

**Annual Town Meeting  
November 15, 2021**

**Article**

1	Choose Town Officers
2	Reports from Committees and Town Officers
3	Amend Zoning Bylaw - Add Article XLVIX Mixed Residential and Commercial Overlay District
4	Amend Zoning Bylaw - 240-193 - Site Plan 300' Abutters
5	Amend Zoning Bylaw - 240-13 - Definitions for Article XLVIX Mixed Residential and Commercial Overlay District
6	Amend and Adopt Recodification of Zoning Bylaw
7	Fund Zoning Bylaw Recodification Phase 2
8	Fund Capital Improvements
9	Fund Non-Capital Improvements
10	Teaticket Roof Borrowing Authorization
11	Fund Police Department Renovation
12	Fund Option to Purchase Land for the NW Fire Station
13	Fund DPW Toters
14	Fund Falmouth Affordable Housing Fund
15	Increase Hotel/Motel Tax from 5% to 6%
16	Establish Community Impact Fee
17	AFSCME A Reclass
18	Remove Falmouth Police Department from Civil Service
19	Lease Peterson Farm
20	Accept M.G.L. Chapter 272 s. 73A: Gravestones
21	Accept Winthrop Drive as Public Way
22	Petition: Establish Municipal Lighting Plant (Community Broadband)
23	Petition: Commercial Vehicle Traffic Restrictions for Residential Zones
24	Petition: Fund Complete Streets Projects
25	Petition: LED Speed Signs - Woods Hole Road and Palmer Avenue
26	CRC: Amend C2-3 - Town Meeting Procedures
27	CRC: Amend C2-6 - Moderator

28	CRC: Amend C3-2 - (Select Board) General Powers
29	CRC: Amend C3-6 and C7-1 - (Select Board) Powers of Appointment, Appointing Authority
30	CRC: Amend C7-3 - Change in Composition of Appointed Governmental Bodies
31	CRC: Amend C8-6 - Financial Provisions and Procedures
32	Approve Transfer of Land (RE: Carousel of Light) from the School Committee to the Select Board

**ARTICLE 1:** To choose all other necessary Town Officers for the year in accordance with nominations to be offered at Town Meeting.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted to Indefinite Postponement of Article 1.

**ARTICLE 2:** To Hear Reports of Committees and Town Officers and act thereon.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted to hear reports from the Charter Review Committee and Solid Waste Advisory Committee.

**ARTICLE 3:** To see if the town will vote to amend the Zoning Bylaw by adding a new Article XLIX Mixed Residential and Commercial Overlay District and to amend the Official Zoning Map by adding a Mixed Residential and Commercial Overlay District in certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts, as shown in a document entitled Article XLIX Mixed Residential and Commercial Overlay District 8/25/21 and Maps entitled “B1, B2, & BR Zoning” dated June 24, 2021 showing proposed Mixed Residential and Commercial Overlay Districts, as shown below:

And further to amend the Official Zoning Map’s Legend for Mixed Residential and Commercial Overlay District and Falmouth Zoning Overlay Districts Map to “Refer to Article XLIX of the Zoning Bylaws”.

**Article XVIX Mixed Residential and Commercial Overlay District**

**240-256 Purpose**

- To enable the town to reach its goal of 10% of its housing on the Subsidized Housing Inventory (SHI)
- To incentivize developers and property owners to create workforce, senior, and affordable family rental and ownership housing opportunities by increasing residential density and mixed use where appropriate.
- To promote economic vitality and a greater diversity of housing opportunities in Falmouth.
- To mitigate traffic congestion by promoting housing proximate to compatible commercial uses.
- To promote consistency, quality, and flexibility in site layout and building design.

- To provide housing for people at all stages of life and all levels of income, as set forth in the town’s Local Comprehensive Plan.
- To enable the creation of livable, walkable neighborhoods in the town’s business districts.

**240-257 Establishment/delineation**

- A. There is hereby established a Mixed Residential and Commercial Overlay District which is an overlay district superimposed at certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts. The underlying zoning shall remain in effect and the associated regulations for use, dimension, and all other provisions of the Zoning Bylaw governing those district(s) shall remain in full force.
- B. The aforesaid eligible locations are shown on a map entitled “Mixed Residential and Commercial Overlay District, town of Falmouth” dated xxxx xx xxxx, scale: 1” 1,500 feet. This map, as it may be amended from time to time, is hereby made part of the Town Zoning Bylaw and is on file at the office of the town Clerk.

**240-258 Uses allowed by right**

The following uses will be allowed by right as set forth under this section, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained including Site Plan Review by the Planning Board:

- A. Mixed use development.
- B. Residential multi-family dwelling units with density up to 20 units per 40,000 square feet of upland.

