked about sharing the load managing the program. The DPW is stretched thin, what are the options for managing the flow to assist the DPW. Cristofori thought all could be funneled into one point person. McLoughlin noted there is regulation for 53G reviews for complicated projects, for the most part DPW is doing most of the work already for Planning and ZBA. Street opening and driveway permitting, implementing the same erosion control requirements onto the permits they are already issuing.

Johnson-Staub asked if it is common for the Select Board to be the enforcement authority after the initial enforcement by the DPW. Cristofori has left it up to communities on how they set it up; some go through conservation, others through Planning Board.

Tom Duncan: in regard to the nitrogen and phosphorus removal, what criteria determine maximum extent practicable. Cristofori said that is copied from the permit itself. The EPA has left it up to the judgment of the reviewing entity. Already have a hard target regarding phosphorus, nitrogen removal is pulled out as well. As long as the Town is being reasonable about what is proposed, EPA should be ok with that.

Chair Brown asked if p. 14, 3.0 exemptions #4 would include a repaving project. Cristofori said it is not changing the infiltrative capacity. Under permit, you have to do what is reasonable, which is a judgment call.

Chair Brown asked about consultant to advise DPW on all aspects; he has a concern with that, the Select Board has received a lot of feedback that the peer review is expensive and cumbersome. Cristofori said it is left in there in case there is a huge project, and you want an outside consultant review.

McLoughlin said peer review, if more complicated will have it reviewed. Based on his experience working in other communities, it is the norm that is what is expected even for smaller projects. In our case, he does not see doing this for the smaller projects, it is the larger Towns. Framingham has 9-10 professional engineers on staff and routinely use peer review. Chair Brown feels it is a reduction in service from what we have been doing.

Suso clarified that this hearing will remain open and will be closed at the next meeting.

Patterson motion to continue to the next scheduled Select Board meeting. Second English Braga. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

BUSINESS

1. Discussion/update on COVID-19 issues
Scott McGann, Health Agent, 21 confirmed positive cases and 9 probables since 8/1/21. Increase over the last 3 weeks in cases. The county was in the high category, fell to substantial this afternoon. Hospitalizations there was 1 in Hospital, 1 in ICU. Seeing multiples in households. 85% of all eligible residents have now been vaccinated.

Patterson asked what is the most likely way they contacted someone that had it? McGann said probably indoor close contact.

McGann is meeting with the superintendent and planning for school opening, ran a clinic this week. Symptoms of Covid-19 include loss of taste/smell, stuffy nose, cough, fever, chills. If you experience these symptoms, he recommends being tested.

Brown talked with Patterson about the mask mandate, and Suso said it probably is not really needed at this time.

English Braga asked McGann about testing. McGann said it can be difficult to get the rapid testing, which takes more labor.

Scott Price understands this meeting was moved to virtual, are we sending mixed signals to the community by having a mask advisory and not a mask mandate.

Bunstra appreciates the thoughtfulness of the discussion. Even though our vaccination rate is great here, we do not know the summer visitor vaccination rate. Transmitting from vaccinated people in households with those under 12 who cannot be vaccinated at this time. Protecting the front line workers. She looks to the government to keep her safe, she does not want to get sick or pass it on unknowingly to someone under age 12 who cannot get vaccinated.

McGann gets emails encouraging a mask mandate.

The Select Board discussed McGann making the decision re: mask mandate, and the Select Board would support him.

McGann can do anything that involves the public health with a retroactive vote by the Board of Health. Without guidance from the State, he is only using the federal mandates.

Suso noted they are working closely with McGann for 18 months, his decisions are fact driven.

English Braga would like to carry the message and concern that we are not hearing a lot from the State, and it is concerning, the CDC is looking across the entire country and was helpful to have some of those phone calls with the State. Complete evaporation of some of that strategy and data and is concerning.

Chair Brown said numbers are way down across most of the State and the Cape is in the red now.

McGann said they talked about contact tracing, lead epidemiologist will do contact tracing forever, they will continue the CTC to December so Towns can bolster their staffing levels for contact tracing. The State is trying to figure out what to do, how to live with Covid risk as opposed to shutting down and masks. This leaves towns to make their own decisions.

2. Interview, vote and appoint committee members
 - a. Affirmative Action Committee –
Terry Alves Hunter; grew up in Town, graduated FHS, wants to change the lens of systematic racism in Falmouth. There are facts and data that support what she says, she can bring a thoughtful perspective to the table.

Taylor asked about helping Affirmative Action Committee function effectively and cohesively. They have been challenged around some of those issues this past year. Making sure everyone is heard and feeling safe to speak.

As director of operations for a global company, when it comes to people, and you do not understand you need to give them empathy. She went to a clinic with a black speaker and white speaker, they took black in one room, white in other so they all felt safe. Then they brought them together in a safe space. We all have implicit bias, you can listen and validate before you respond.

English Braga motion approval to a term ending 6/30/22. Patterson second. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

Dale Kapp: She has been attending meetings for 4 years because of her interest in making sure the Town continues working on it, increase Falmouth as a welcoming community, we can keep diverse candidates. A diverse candidate can assess for themselves the tone of inclusion there is in Town. The committee will see that we improve, while people are still good hearted, it escapes people regarding being able to accept diversity. She has been asked to ensure that everyone knows she is biracial, her parents never denigrated either heritage. There is a uniqueness in not being accepted by either, diversity is very important.

Taylor asked helping to assist the committee to really be more efficient in their deliberations, how she would create a safe space to be heard.

Kapp came from corporate and dealt with corporations and government, everyone has something to offer, respect each other, and attentive listening. Suggest the committee identify some focus because she does not feel there was a focus. Suggested choosing several items annually, vote on the focus the committee will have for the year and then work on those focus items.

English Braga motion approval to a term ending 6/30/24. Second Taylor. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- b. Cape Light Compact – Matthew Patrick
Matt Patrick thinks based on his experience, his time is best used as a representative to the Cape Light Compact representing the Town.

Taylor motion appoint to a term ending 6/30/24. Second Patterson. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- c. Cultural Council – Alice Kociemba
She would like to give back to the Cultural Council. The Council has been a recipient of some grants, and wants to revitalize a vibrant arts community that has had hardship from the pandemic. The arts are good for business.

Scott Price motion appoint to a term ending 6/30/24. Second Patterson. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- d. EDIC – Kevin M. Holmes
Moved to Town in 1985, grew up here, started banking career in Falmouth. Period of time his work took him to the Boston area. 18 months ago, he had the opportunity to move to Cape Cod Five Bank, working in Falmouth, did a lot through the PPP program, worked with folks in the community and it has been rewarding. He has been anxious to give back because Falmouth shaped who he was growing up. His skillset is a good fit for this committee.

Brown noted letter of recommendation from the EDIC.

Scott Price motion approval to term ending 6/30/24. Second Taylor. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- e. Falmouth Housing Authority Tenant Board Committee –
Kathleen Haynes
Haynes was unable to participate in an interview due to poor internet connectivity.

Marianne D. Keevins-not present.

Julia Benz, present

She would like to be on the board, this is perfect opportunity for her to represent and use her professional skills she has not used in a while. Understands complex issues surrounding entities that get funding from federal, state, and local government. She is in good standing with the Housing Authority.

English Braga noted the Select Board should know the background of each tenant, whether he/she is in good standing with the Housing Authority, and if any litigation pending involving the Housing Authority.

Deborah Cotton-not present.

Marie Vautour, present

She is registered occupational therapist, on disability, and now retired; looking for a purpose. She did home care and evaluated the home situation and whether functional and safe for individuals to be there. Vautour can explain safety situations and make sure the housing is proper for the individual. She is in good standing with the Housing Authority.

Julian Suso told the Select Board that he has been asked to make appointment as soon as possible; all 6 candidates were given notice of the meeting.

Stephen MacDonald-not present.

Bobbi Richards, Falmouth Housing Authority Executive Director, said they are seeking appointment asap and are willing to be patient, they are able to function and have a quorum. They are excited for new person to be appointed when possible.

The Select Board discussed that there is one vacancy, would like to give applicants another opportunity to respond, make sure the Select Board hears from them. The Falmouth Housing Board Committee is via Zoom.

- f. Water Quality Management Committee – Jordan Mora
Fifteen years of experience in environmental monitoring and research, water management programs at Waquoit Bay. Has scientific skillset and water quality issues in this area. Looking to get involved in management after 10 years of looking at declining water quality in Waquoit Bay.

Taylor motion appoint to term ending 6/30/24. Second Patterson. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

- 3. Discuss/vote name change and review/discuss the mission of Transportation Management Committee
Suso sent a note to the Select Board suggesting change to Transportation Committee to avoid confusion, this committee is advisory only and has no management authority. Town Counsel said the name change would be in more character with the charter.

English Braga is less concerned about changing the name as she is with emphasizing: 1. Committees are advisory to the Select Board. 2. Concerns about the approach of this board to some of the members of the Town staff. This is about how people undertake the work and it has been seen in some of the Select Board meetings when there were presentation from this committee. There is a way to be collaborative and solution oriented, that message has not come through during presentations. Some have been combative and denigrating of the Town staff. There are ways to advance objectives by the way advocacy is approached. Braga feels the name change is just topical, the bigger issue is we are part of a community, should support each other and critique each other in a helpful way, there are folks on this committee that care a lot about the community, but the messaging has gone in a different direction.

Chair Brown attended 1 year review, he is liaison, they were critical of the inactivity of staff, also interaction process discussion-they reviewed themselves and staff. Chair Brown agreed to be more engaging and appropriate with addressing the issues, offered to have someone else take the chairmanship; the committee felt he was knowledgeable. Chair Brown will work with the committee on delivery, he feels the issues have been addressed and hopes things will improve. He will improve his interaction with them and help them with their initiatives more effectively.

Patterson thinks the name change makes sense, they are empowered to look at situation and provide advice and recommendations to the Select Board.

Scott Price agrees with Patterson, the way the other committees are titled, they do not include management other than Water Quality Management; if not to be doing management, than it makes sense to take it out of the name.

Suso said the Water Quality Management Committee is not on the agenda to discuss tonight. The one to his attention was the Transportation Management Committee.

Taylor agrees with Patterson and English Braga, changing the name changes the look of the committee. The behavior that we need to be able to expect from any one of their committees. Need to set an example and let people know when they step out of what is appropriate.

Patterson agrees with changing the name of the Water Quality Management Committee at a future meeting, make it consistent.

Ed Dewitt, Chair Transportation Management Committee

Has not reviewed this agenda item, he is expressing her personal perspective. Most material before was about the committee operating outside its mission statement. The committee takes the mission statement seriously, Ralph Herbst brought it up a couple times. Never seen its role as a cheerleader for the Town, they need to make recommendations that make it easier to live, work, and play. Praised complete streets, found deficiencies. They are to review all aspects of transportation, they have done so. First report to the Select Board for consideration was re: SSA operation, cited as an example of being outside their mission statement. The SSA impacts on the Town transportation system, an example is stopped school busses passed by trucks heading for SSA. The committee identified problems with access to the downtown business district, provided detailed report with conclusion that there was enough pavement, better management was the best option. St. Barnabas reached out to the Town to offer employee parking, they recommended this be investigated. Complete Streets is visionary and game changing. Policy change central to the transportation plan, committee analyzed all aspects of transportation policy. They identified flaws, made recommendations to improve the policy. There was misunderstanding of what complete streets was by citizens and staff. Look for better ways to fund complete streets. Modern pavement management can lead to good conditions and money savings. He wants to make it clear that they take operating within the mission statement very serious and all they have done fall within that mission statement. Was it respectful to place this item on the agenda without the courtesy of letting the committee know and inviting the committee? They have self-evaluated themselves and made changes, they are trying to make Falmouth a better place to work, recreate, and enjoy. There is only 1 person that he is aware of that has had issues with their approach and requests for information.

Suso can comment on mission statement matter if the board is going to pass on the name change.

Suso had several interactions with Chair Dewitt regarding the mission statement, he indicated the committee self-determined they are within the mission statement. Committee self-determined to undertake a financial analysis review; there are people that are highly qualified and do that as routine. Committee directed a revised pavement management process and made demands of the DPW Director. Committee conducted evaluation of Complete Streets; he does not know if this was anticipated by the Select Board when adopted the mission statement. Committee determined to issue multiple reports and ask several times each year to present them to the Select Board. There is a single yearly report to the Select Board. These are examples of the variation of your intent with the mission statement.