**240-259 Affordability Requirements**

The following requirements shall apply to developments in the Mixed Residential and Commercial Overlay District:

- A. Developments must be eligible for approval as Local Action Units (LAUs) through the Department of Housing and Community Development’s Local Initiative Program (LIP) or otherwise shown to be eligible for inclusion in the town’s Subsidized Housing Inventory (SHI).
- B. Developments must include an executed regulatory agreement in a form to be approved by the Town Select Board and by the Department of Housing and Community Development (DHCD).
- C. 25% of the rental residential dwelling units shall be Affordable Dwelling Units, occupied by Eligible Households. 100% of the rental dwelling units shall be eligible for inclusion on the town's Subsidized Housing Inventory.
- D. 50% of the ownership residential multifamily dwelling units shall be Affordable Dwelling Units, occupied by Eligible Households and eligible for inclusion on the town’s Subsidized Housing Inventory (SHI).
- E. The applicant will be required to contract with a public, non-profit, or private monitoring agency qualified by the MA Department of Housing and Community Development (DHCD) or its successor, and approved by the Planning Board, to ensure that all affordable rental and ownership units initially and thereafter continue to qualify for the town’s Subsidized Housing Inventory (SHI).
- F. All residential rental dwelling units leased to an Eligible Household shall be leased for a minimum of one year and shall be occupied as the principal residence of the tenant (s). Rentals for less than one year are prohibited.

**240-260 Procedure & Development Requirements**

- A. Any applications and plans submitted shall adhere to the requirements and

procedures set forth in Chapter 240, Article XXXIX, Site Plan Review of the Zoning Bylaw and in Chapter 300-15, Site Plan Review of the Town Code.

- B. Notice to abutters is required within three hundred (300) feet of any part of land of the applicant, by regular mail, at least one week prior to the date of the Board's meeting.
- C. Developments must include a minimum of four dwelling units.
- D. Developments must have a minimum lot size of 10,000 square feet.
- E. Maximum building height shall be 35 feet and no more than 2.75 stories.
- F. Developments must provide a minimum of one parking space per dwelling unit on the property or on other property within 300 feet of the property that contains the dwelling unit. An applicant may be granted a reduction in the residential parking requirement provided that a car sharing program is provided and approved by the Board. Shared parking with commercial users of the property may be allowed by the Planning Board under Site Plan Review.
- G. Developments must provide a minimum of 1 space per 300 square feet of leasable floor area for non-residential uses. The Planning Board will refer to Chapter 240, Article XXII, Parking Requirements for any other uses not included in this bylaw.
- H. Sidewalks may be required by the Planning Board under Site Plan Review.
- I. The maximum percent of lot coverage by structures/paving/parking shall not exceed 70%.
- J. Buildings in the mixed residential and commercial overlay district shall have a maximum 20 foot front yard setback, a minimum 10 foot side yard setback, and a minimum 10 foot rear yard setback or no more nonconforming than the existing building provided that the proposed change or alteration is not substantially more detrimental than the existing nonconforming building as determined by the Planning Board. If the new mixed-use building(s) abuts residentially zoned property, then a 20' setback is required to separate mixed use from residential use.
- K. In reviewing proposed developments under Site Plan Review, the Planning Board may reduce the requirements concerning the bulk of structures and parking requirements.
- L. Developments shall meet all Title V requirements. If not connected to the town sewer and if located in a coastal pond overlay district, they may be required to install a denitrification system approved by the Board of Health.

### **240-261 Decisions**

The Planning Board under Site Plan Review may approve a proposed Mixed-Use Development provided it makes the following findings: 1) the proposed development complies with all applicable requirements; 2) the proposed development provides affordable dwelling units as set forth in this section; 3) the proposed development avoids adverse impacts on the neighborhood.

Or do or take any other action on this matter. On behalf of the Planning Board.

### **The Moderator divided the question**

**ARTICLE 3:** To see if the town will vote to amend the Zoning Bylaw by adding a new Article XLIX Mixed Residential and Commercial Overlay District.

**AMENDMENT** (Rafferty): By a unanimous vote, a quorum being present on Monday, November 15, 2021 the town will vote to amend **240-260 L.** to read, If not connected to the town sewer, developments shall meet all Title V requirements and if located in a coastal pond overlay district, they may be required to install a denitrification system approved by the Board of Health.

**VOTED:** By a declared majority vote, a quorum being present on Monday, November 15, 2021 the town will vote to amend the Zoning Bylaw by adding a new Article XLIX Mixed Residential and Commercial Overlay District.

## **Article XLIX Mixed Residential and Commercial Overlay District**

### **240-256 Purpose**

- To enable the town to reach its goal of 10% of its housing on the Subsidized Housing Inventory (SHI)
- To incentivize developers and property owners to create workforce, senior, and affordable family rental and ownership housing opportunities by increasing residential density and mixed use where appropriate.
- To promote economic vitality and a greater diversity of housing opportunities in Falmouth.
- To mitigate traffic congestion by promoting housing proximate to compatible commercial uses.
- To promote consistency, quality, and flexibility in site layout and building design.
- To provide housing for people at all stages of life and all levels of income, as set forth in the town's Local Comprehensive Plan.
- To enable the creation of livable, walkable neighborhoods in the town's business districts.

### **240-257 Establishment/delineation**

- A. There is hereby established a Mixed Residential and Commercial Overlay District which is an overlay district superimposed at certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts. The underlying zoning shall remain in effect and the associated regulations for use, dimension, and all other provisions of the Zoning Bylaw governing those district(s) shall remain in full force.
- B. The aforesaid eligible locations are shown on a map entitled "Mixed Residential and Commercial Overlay District, town of Falmouth" dated xxxx xx xxxx, scale: 1" 1,500 feet. This map, as it may be amended from time to time, is hereby made part of the Town Zoning Bylaw and is on file at the office of the town Clerk.