English Braga said this is a resurrected committee, retooled the mission statement, members are passionate and looking at these issues comprehensively. Part of this is the role of the Select Board to say this will not be on our agenda for report monthly, maybe annual does not work well. The Select Board may need to pushback that they will not hear the report now, the committees do not direct Town staff, that is why they have a liaison on the Select Board that they should go through. Chair goes to the liaison with questions and information they are looking at. Clarity of how communication goes, the Select Board does not direct the Town staff-the Town Manager directs the staff. The Select Board is not authorized to do so and that is how committees should also work. She is more concerned about clarifying that. Maybe the Select Board can hear a report biannually or quarterly from the committee. Interactions with staff concern her the most.

Patterson feels dealing with effective communication, the committee can send the information, if he thinks a priority needs to be established, he will advocate for a meeting that deals with a particular issue. There are effective ways to communicate with the Select Board.

Chair Brown said mission statement is broad, not concerned they are looking at the other issues. Pavement management was unexpected by staff, but he does not feel there is any harm in them looking at it and bringing it to the Select Board as an initiative. SSA, how do you look at transportation in Falmouth and not look at the SSA. Complete Streets is transportation, not expected that they go so deep into it, but it fits. He

would like to look at bringing train service back to N. Falmouth. Patterson seconded Chair Brown's comments.

Scott Price reiterated Suso's memo re: disrespectful and uncivil interactions with the committee; if we are going to work together need to be respectful of each other and these concerns need to be addressed in a constructive way. We do not want any community members feeling like they are disrespected. English Braga agreed, that is the piece she is primarily concerned about with this subject. Staff should never be in the position that they are feeling disrespected and pressured.

Patterson motion to change name to Transportation Committee. Second Scott Price. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

Patterson does not have a problem with the mission statement.

Chair Brown does not want to change the mission statement, up to the Select Board when brought to them if it's something they want to pursue. He has asked that the committee send it to him, and he will forward it on.

English Braga concurs, Dewitt said they ask for information and are willing to be patient. If the Chair is going to reach out to the department head, then copy the liaison so that the department head is able to follow their protocol and tasks.

Taylor is not sure it is appropriate for committee chairs or the Select Board members to reach out to department heads. Best to go to the Town Manager. That has come up a couple times and does not feel right.

Patterson said they should hold the Town Manager and Assistant Town Manager responsible for how the Town operates and hold them accountable for that.

Suso thanked the Select Board for their responsiveness.

4. Discuss/vote to designate Select Board member to serve on the Community Fiber Working Group
Patterson is happy to serve in that capacity, he has extensive technical background in communication, digital communication, part of the EDIC effort to look at competitive broadband option for citizens of the Town. They will need to interface with the Town itself and the process needs to be defined.

English Braga motion to appoint Patterson. Second Taylor. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

5. Discuss draft Select Board agenda for August 26 public meeting on proposed Joint Base Cape Cod machine gun range
Many Town residents would like to present at the meeting and is this the appropriate venue.

English Braga suggested the way they have it at Town meeting, offering the other side/view in presentation format. Her understanding is that will they allow a more formalized presentation; she is in favor of being some way for there to be an ability to present data or slides, she thinks that is what is really being asked.

Patterson would like delineation/decision tree on whether that facility goes on JBCC; is it state or federal decision-where does the authority lie that has that ability to make the decision.

Suso said the Governor will likely decide, he will clarify that. They can invite the Governor's representative to be at the meeting. Legislature representatives have been invited, but no response has been received yet.

The Select Board would like the decision makers to be present.

Price thought the point of this was a lot of people in opposition, but never heard from the JBCC and she thinks that even if legislative representatives cannot be there, still wanted to have that so they have all the information so that the Select Board can determine whether they are for or against it and put out their opinion. Have opportunity for people to present the information they have gathered, because the Select Board got it piecemeal. Limiting comments to 3 minutes may not be sufficient for the public.

Taylor received feedback from community, they want it to be balanced. If JBCC is allowed to do a presentation, then another group that wants to present their side. It is not fair to let JBCC do their presentation and then just ask questions from the public. That is not balanced. Need to be tight and fair on time.

30 minutes to JBCC, 30 minutes to organized group of folks; one group is consortium of other smaller groups.

Suso asked if they are changing agenda to 30 minutes for JBCC, 30 minutes for another group, then audience questions and answers.

Patterson would like them to submit presentation materials.

Johnson-Staub said to be succinct, maybe 20 minutes is ample for each side.

English Braga said the JBCC she has seen is about 1.5 hours and let them know tomorrow that they will have about 30 minutes, leaving bulk of time to questions from the community.

Suso confirmed that he will invite the JBCC and Rosemary Carey to make a presentation for about 20-30 minutes each, followed by audience question and answer.

6. Review of Select Board liaison assignments

Scott Price noted Suso, and the Fire Department Chief are present at the community committee meeting, is it redundant for a Select Board member to be on the committee.

Patterson noted they always include a Select Board member, sometimes citizens have a different view than staff.

English Braga does not feel they need to assign someone, if a Select Board member wants to go, they can go. If concerns raised, staff would let them know and it can be addressed.

7. Review and Vote to Approve Minutes of Meetings

a. Public Session – May 24, 2021: none in packet.

b. Executive Session – July 12, 2021

Patterson motion approval and release contingent on Town Counsel concurrence for public access. Second Taylor. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

8. Individual Select Board Members' Reports

Scott Price:

Last year she and some former students wrote and received a grant for a project collaboration with Falmouth Public Schools. Each of the five researchers were partnered with a teacher at FPS, projects ranged from website teachers could gather information, interactive diver went down and took video, and each student identified the fish in the video. There was good feedback from FPS teachers. Continuing to find more money to continue the collaboration for next year.

Brown:

Woods Hole Science School talk to kids about coastal resiliency, some people want to preserve it, and some want to let nature take its course.

Requested agenda items: line item for Complete Streets. Julian Suso noted the way it is approached is on a project basis/specific tied to a major project. They are working on the Katharine Lee Bates part of Shiverick's Pond, that roadway was reconstructed with Complete Streets in mind.

Beach Committee has been discussing wage increases, wages are reviewed each year, they will recommend their view on it. A lot of trash piling up at the beaches.

Bikeways Committee noted that it is important to advocate for 10-foot width of bikeway through the SSA parking lot.

Assembly of Delegates: \$170,000 supplemental budget request to fund the police academy. Staff realized they needed to be more prepared, so will talk about it at the next meeting.

Zoom meetings are not expected for the future, he thought he was overdoing it with Zoom tonight. Made it difficult for applicants to participate for their interview. Patterson does not believe it will hurt anything in the long run, with Delta being as contagious as it is he was satisfied with the Zoom platform. English Braga agrees. Scott Price has no preference. Taylor has no preference, she leans to being over cautious, so she was happy this was a Zoom. Chair Brown is indifferent and would defer to Patterson and English Braga to remain with Zoom.

Suso noted that at meeting on 8/26/21, if not in person, need to change approach very quickly. The Select Board noted it is a much larger venue, have an HVAC system that is appropriate. Suso noted a lot of upgrades at Town Hall with supplemental air cleaners, will respect any direction the Select Board wants to go on that. The Select Board supports wearing masks, last in person meeting Suso said people were required to wear masks in the room, the Select Board has consistently taken that position under the mask advisory.

Patterson:

Requested agenda items: Opioid Settlement and Three articles the Affordable Housing Group put together.

9. Town Manager's Report

Municipal leased parking area off Katharine Lee Bates Road has been opened with 30 spaces, wayfinding signs installed by DPW, cars have been parked there daily.

DPW under construction for Shiverick's Pond walkway that will connect Mullen Hall School with Lawrence School, target completion prior to school beginning.

The next regular meeting of the Select Board will be 8/30/21.

English Braga motion to adjourn at approximately 10:10pm. Second Patterson. Roll Call Vote: Chair Brown, aye; Patterson, aye; Taylor, aye; English Braga, aye; Scott Price, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, OCTOBER 4, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Doug Brown, Chair; Nancy Taylor, Co-Chair; Megan English Braga; Sam Patterson; Onjalé Scott Price.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; James McLoughlin, Town Engineer.

1. Chair Brown called the meeting to order at 7pm.

2. Pledge of Allegiance

3. Proclamation –

Community Media Day – October 20, 2021

Chair Brown read the proclamation in the packet as a motion. Second Mr. Patterson. Vote: Yes- 5. No-0.

4. Recognition

Chair Brown noted the Falmouth Police Department 100 Year Anniversary Celebration Saturday.

5. Announcements

Ms. English Braga announced the Portuguese American Association is having a dinner harvest festival the evening of 10/16/21 at the Navigator.

6. Introduction and welcome of new Diversity, Equity and Inclusion Officer Jacquelyn Hartman

Ms. Hartman is happy to be a part of the Falmouth community, today is her first day on the job. The Select Board wants to support the work that she will be doing.

7. Vote to affirm appointment of Building Commissioner

The candidate for this position did not work out, so no appointment necessary.

8. Public Comment

Christin Marshall, Executive Director for Entrepreneurship for All Cape Cod (EforAll), they help launch businesses. She wanted to promote EforAll, offer free accelerator from idea to business to accelerator, minority focused. They will have an event via Zoom, it is a quarterly pitch contest; healthy communities pitch contest sponsored by Falmouth Road Race, want folks to apply to switch. If they win, they get money to move their business forward. The event will be on 11/3/21, application deadline 10/22/21. Eforall.org and follow links to the Cape Cod page.

Eleanor Ling, Falmouth Energy Committee and Falmouth Climate Action Network. Reminded all that the Woodwell Climate Research Center has a webinar series on climate emergency. Webinar on Wednesday, 10/6/21 at 3pm. How close we are to climate tipping points and what it would take to turn it around. Online registration is still available. Interested, go to woodwellclimate.org/events/.

Dr. Taylor received a letter from Steven Karas and Susan Lewis on 9/22/21 supporting the renovation of the Falmouth Police Department and read it into the record.

SUMMARY OF ACTIONS

1. Administrative Orders

- a. Acting as Trustees of the Falmouth Affordable Housing Fund, Vote on amended application for \$260,000 from Falmouth Housing Trust for 3 units of affordable single-family houses at 55 Lewis Neck Road

Charlotte Harris, Chair Planning Board, this was a concern to the Planning Board because of the road itself. The road has been improved, but there is still the issue of releasing the covenant, the road has been improved to make it an 18-foot paved road, part of it is on private property, and the people parallel to the road did not give permission for the road to be paved. In addition, there is a question of whether it was buildable, originally it was going to go forward with 1 house. She asked the Select Board to defer until these issues are resolved. She spoke to Atty. Duffy and there may not be an issue with the paving, but the covenant may be an issue; the timing of taking the covenant off would matter to whether it is a buildable lot. Atty. Duffy felt it was ambiguous.

Mr. Johnson-Staub said Town Counsel looked at all of the issues, they are not black and white issues. The issue regarding the covenant was put in place when there was an unpaved road and concern about access. In order to meet requirements of the covenant, the road had to be paved with a width of 18' and include drainage structure. There is a dispute among the members of Planning Board regarding whether it is one house. The applicant's argument is that the number of units is not within the Planning Board's purview. Atty. Duffy's guidance was that there would be little basis for the Town to challenge the covenant because the whole reason was to address access issues which has been done.

Ms. English Braga asked if there are any disputes, if project cannot go forward, the money is not expended.

Mr. Johnson-Staub said it would take someone with legal standing to file a suite to prevent this from moving forward. The Town does not have standing on the basis; it would need to be an abutter. The Town Planner and Atty. Duffy looked at ownership, there are some ambiguities there, it is not clear that there is anyone with legal standing that has a basis to contest the decision. Falmouth Housing Trust Atty. Laura Moynihan reportedly opined that ultimately Atty. Duffy was satisfied that they were in fact able to pave the road. He did not participate in the ZBA 40B hearing.

Karen Bissonnette, Executive Director Falmouth Housing Trust, noted they are in appeal period now, no one has filed a complaint. The two conditions of the covenant have been satisfied, Atty. Freeman reviewed, and all was taken into account by the Zoning Board of Appeals (ZBA), site approval was received from MA Housing. The title of those properties that go on the road says that the people of the road have right to go over the road, if you have that right, you have the right to improve the road.

Chair Brown asked about solicitation of support whose property may have been encroached upon. Falmouth Housing Trust did not have anything to do with the paving of the road, The covenant conditions had nothing to do with the paving of the road, but the Falmouth Housing Trust contributed to the cost of paving the road.