### **240-258 Uses allowed by right**

The following uses will be allowed by right as set forth under this section, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained including Site Plan Review by the Planning Board:

- A. Mixed use development.
- B. Residential multi-family dwelling units with density up to 20 units per 40,000 square feet of upland.

### **240-259 Affordability Requirements**

The following requirements shall apply to developments in the Mixed Residential and Commercial Overlay District:

- A. Developments must be eligible for approval as Local Action Units (LAUs) through the Department of Housing and Community Development's Local Initiative Program

(LIP) or otherwise shown to be eligible for inclusion in the town's Subsidized Housing Inventory (SHI).

- B. Developments must include an executed regulatory agreement in a form to be approved by the Town Select Board and by the Department of Housing and Community Development (DHCD).
- C. 25% of the rental residential dwelling units shall be Affordable Dwelling Units, occupied by Eligible Households. 100% of the rental dwelling units shall be eligible for inclusion on the town's Subsidized Housing Inventory.
- D. 50% of the ownership residential multifamily dwelling units shall be Affordable Dwelling Units, occupied by Eligible Households and eligible for inclusion on the town's Subsidized Housing Inventory (SHI).
- E. The applicant will be required to contract with a public, non-profit, or private monitoring agency qualified by the MA Department of Housing and Community Development (DHCD) or its successor, and approved by the Planning Board, to ensure that all affordable rental and ownership units initially and thereafter continue to qualify for the town's Subsidized Housing Inventory (SHI).
- F. All residential rental dwelling units leased to an Eligible Household shall be leased for a minimum of one year and shall be occupied as the principal residence of the tenant (s). Rentals for less than one year are prohibited.

#### **240-260 Procedure & Development Requirements**

- A. Any applications and plans submitted shall adhere to the requirements and procedures set forth in Chapter 240, Article XXXIX, Site Plan Review of the Zoning Bylaw and in Chapter 300-15, Site Plan Review of the Town Code.
- B. Notice to abutters is required within three hundred (300) feet of any part of land of the applicant, by regular mail, at least one week prior to the date of the Board's meeting.
- C. Developments must include a minimum of four dwelling units.
- D. Developments must have a minimum lot size of 10,000 square feet.
- E. Maximum building height shall be 35 feet and no more than 2.75 stories.
- F. Developments must provide a minimum of one parking space per dwelling unit on the property or on other property within 300 feet of the property that contains the dwelling unit. An applicant may be granted a reduction in the residential parking requirement provided that a car sharing program is provided and approved by the Board. Shared parking with commercial users of the property may be allowed by the Planning Board under Site Plan Review.
- G. Developments must provide a minimum of 1 space per 300 square feet of leasable floor area for non-residential uses. The Planning Board will refer to Chapter 240, Article XXII, Parking Requirements for any other uses not included in this bylaw.
- H. Sidewalks may be required by the Planning Board under Site Plan Review.
- I. The maximum percent of lot coverage by structures/paving/parking shall not exceed 70%.
- J. Buildings in the mixed residential and commercial overlay district shall have a maximum 20 foot front yard setback, a minimum 10 foot side yard setback, and a minimum 10 foot rear yard setback or no more nonconforming than the existing building provided that the proposed change or alteration is not substantially more detrimental than the existing nonconforming building as determined by the Planning Board. If the new mixed-use building(s) abuts residentially zoned property, then a 20' setback is required to separate mixed use from residential use.

- K. In reviewing proposed developments under Site Plan Review, the Planning Board may reduce the requirements concerning the bulk of structures and parking requirements.
- L. If not connected to the town sewer, developments shall meet all Title V requirements and if located in a coastal pond overlay district, they may be required to install a denitrification system approved by the Board of Health