Mr. Johnson-Staub noted the condition on funding, was in light of Planning Board concerns, the Select Board voted the condition of 18' width for paving and the drainage structure. The reason for the paving was for a project abutting the FHA property.

Mr. Patterson said the ZBA cannot impose conditions that are not in State law for a 40B project. The ZBA conditions are subject to the State Housing Appeals Commission.

Ms. English Braga motion to table this item until Atty. Duffy arrives. Second Mr. Patterson. Vote: Yes-5. No-0.

Atty. Duffy was asked about the restrictive covenant. Atty. Duffy is not prepared to go into the details at this time, but he answered some of these questions in the past and will give a report.

Chair Brown explained that Ms. Harris felt the covenant was not fully satisfied and relieved of building only one house; only required widening of the road and water drainage structure. Peter

Freeman and Laura Moynihan feel the covenant was met and should be released by the Planning Board.

Ms. English Braga noted the Select Board does not have control over the covenant and that will be a question for another day beyond the Select Board. If able to appropriate the funds for the project, it is only for if the project goes forward, if the covenant is fatal to this project, the funds will not be spent. Ms. English Braga feels it is a good project if it can go forward. We are getting too deep into the weeds of work and jurisdiction that is part of another board and entities; not this board. The Select Board should not be weighing in on the covenant.

Atty. Duffy does not know the decision and it is not the Select Board or Town Counsel's decision to make.

Mr. Patterson asked to what extent does 40B absolve the Falmouth Housing Trust of other obligations that may be imposed by a non 40B project. The ZBA has a right to put conditions on the decision. Atty. Duffy said if the applicant finds the conditions onerous and prevents the project, they can appeal to the State.

Ms. English Braga motion approval of the amended application with three houses. Second Dr. Taylor. Vote: Yes-5. No-0.

Mr. Johnson-Staub noted Community Preservation Committee recommended this project.

- b. Vote to approve expenditure from the Library Department Donation Account in the amount of approximately \$2,000 for the replacement of book trucks
Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

- c. Authorize letter of support for WHOI grant request to U.S. Economic Development Administration for Water Project
Mr. Suso noted Emily Lockhart, Deputy Counsel with WHOI, Rob Munier, VP WHOI.

Emily Lockhart, WHOI Deputy Counsel, said they are working with Cape Cod Commission, Southeast Regional Economic plan, MA Maritime, Bristol Community College, Blue economy/maritime economy, and would like a letter of support from the Town to continue the proposal. Would like to broaden the language to include the Blue Tech Economy and benefit the Town of Falmouth.

Chair Brown troubled regarding the use of Covid recovery funds for offshore wind. He is bothered by the language used.

Mr. Suso explained that this is language from the Governor's office, the Town would work with WHOI to have language expanded to have more benefit to the Town and WHOI.

Rob Munier, WHOI Vice President, said these two items are both about providing funding for waterfront work.

Ms. Scott Price motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

- d. Authorization for Town Manager to pursue language in the State's ARPA bill that would include Blue Tech as a funding category and add Falmouth as an eligible municipality

Chair Brown wants to advocate against this whole article. Only 400 right whales, 352 identified in the area of where the wind turbines would be built.

Ms. English Braga noted this is expansive language the Governor created that the Select Board is adding to, they would be advocating for the blue tech marine economy, and the Select Board would control what some of the funds would be expended.

Ms. English Braga motion approval. Second Dr. Taylor. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

1. Vote Intent to Layout as a Town Way and Assess Betterments for Winthrop Drive (East side)
Continued from the last meeting due to issue with notice to abutters.

Chair Brown read the public notice.

James McLoughlin, Town Engineer, this is located in Seacoast Shores, he showed a diagram via computer screen. A cost estimate was done, big ticket items include site preparation, pavement, and utilities. Total estimated cost is \$264,000. Total cost to abutter of \$15,565. They did West Falmouth with similar cost estimate of \$14,072 and the actual cost was significantly less, about \$5,500. They cannot promise similar savings, but that is there hope and expectation.

Public Comment:

Nancy McDonald, 48 Winthrop, asked the process. It was explained that the Select Board will vote on whether this article is to go to Town Meeting, if so, then it comes back to the Select Board after Town Meeting. How will they make sure the process, this is the last step until Town Meeting. This is the final vote.

Mr. Patterson motion to close hearing. Second Ms. English Braga. Vote: Yes-5. No-0.

Ms. English Braga motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. English Braga asked Mr. Suso for an update on the list for road takings after Town meeting.

BUSINESS

1. Discussion/update on COVID-19 issues
Scott McGann, Health Agent, reported that there has been a drop off, about 6 cases so far this week. The school has test and stay option, a few towns on Cape Cod have not gotten to that point. Reviewed the State online dashboard. Vaccination rate for the Town is 81% of all eligible residents. Booster eligibility, if immune compromised and had Moderna and Pfizer. Pfizer, you can get a booster; 65 and older, all long term care, certain occupations, and those with underlying medical conditions based on age. Pharmacies still have availability for booster. We are looking better. Hoping to hear sometime in November about the 5-12 year old's and then can run school-based clinics.

Mr. Patterson asked if the third dose is actually the booster. Mr. McGann prefers calling it a third dose. Booster has a connotation that it is something special or different, however it is not; it is a third dose of the same vaccine.

Mr. McGann said there will be flu shot clinics; the CDC recommends people receive the flu shot vaccine.

2. Discussion and Authorization to demolish dilapidated buildings on Andrews Farm parcel
Chair Brown asked how much lot coverage is on the site and would like the Engineering Department to provide a site plan and what amount of the building may be rebuilt. There is a letter in the packet that support ancillary buildings to support the farm operation.

Mr. Johnson-Staub has not looked into that question; there is no plan, the Select Board has not determined the disposition of that parcel yet. Town Meeting voted to authorize the Select Board to lease the property and it seems like the direction the Select Board may be heading is to use the parcel to support future farming. If leasing the property, will it be combined with existing farm lease or leased to a separate entity is unknown. There will have to be a competitive request for bid. He can research the question Chair Brown is raising. He would like to see the capital funding approved and noted the current lessee is concerned about the vermin making their home in the buildings.

Chair Brown supported the authorization and said that maybe it is as simple as documenting what is there and later the applicant may have the right to develop it to its potential.