### **240-261 Decisions**

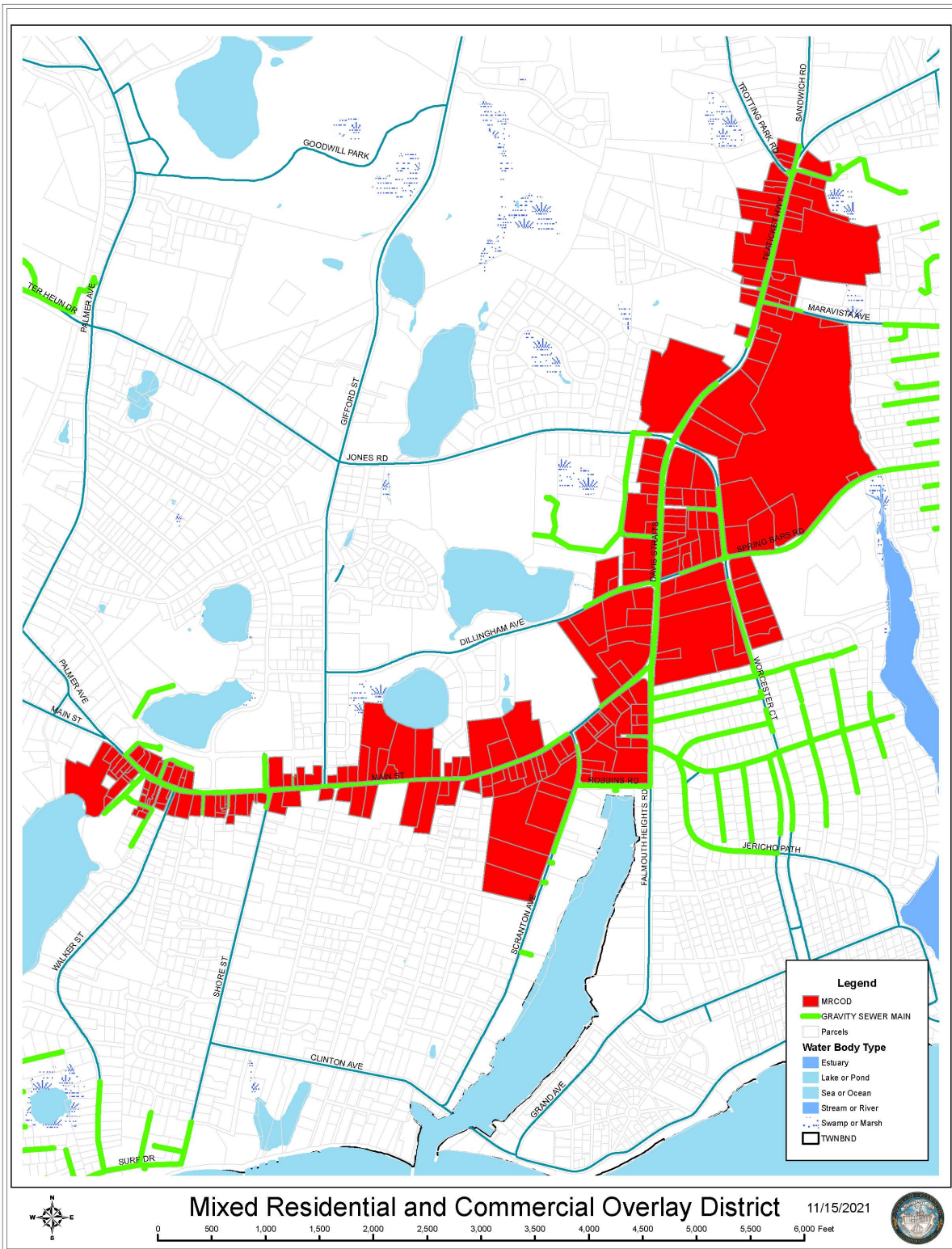
The Planning Board under Site Plan Review may approve a proposed Mixed-Use Development provided it makes the following findings: 1) the proposed development complies with all applicable requirements; 2) the proposed development provides affordable dwelling units as set forth in this section; 3) the proposed development avoids adverse impacts on the neighborhood.

### **The Moderator divided the question**

**ARTICLE 3:** To see if the town will vote to amend the Official Zoning Map by adding a Mixed Residential and Commercial Overlay District in certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts, as shown in a document entitled Article XLIX Mixed Residential and Commercial Overlay District 8/25/21 and Maps entitled “B1, B2, & BR Zoning” dated June 24, 2021 showing proposed Mixed Residential and Commercial Overlay Districts, as shown below: And further to amend the Official Zoning Map’s Legend for Mixed Residential and Commercial Overlay District and Falmouth Zoning Overlay Districts Map to “Refer to Article XLIX of the Zoning Bylaws”.

**AMENDMENT** (Netto): By an electronic vote of 100 in favor and 99 in opposition, a quorum being present on Monday, November 15, 2021 the town voted to remove all lots not on Town Sewer

**VOTED:** By an electronic vote of 151 in favor and 42 in opposition, a quorum being present on Monday, November 15, 2021 the town voted to amend the Official Zoning Map by adding a Mixed Residential and Commercial Overlay District in certain eligible locations in existing B-1, B-2, and Business Redevelopment zoning districts, as shown in a document entitled Article XLIX Mixed Residential and Commercial Overlay District 8/25/21 and Maps entitled “B1, B2, & BR Zoning” dated June 24, 2021 showing proposed Mixed Residential and Commercial Overlay Districts: And remove from the proposed overlay district 4 lots on Highfield Drive, Lots: 38 01 011 001, 38 01 011A 001, 38 01 011B 003, 38 01 011C 004, as well as lot 32 02 001 000 at East Falmouth Highway and Central Ave Known as Kenyon’s Corner and all lots not on Town Sewer. And further to amend the Official Zoning Map’s Legend for Mixed Residential and Commercial Overlay District and Falmouth Zoning Overlay Districts Map to “Refer to Article XLIX of the Zoning Bylaws”.





**ARTICLE 4:** To see if the Town will vote to amend the Zoning Bylaw Article XXXIX - Site Plan Review - by amending § 240-193 B. by changing the notice to abutters from 100 feet to 300 feet so that the revised section will read:

**§ 240-193 Procedure.**

B. Before approval of a site plan review, the Planning Board shall solicit public comment at the public meeting where the plan is being discussed. Notice that the Board will be accepting public comments shall be given by advertisement in a local newspaper once at least one week prior to the date of the Board's meeting and by notice to abutters within **300** feet of any part of the land of the applicant, by regular mail, at least one week prior to the date of the Board's meeting.

Or do or take any other action on this matter. On behalf of the Planning Board.

**AMENDMENT** (Dugan): By a majority vote, a quorum being present on Monday, November 15, 2021 the town voted to amend Article 4 by changing “at least one week prior notice to abutters” to “at least two weeks prior notice to abutters to”

**VOTED:** By a declared two thirds vote, a quorum being present on Monday, November 15, 2021 the Town voted to amend the Zoning Bylaw Article XXXIX - Site Plan Review - by amending § 240-193 B. by changing the notice to abutters from 100 feet to 300 feet so that the revised section will read:

**§ 240-193 Procedure.**

B. Before approval of a site plan review, the Planning Board shall solicit public comment at the public meeting where the plan is being discussed. Notice that the Board will be accepting public comments shall be given by advertisement in a local newspaper once at least one week prior to the date of the Board's meeting and by notice to abutters within 300 feet of any part of the land of the applicant, by regular mail, at least two weeks prior to the date of the Board's meeting.

**ARTICLE 5:** To see if the town will vote to amend the Zoning Bylaw Section 240-13 Definitions by adding new definitions related to Article XLIX Mixed Residential and Commercial Overlay District

**240-13 Definitions**

- **Affordable housing restriction** : A deed restriction meeting statutory requirements in MA GL chapter 184, section 31, in a form consistent with MA Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) guidelines or otherwise allows for inclusion of an Affordable Dwelling Unit on the Town’s Subsidized Housing Inventory, which runs with the land and is recorded with the Barnstable Registry of Deeds or Land Court Registry District, and which effectively restricts the occupancy of a low or moderate income housing unit to income eligible households. The term of affordability shall be in perpetuity or for the longest term allowed by law. Said restriction shall contain terms and conditions for the resale of a home ownership unit, including definition of the maximum permissible sale price, and for the subsequent rental of a rental unit,

including definition of the maximum permissible rent. Said restriction shall require that tenants of rental units and owners of homeownership units shall occupy the units as their principal residences.

- **Applicant MRCOD:** The person or persons, including a corporation or other legal entity, who applies for approval of a multiunit/mixed use development hereunder. The applicant must own or be the beneficial owner of all the land included in the development or have authority to act for the owners or hold an option or contract duly executed by the owners and the applicant giving the applicant the right to acquire or lease the land to be included in the development.
- **As of right:** development that may proceed under a zoning by-law without the need for a special permit, variance, zoning amendment, or other discretionary zoning approval.
- **Eligible household :** an individual or household whose annual income is less than or equal to 80% of the area wide median income as determined by the US Department of Housing and Urban Development (HUD) adjusted for household size for Barnstable County, with income computed using HUD rules for attribution of income to assets.
- **Eligible location :** areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed-use zoning districts, including without limitation (1) areas near transit stations, bus and ferry terminals, or (2) areas of concentrated development, including town centers and other existing commercial districts.
- **Mixed use development :** a development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, or other uses, including modifications to existing buildings.
- **Multi-family dwelling:** a building designed and constructed so as to contain three or more suites of one or more rooms, each suite provided with individual cooking and other facilities for independent housekeeping, used or intended to be used for the non-transient housing of three or more family units.
- **Permit Granting Authority:** The Planning Board shall be the sole permit granting authority pursuant to any provision of this bylaw.
- **Three Quarter Story :** That portion of a building under any type of sloping roof, which is potentially habitable as defined under Massachusetts Building Code and within which the number of square feet in area is never more than 3/4 of that of the story below. If the square foot area of the subject portion is greater, that portion shall be deemed a story.

Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted to Article 5 as printed.

**ARTICLE 6:** To see if the Town will vote to amend the Zoning Bylaw Chapter 240 Article I through Article XLIX by adopting the Recodification of the existing Zoning Bylaws as shown in a 155± page document entitled  
“Zoning Bylaw Town Code Chapter 240 Articles 1 - 14 October 2021”

on file in the Town Clerk's Office, the Planning Office and the Town of Falmouth Website <https://www.falmouthma.gov/DocumentCenter/View/10448/Recodification-Zoning-Bylaw-Town-Code-Chapter-240-Articles-1-thru-14-October-2021>

The recodification of the Zoning Bylaw is a reorganization and renumbering of the current 95 year old bylaw, with some deletions in order to address:

- Structure and organization
- Clarity
- Conflicts and inconsistencies
- Obsolete and/or missing terms and language
- Conformance with State statues and current case law
- Administrative issues

Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a declared two thirds vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 6 as printed.

**ARTICLE 7:** To see if the Town will vote to approve funding for Phase 2 of the Recodification of the Zoning Bylaw. Or do or take any other action on this matter. On behalf of the Planning Board.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted to transfer and appropriate the sum of \$30,000 from certified free cash for the purposes of this article. To be expended under the jurisdiction of the Town Manager.

**ARTICLE 8:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Capital Improvements, to determine how the same shall be raised and by whom expended.

Or do or take any other action on the matter. On request of the Select Board.

**AMENDMENT (Netto):** By a majority vote, a quorum being present on Monday, November 15, 2021 the town voted to remove Demolitions from Tony Andrews Farm Demolitions.

**AMENDMENT (B. Schnieder):** By a majority vote, a quorum being present on Monday, November 15, 2021 the town voted to remove Lawrence Tennis Courts Soundproofing, 50,000

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted to transfer the sum of \$6,174,104 from certified free cash for the purposes of this article. Said funds to be expended under the jurisdiction of the Town Manager.