Ms. English Braga noted there are safety concerns, have to think about the Town's liability, and concerns of Mr. Andrews.

Ellie Costa, Vice President Farming Falmouth, and Patricia Gadsby, member, Farming Falmouth. Ms. Costa said that the Select Board wants to make sure if buildings are demolished now there will be possibility to build later by the lessee. It is their understanding that Jeff Andrews, current lessee, has made it clear, and they agree, that the house and most sheds need to come down. The garage is needed for the equipment, all else would be demolished now; if the garage was demolished it would be important for the Town to put something up to store equipment. Ms. Gadsby noted this is demolition of buildings on the parcel, however it is Lot 3; the farm parcel is under strict conservation order and would be difficult to build a building on that section of the farm. It is important for the Select Board to identify which lot they are talking about. The demolition should be done during a season that will not affect the operation of the farm.

Chair Brown said that the Town Meeting Article includes the identity of the lot. If it is allowed to build on the lot, may have preexisting nonconforming rights to rebuild and that is what he is trying to get established before demolition if possible.

Mr. Johnson-Staub confirmed with Jeff Andrews to look at the timing of the demolition of the garage different from the other buildings. He wants to keep options open, the funding requested will cover the demolition of all buildings, but the garage will not be demolished without making sure the operation of the farming.

Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.

3. Report – School Committee

Natalie Kannelopoulos and Superintendent Dr. Lori Duerr.

Ms. Kannelopoulos, School Committee Chair, provided highlight via computer screen of the School Committee Goals for this school year, met in August for annual retreat, 3 goals established: Communication, Equity and Inclusion, and the Safe Opening of Schools.

Goal 1 develop and implement a multi-year communication strategy.

Goal 2 solidify its efforts to build a foundation of knowledge and understanding around equity, access, inclusion, diversity, and systemic racism.

Goal 3 support the superintendent's efforts to keep schools safe and open.

Each goal has a school committee person assigned.

Diversity Equity and inclusion goal include professional development for all staff.

Cultural proficiency training with Dr. Kalise Wornum.

Restorative practices with Dr. Curtis Bates.

The message at the opening of schools was around being together, Ms. Scott Price helped deliver the keynote message. There was a great start to the school year.

Partnership with Wampanoag Nation and the School Committee crafted an acknowledgement.

Dr. Duerr explained Indigenous People's Day will be celebrated next week, the Wampanoag dancers will do performances at the Falmouth Schools, share history, question and answer, and then a performance. The history will be imbedded in the curriculum and include writing competitions. Elementary school field trips will include visiting the Cape Cod Cape Verdean Museum and Cultural Center to learn about this rich culture.

Dr. Duerr noted total enrollment is 3,049, still trending downward over the last 8-10 years. Kindergarten numbers are 250 and up over the last two years.

There is a bus driver shortage, nationwide problem, for the first time in Falmouth history the bussing routes had to be redone at the beginning of the year and as of October they are down five more drivers and restarting new routes this Wednesday due to the driver shortage. Foodservice difficulties are also being occurring because of deliveries, shortage of food, delays and cancellations.

Capital projects include replacement of the Teaticket Elementary School roof this year, original roof from 1967; Chair Brown noted that the roof was replaced in the 1990's. Article 10 asks for transfer of funds for this project at Town Meeting. In August they received a grant for \$1.3 million, estimated cost is \$3.7 million.

Covid grants provide for safe opening while meeting students mental health needs, about \$3.4 million scheduled to be received this month. They have three years to spend the funds. These grants cover expenses not in the operating budget and accommodate COVID 19. Staffing including monitors, nurse. District held community forums to discuss the Elementary and Secondary School Emergency Relief Funds (ESSER funds). Once the ESSER funds are gone, they will need to assess the needs of staffing.

Last year all were 6 feet apart, this year back to having kids together, masks are being used.

Mask mandate from DESE was extended to 11/1/21 and they are awaiting further guidance. Test and stay program meant to keep kids in school, if a student is close contact, they can test in school and stay in school; 5 times testing in a 7 day period. Tracking the in school positives, first week 2 students, second week 13, third week 6, this week there were 2. Staff positives were 0 first, second week one, third week 0, fourth week 1. Vaccination rates at this time FHS at 68% and Lawrence is at 60% combination of staff and students.

Thanked the Outdoor Learning Committee and their work for the district is appreciated. Raised over \$100,000 for equipment to make the outdoor experience so wonderful. Thanked the Rotary Club and 300 Committee for making virtual walking paths at the schools.

4. Vote to Appoint Kevin Casey as the Disabled American Veterans (DAV) Representative to the Veterans Council Committee

Ms. English Braga motion approval to term ending 6/30/22. Second Dr. Taylor. Vote: Yes-5. No-0.

5. Northwest fire station (Town Meeting Article #12), discussion and potential vote on next steps
Chair Brown said still questions about combining northwest and would like the Select Board to revisit the combined northwest feasibility study and McGrath report from 2/2020 to take a look and familiarize with it because they are committing to purchase of the land for a combined station. Need to know the response time, is there enough information in these 2 studies or is more information regarding response times needed. The consultant recommended the Hatchville station. This will be revisited on 10/25/21 and long-term planning of whether to keep north and west Falmouth stations open, and number of staff needed.

Mr. Patterson's only question is do we have a site where the consultant could go back and look at response times.

According to Mr. Suso, the consultant looked at 36 months' fire and rescue run data and identified Route 28A as an appropriate target area to serve north and west Falmouth combined. The Citizen Committee voted to look at the combined station and corridor of Route 28A for site. The Select Board voted to authorize Chief Smith and Mr. Suso in that area. Article 12 sets aside funding under the recommendation of Finance Committee that would allow the property to be optioned and brought back to the Select Board and Town Meeting prior to determination to purchase a potential future site.

Ms. Scott Price noted this article would give money to look at options; Mr. Suso said it would allow the Town to enter into a property purchase.

Ms. English Braga said this article is a recommendation that will be made by the Finance Committee. This mechanism would have to take place to have those funds available.

Mr. Suso commented Finneran was a member of the Citizen Committee.

Mark Finneran said the Citizen Committee looked at this; the McGrath study can be looked at as several studies. Overtime being spent to keep West Falmouth Station (West) open, combining the 2 stations seemed to be the most reasonable, long term, and economic way out of this. Both west and north buildings are past their life. The corridor identified was the same as in the McGrath study. He proposes building two identical stations; owners project manager said potential of saving 30% off the second build. This is a 90 year old problem.

Joe Netto, Precinct 9 Town Meeting Member, he has been in Town Meeting over 40 years, they have never appropriated money to have available \$25,000. He cannot support any money that does not have a specific purpose. If anyone is going to sell the Town land, they know there are two meetings to vote. Town cannot compete in this real estate market day to day. The Select Board would be setting a precedent. We need to know what the elected board wants to do with North and West Falmouth stations. The station has not been built on Sandwich Rd. He talked with the Finance Committee, another station combined is not in the ten year plan. When does one become bigger than two? Is one station better for management operations of the Town, because two stations protect the people of West and North Falmouth and is the Select Board going to put a price tag on response time. He supports the meeting on 10/25/21; as Town Meeting Member, he needs to know what the elected officials support. Listened to member of the committee talk about how run down the stations are; he was there the other day and the firefighter on duty could not answer his question about deficiencies.

Mr. Suso clarified this is from free cash. The only parcels that would have been suitable have been sold, none imminently there.

Mr. Johnson-Staub explained that it would be 2 separate Town Meeting financial appropriations.

Dr. Taylor would like Chief Smith to explain if there was a north west station, how it would be staffed. It is difficult for her to make a decision without the planning, potential costs, and staffing patterns being provided.

Mr. Suso said that it depends and still a work in progress.

Mr. Netto said yes, if two stations, less personnel, problem plaguing the Town since the contract was signed on 7/1/21. West Falmouth does not have the same response time. This affects the citizens of Falmouth, when you can justify closing west and north to combine one, it's just a matter of time before considering the same in East Falmouth.

Mr. Finneran said that neither of the stations can properly house the kind of equipment they would want. Paul Brodeur came to ask for money to change the front of north. Between west and north Falmouth, 3 in north, 2 when staffing west Falmouth. Could do same with 4 guys. McGrath study looked at a 4 station model. Mr. Netto is the first person he has heard with any negative thoughts of the combination of the two stations. \$25,000 is not much in grand scheme of things; because that money was not there they potentially missed out on appropriate land.

Ms. English Braga said they have talked about this for a while and continue to and want to make the right decision.

Mr. Suso noted that working with building committee on Sandwich Road Fire Station for which an override was passed to facilitate staffing. Also had Town Meeting vote funding to allow design of that station; hiring an architect to design with intent to ask for Town meeting approval for funding to construct; envision it on ballot May 2022 for a debt exclusion to fund that station. We are several years away from that occurring.

Chair Brown said the purpose of the 10/25/21 meeting is to look at operating west and north and how many people it will take to do that.

Mike Mulder (phonetic), asked if the Town is three years out to open that station, are additional firefighters budgeted to open up Sandwich Road station.

Chair Brown suggested revisiting the run times so the public is aware.

Mr. Suso stated there are three years of McGrath Report, the data is accurate and reliable. Short of adding a larger number of stations, you will always have some areas that have longer response times than others, such as Waquoit; they have had that situation for years and this will not solve the problem. Same issue with the northwest areas of Town, the only way to change that is to add a number of additional stations and staff them all. That is an urban plan and Falmouth is not an urban town. The order for the truck was made in the last thirty days.

Todd Taylor, West Falmouth, said combining the north and west stations into one will require 4 firefighters on duty, it will not work with staffing with two. Building the Hatchville station will require more staffing. Are you going to close or keep the stations open. The run data and response times are different things. He was a firefighter for 37 years in Town, it is not how many runs, it is how fast you can get there. Everyone in Town needs to be protected.

Dr. Taylor said someone needs to project out for staffing for north west and Hatchville.

6. Vote article recommendations for November 2021 Town Meeting

Chair Brown noted the language is provided by the petitioners and the Select Board cannot change their language until amended on Town Meeting Floor.

Scott Price noted it is not consistent even in the document issued by the Select Board. Mr. Suso said that the templates would be updated.

Recommendations on the handouts in the packet.

Mr. Patterson motion approval of Article 15 as printed, effective date 7/1/22. Second Ms. Scott Price. Vote Yes-5. No-0.

Article 16 is wording from the State, professionally managed is defined under the statute and would only apply to those who own more than one unit, it is a short term rental tax.

Ms. English Braga motion approval of Article 16 as printed effective 7/1/22. Second Ms. Scott Price. Vote: Yes-5. No-0.

Ms. English Braga motion approval of Article 17 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Ms. Scott Price motion approval of Article 19 as printed. Second Mr. Patterson. Vote: yes-5. No-0.

Ms. English Braga motion approval of Article 20 as printed. Second Mr. Patterson. Vote: Yes-5. No-0.

Mr. Patterson motion approval of Article 21 as printed. Second Dr. Taylor. Vote: Yes-5. No-0.

Article 22

Ms. English Braga asked Atty. Duffy if the Select Board recommends this and Town Meeting votes it, what is the Select Board's level of obligation and how locked in are we to this trajectory? Atty. Duffy said this statute requires two Town Meeting 2/3 votes via ballot; it does not obligate the Town to go forward with this project. This is just authorization to do it. If it succeeds at the first Town Meeting, they will likely do a feasibility study. Ms. Scott Price noted there are typos in the recommendation.

Mr. David Eisenberg, Falmouthnet Clerk, this first vote obligates the Town to nothing, it is just good planning. They are in process of contracting an engineering design to the threshold of construction around January. Infrastructure bills going through Congress and current federal funds by the State, if on the verge of the second vote next year, it will make Falmouth more attractive to the grant funding agencies. There are a wide variety of names that fall under chapter 164, municipal light plant is the letter of the law. FalmouthNet would be happy if it just internet access service.

Mr. Johnson-Staub suggested the Select Board pursue only internet and cable television, but not electricity or gas.

Mr. Patterson noted setting up a municipal light plant, it does not say the Town has to fund it, they could raise funds on their own. The actual article lighting says lighting plant.

Mr. Patterson motion approval of Article 22 as amended. Second Ms. Scott Price. Vote: Yes-5. No-0.