<b>Information Technology</b>		
Hardware & Software	2 9	58,000
<b>General Government</b>		

<b>Fleet Cont.</b>		
F-1 Ford F150 Pick-up	5 0	38,000
F-40 Ford Transit Van	5 1	34,000

Golf Equipment	3	1	50,000	H-10 Ford F350 Pick-up Truck w/ Plow	5	2	52,000
<b>Public Safety</b>				H-46 Chevy 6-Wheeler Basin Truck	5	3	170,000
Police Vehicle Replacement	3	3	120,000	I-2 Chevy Bolt (or equiv) Electric Vehicle	5	4	36,000
Firearms (Long Guns)	3	4	86,234	P-41 Chipper	5	5	58,000
TruNarc Narcotics Identifier	3	5	32,870	W-2 Ford F350 Utility Truck w/ Plow	5	6	69,000
Ambulance	3	6	410,000	<b>Water</b>			
Rescue Boat (RB1)	3	7	130,000	Fresh Pond Reactivation	5	7	400,000
Shift Commander Vehicle (#28)	3	8	88,000	Water Meters	5	8	100,000
Station Alerting System	3	9	425,000	Wells, Connecting Mains, Treatment Plan	5	9	200,000
Computer Aided Dispatch System	4	0	750,000	<b>Wastewater</b>			
DNR Pick-up Truck Replacement	4	2	40,000	Wastewater System Equipment	6	0	225,000
<b>Facilities</b>				<b>Recreation</b>			
Tony Andrews Farm	4	4	194,000	Nye Park Tennis Court Rehabilitation	6	9	60,000
DPW Security	4	5	45,000				
<b>Highway</b>				Security Cameras	7	1	45,000
Road Maint/Construction/Sidewalks	4	7	935,000	<b>Schools</b>			
Bike Path Maintenance	4	8	80,000	Lawrence School Parking Lots (Lighting)	7	4	300,000
<b>Fleet</b>				Morse Pond Univents & Controls	7	5	900,000
A-1 Chevy Bolt (or equiv) Elec Veh + Chrg Stn	4	9	43,000	<b>Grand Total</b>			<b>6,174,104</b>

**ARTICLE 9:** To see if the Town will vote to appropriate a sum of money for the purpose of funding Non-Capital projects, to determine how the same shall be raised and by whom expended.

Or do or take any other action on the matter. On request of the Select Board.

**AMENDMENT** (Nolan): By a majority vote, a quorum being present on Tuesday, November 16, 2021 the town voted to increase Rivers/Pond Maintenance to 150,000.

**AMENDMENT** (Faiman-Silva): By an electronic vote of 108 in favor and 77 in opposition, a quorum being present on Tuesday, November 16, 2021 the town voted to increase Handicap Mats to 22,510.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to transfer the sum of \$1,278,010 from certified free cash for the purposes of this article. Said funds to be expended under the jurisdiction of the Town Manager.

Information Technology			Engineering/Admin Cont.		
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Network Upgrades	2	36,00		
	8	0		
GIS LIDAR Project	3	15,00		
	0	0		
<b>General Government</b>				
General Equipment	3	20,00		
	2	0		
<b>Public Safety</b>				
Annual Inlet Dredging/Permitting	4	350,0		
	1	00		
Engine (108)	4			
	3	9,500		
<b>Facilities</b>				
Main Library HVAC Water Treatment	4	15,00		
	6	0		
<b>Wastewater</b>				
Vulnerability Assess't,ERP,Coastal Reslncy	6	75,00		
	1	0		
Coastal Erosion			62	75,000
Bridge Maintenance			63	75,000
Rivers/Ponds Maintenance			64	150,000
NPDES Compliance			65	125,000
Transportation Engineering Services			66	225,000
Engineering & Survey Safety Equip't/Software			67	25,000
<b>Parks</b>				
Athletic Field Maintenance			68	40,000
<b>Beach</b>				
Handicap Mats			72	22,510
Electronic Message Boards			73	20,000
				<b>1,278,0</b>
<b>Grand Total</b>				<b>10</b>

**ARTICLE 10:** To see if the Town of Falmouth (the “Town”) will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the roof replacement project at Teaticket Elementary School, 45 Maravista Ave Ext, Teaticket, MA 02536, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town. On request of the Select Board.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to appropriate the amount of THREE MILLION SEVEN HUNDRED TWENTY THREE THOUSAND TWO HUNDRED SIXTY FOUR (\$3,723,264) Dollars for the purpose of paying costs of the roof replacement project at Teaticket Elementary School, 45 Maravista Ave Ext, Teaticket, MA 02536, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the Town Manager, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; provided that any appropriation

hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½); and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. To be expended under the jurisdiction of the School Committee.

**ARTICLE 11:** To see if the Town will vote to appropriate a sum of money for the purposes of funding a renovation of the Police Station, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to transfer the amount of \$1,628,000 from certified free cash and \$172,000 from the receipts reserved for appropriation January, 2019 borrowing premium fund for the purposes of this article. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 12:** To see if the Town will vote to appropriate a sum of money for purposes of acquiring an option to purchase land suitable for a new fire station in the northwestern section of town with the purchase of the land to be authorized by a future town meeting vote, said money to be expended under the jurisdiction of the Select Board on such terms and conditions as it deems prudent and proper, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to transfer the sum of \$25,000 from certified free cash for the purposes of this article. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 13:** To see if the Town will vote to appropriate a sum of money for the purposes of purchasing Recycling Toter Bins, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to transfer the sum of \$1,350,000 from certified free cash for the purposes of Article 13. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money to the Affordable Housing Trust Fund, for the purposes of funding Affordable Housing, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to transfer the sum of \$4,000,000 from Certified Free Cash to the Falmouth Affordable Housing Fund for the purposes of this article. Said funds to be

expended under the jurisdiction of the Select Board acting as Trustees of the Falmouth Affordable Housing Fund. A report on disposition of these funds shall be made annually at Town Meeting.

**ARTICLE 15:** To see if the Town will vote to increase the local room excise tax described in G.L. c. 64G, s. 3A from five percent (5%) to six percent (6%) and to determine the effective date of such increase, or do or take any other action on this matter. On request of the Select Board.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 15 as printed with an effective date of July 1, 2022.

**ARTICLE 16:** To see if the Town will vote to accept the provisions of General Laws Chapter 64G, section 3D and impose a community impact fee of not more than 3% of the total rent upon each transfer of occupancy of professionally managed units located within the town, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted Article 16 as printed with a community impact fee of 3% and an effective date of July 1, 2022.

**ARTICLE 17:** To see if the Town will vote to amend the Position Classification Plan for AFSCME Unit A positions and to appropriate a sum of money to fund payment of salary increases effective July 1, 2021, the affected positions being as follows:

	<u>Title</u>	<u>Grade</u>	<u>Min</u>	<u>Max</u>
Delete:	Parking Meter Mechanic	3	\$17.89	\$22.64
Add:	Parking Meter Mechanic/Technician	4	\$19.14	\$24.22
Delete:	Office Assistant - Building	5	\$20.48	\$25.92
Add:	Administrative Clerk - Building	7	\$23.45	\$29.67
Delete:	Senior Office Assistant Recreation Police Accounting Health Town Clerk	6	\$21.92	\$27.73
Add:	Administrative Clerk Recreation Police Accounting Health Town Clerk	7	\$23.45	\$29.67
Delete:	Assistant Zoning Compliance Agent*	8	\$25.09	\$31.75
Add:	Assistant Zoning Compliance Agent*	9	\$26.85	\$33.97
Delete:	Administrative Clerk - Conservation	7	\$23.45	\$29.67
Add:	Principal Office Assistant - Conservation	8	\$25.09	\$31.75
Delete:	Senior Office Assistant - Zoning	6	\$21.92	\$27.73
Add:	Principal Office Assistant - Zoning	8	\$25.09	\$31.75
Delete:	Data Collector/Field Appraiser**	8	\$25.09	\$31.75
Add:	Data Collector/Field Appraiser	9	\$26.85	\$33.97
Delete:	Conservation Agent	8	\$25.09	\$31.75
Add:	Conservation Agent	9	\$26.85	\$33.97
Delete:	Principal Office Assistant Human Services Veterans	8	\$25.09	\$31.75
Add:	Administrative Assistant Human Services Veterans	9	\$26.85	\$33.97
Delete:	Conservation/MES Tech	8	\$25.09	\$31.75
Add:	Conservation/MES Assistant	9	\$26.85	\$33.97



	<u>Title</u>	<u>Grade</u>	<u>Min</u>	<u>Max</u>
Delete:	Assistant Town Clerk	9	\$26.85	\$33.97
Add:	Assistant Town Clerk	10	\$28.73	\$36.35
Delete:	IT Computer Tech Public Safety***	M-5	\$31.03	\$40.45
Add:	IT Computer Tech Public Safety	12	\$32.89	\$41.62
Delete:	Fishery Technician	7	\$23.45	\$29.67
Add:	Marine Fisheries Tech/Biologist	9	\$26.85	\$33.97
Delete:	Assistant to Town Accountant and Finance Director	9	\$26.85	\$33.97
Add:	Assistant to Town Accountant and Finance Director	10	\$28.73	\$36.35

\*Formerly Assistant Zoning Enforcement Officer (position evolved and title was adjusted accordingly)

\*\*Formerly Assistant to the Assessor (position evolved and title was adjusted accordingly)

\*\*\*Formerly Network/Computer Technician (position evolved and title was adjusted accordingly)

Or do or take any action on the matter. On request of the Select Board.

**VOTED:** By a unanimous vote, a quorum being present on Tuesday, November 16, 2021 the Town voted to raise and appropriate the sum of \$42,445 for the purpose of amending the position classification plan presented in Article 17 effective July 1, 2021. Said funds to be expended under the jurisdiction of the Town Manager.

**ARTICLE 18:** To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for a special act to remove all personnel of the Falmouth Police Department from the provisions of Massachusetts General Laws, Ch. 31, s. 1 et seq., the Civil Service Law, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted Article 18 as printed.

**ARTICLE 19:** To see if the Town will vote to authorize the Select Board, with the concurrence of the Conservation Commission, to lease and provide for the management of the Peterson Farm property, or any part thereof, for a term of not more than 20 years, upon such terms and conditions as the Select Board deems prudent and proper, or do or take any other action on this matter. On request of the Select Board (with Conservation Commission).

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 19 as printed.