Article 23

Atty. Duffy suggested the Town Manager would need to appoint a task force to come up with a bylaw that meets the requirements of the article. The Planning Board would need to determine where the roads are impacted, sound impact data is unknown so they need to where that would come from, seek input from the Police Department, Department of Public Works, Fire Department, have public hearings, and seek from other cities/towns models from someone who has done this before. It would be the beginning of the process.

Ms. English Braga asked if the Town has a bylaw, how would the Town enforce it on a State road.

Atty. Duffy said it talks about Town-owned roads, the Town cannot impose restrictions on the traffic on State highways. This is a general bylaw, not a zoning bylaw. We cannot regulate traffic on State highways with a local bylaw. Bylaw in a Town must be approved by the AGO, if they have not approved one in a similar community, they will let us know. The PD would enforce it, problems with this may be difficult. The State highway ends at the bridge, at the end of the Town road, there is a pier regulated by the State.

Dr. Taylor said if certain commercial vehicles are not allowed to pass through roads for a time frame, do you need to offer alternative routes. Atty. Duffy said that there would be no alternative road.

Definition of commercial vehicle? Anything over 10,000 lbs., the type of plate it has.

Ms. English Braga understands the need, but there are many unknowns and potential pitfalls and need more information on it before making a recommendation.

Ms. Scott Price would like to see a sound study to enhance this article.

Ms. English Braga motion indefinite postponement of Article 23. Second Mr. Patterson. Vote: Yes-5. No-0.

Chair Brown asked Mr. Suso to work with Atty. Duffy regarding the next steps in the explanation.

Articles 26 through 31

George Clark said the explanations were written and most appropriate to work with Town staff to edit.

Mr. Patterson motion to recommend Articles 26-31 as printed. Second Ms. Scott Price. Vote: Yes-5. No-0.

Article 32

The petitioner felt that it would be fair to revisit at Town Meeting and present it. A site visit was held so people could see it. Transfer to the Select Board from the School Committee; it was noted the School Committee put many conditions on it.

Mr. Patterson motion to recommend Article 32 as printed. Second Ms. Scott Price. Vote: Yes-4. No-1 (Dr. Taylor).

7. Interim wind turbine report

Mr. Suso included the report in the packet. The Select Board voted to have disposition process proceed, the Town has engaged Chris Morog to oversee contract with Weston and Sampson, walking the turbine site, document bid specs required, and a licensed asbestos inspector visited the site. Draft bids were received in August, over a decade ago agreement with Eversource is being reviewed by Town Counsel. Eversource must prepare a design for the Town to upgrade and adjust part of the grid at the wastewater treatment plant.

Expanded status report and discussion with Select Board will be later in October or after Town Meeting. The response from the Clean Water Trust is to bring a proposed package to them, so he expects to meet with them in the future.

8. Review and Vote to Approve Minutes of Meetings

- Public Session
August 30, 2021

Mr. Patterson motion approval as edited. Second Ms. Scott Price. Vote: Yes-5. No-0.

September 27, 2021

Mr. Patterson motion approval and release for public access. Second Ms. English Braga. Vote: Yes-4. No-0. Abstain-1 (Dr. Taylor).

9. Individual Select Board Members' Reports

Mr. Patterson:

Attended Cape Cod Regional Transit Authority Board Meeting and project they have been trying out in Hyannis and Yarmouth area. Dial a ride transit done on a call in and get a ride within an hour's time. They are looking to do this in Falmouth in the future. Health services transportation for those going for medical treatment locally and in the Boston area the State decided to take the administration of that program from CC Regional Transit Authority and put it in the Greater Attleboro Regional Transit Authority. To run those programs, you need to know the territory. Tom Kerr the Director of the CCRTA is concerned, appeal to the State agency falls on deaf ears, but reaching out to the State legislatures. Mr. Patterson suggested sending a letter to legislatures and invite them to sit in on the meeting, have Tom Kerr present.

Attended the 100th anniversary celebration at the Falmouth Police Department.

Dr Taylor:

Toured the Cape Verdean Museum, Ms. Scott Price and Dr. Taylor got a tour of the Eddie Marks house. Attended the FPD ceremony honoring the officers. While there honoring officers that intervened in the community with people with the mental health issues, the FPD had another similar call. The FPD may benefit from clinical support and planning for the officers.

Ms. English Braga noted coming out of civil service gives the Chief flexibility in hiring and have more discretion in hiring. Asked to find out if Covid funds may be used to assist.

Ms. Scott Price said the Chief would like to have a full time clinician on staff.

Chair Brown:

Attended Zoom meeting friends of rail trail, first mile is being planned, continue rail with trail, another conversation tomorrow with representatives from that group and a Bourne representative.

Mr. Patterson noted that Joint Base Cape Cod would insist on the rail.

Ms. English Braga said new idea is an option that does not impact, using a spur that does not impact them as much.

Chair Brown talked with Bourne Select Board Chair about elevated walkways.

10. Town Manager's Report

Mr. Suso noted the Select Board continued interest in Scranton Main Senior housing project, the ZBA process is on the way, challenging timetable and is under the control of the ZBA. Attended 100th anniversary celebration at Police Department.

Next Select Board meeting will be held on 10/25/21.

Ms. English Braga motion to adjourn. Second Mr. Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

BUSINESS

11. Town Manager's Report

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: November 5, 2021

JMSuso

- The Board will convene in regular Business session at 7PM in the Select Board Meeting Room at Town Hall. You will be taking up a number of housekeeping matters.
- Among those, we are suggesting that the Board authorize an application to the CPC to allocate \$1 Million in funding to the Falmouth Affordable Housing Fund.
- The Board will be continuing your public hearing on the proposed new mooring regulations relating to house floats and house boats.
- You will be hearing reports from the Commission on Substance Abuse and the Beach Committee. You will also be considering a vote to increase Beach Committee membership.
- In your Board packet is included some Charter Review Committee recommendations relating, not to the Charter directly, but includes suggestions to the Board for potentially streamlining Board operations.
- You will be taking up a (brief) follow-up discussion on West Falmouth fire station staffing. I am in the process of finalizing a short statement in collaboration with Fire Chief Small which I will be bringing to the Board to assist in potentially focusing your discussion.
- The Board will be taking up multiple 2022 Annual License Renewals.
- As a reminder, we look forward to returning to the upcoming in-person Veterans Day Ceremony on Thursday, November 11 on the Library Lawn.
- Your next regular meeting is Monday, November 22.