**ARTICLE 20:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Ch. 272, s. 73A for the removal of gravestones and other memorials for repair or reproduction in accordance with rules and regulations of the Massachusetts Secretary of State by community sponsored, educationally oriented and professionally directed repair teams, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 20 as printed.

**ARTICLE 21:** To see if the Town will vote to accept the doings of the Select Board in the laying out of Winthrop Drive (east side) from Seacoast Shores Blvd. to Edgewater Drive East a distance of 726 ft. and width of 40 ft. according to plans on file with the Town Clerk for taking as a public way under the Betterment Act, or do or take any other action on the matter. On request of the Select Board.

**VOTED:** By a declared two thirds majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted Article 21 as printed.

**ARTICLE 22:** To see if the Town will vote to authorize the Select Board to take all necessary and appropriate action to establish and maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the Commonwealth, including without limitation the operation of a telecommunications system and related services, or take any action relative hereto. On petition of FalmouthNet.Inc.

**VOTED:** By an electronic vote of 175 in favor and 13 in opposition, a quorum being present on Tuesday, November 16, 2021 the Town voted Article 22 as printed.

**ARTICLE 23:** To see if the Town will request the Board of Selectmen in the interest of public safety as allowed by the provision of General Laws Chapter 90, Section 18, and in the interest of public health, as allowed by the provision of General Laws Chapter 111 Section 31 and 122, to develop a bylaw on the use of town-owned roads bordering on residential zones by commercial vehicles from the hours of 11:00PM to 6:00AM. Such bylaw is intended to provide relief to residential neighborhoods that are plagued with early morning truck traffic and to establish quiet hours in those neighborhoods. The Town will develop a quiet hours bylaw based on sound impact data with a completion date of July 1, 2022. On petition of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Indefinite Postponement

**ARTICLE 24:** To see if the Town will vote to appropriate \$150,000 of free cash to be used for the design of Complete Streets projects to create a backlog of shovel ready projects eligible for state or federal construction grants. Said sum to be expended under the jurisdiction of the Select Board. On petition of Chris McGuire.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted to appropriate \$150,000 of free cash to be used for the design of Complete Streets projects to create a backlog of shovel ready projects eligible for state or federal construction grants. Said Funds to be expended under the direction of the DPW Director.

**ARTICLE 25:** To see if the Town will vote to appropriate or transfer from the Ferry Embarkation Fee Fund\* the amount of \$30,000 for the purchase and installation of up to six permanent LED speed signs (cost estimate provided by DPW Director) on Woods Hole Road and Palmer Avenue in order to encourage compliance with posted speed limits, particularly for heavily laden ferry bound truck traffic. On petition of the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force.

**VOTED:** By a declared majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted Article 25 as printed. Said Funds to be expended under the jurisdiction of the DPW Director.

**ARTICLE 26:** To see if the Town will vote to adopt an amendment to Article II, Town Meeting, of the Falmouth Home Rule Charter by amending Sec. C2-3, A and B, so as to read:

C2-3. Procedures.

- A. Town Meeting shall be held twice annually: in April, on a date chosen by the Select Board, and in the fall on a date chosen by the Select Board.
- B. Town Meeting will consider and act upon, as required, with or without amendments, all proposed operating and capital improvement budgets, appropriations, borrowings, and all other issues that may properly come before it.

Or do or take any other action on this matter. On request of the Select Board and the Charter Review Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 26 as printed.

**ARTICLE 27:** To see if the Town will vote to adopt an amendment to Article II, Town Meeting, of the Falmouth Home Rule Charter by amending Sec. C2-6, Moderator, so as to read:

C 2-6. Moderator.

- A. A Moderator shall be elected as provided in sec. C 4-2.
- B. The Moderator shall preside at all sessions of the Town Meeting and shall have no vote unless the members present and voting are equally divided.
- C. The Moderator shall establish and promulgate written procedures for the orientation of all new Town Meeting members and shall conduct an annual meeting at which time said orientation shall take place.
- D. The Moderator, in consultation with the Town Clerk, shall prepare simplified rules of parliamentary procedure, which shall be made available to all elected Town Meeting members.
- E. The Moderator shall appoint ad hoc committees of the Town Meeting as provided in sec. C 2-12B.
- F. The Moderator shall preside at any public hearings to discuss the suspension or removal of the Town Manager

Further to vote to adopt an amendment to Article IV, Other Elected Town Boards and Officers, of the Falmouth Home Rule Charter, Sec. C4-2, Moderator, by deleting subsections B, C and D which are now included in Article II, Town Meeting, in Sec. C2-6, Moderator.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 27 as printed.

**ARTICLE 28:** To see if the Town will vote to adopt an amendment to Article III, Select Board, of the Falmouth Home Rule Charter by amending Sec. 3-2C, General Powers, so as to read:

C 3-2. General Powers.

C. Making recommendations to Town Meeting on any warrant article, especially those for which other governmental bodies have not provided recommendations.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**VOTED:** By a failed majority vote, a quorum being present on Tuesday, November 16, 2021 the Town voted not to pass Article 28 as printed.

**ARTICLE 29:** To see if the Town will vote to adopt an amendment to Article III and VII of the Falmouth Home Rule Charter by amending Sec C3-6, B and C, and Sec C7-1 A so as to read:

C3-6. Powers of Appointment.

B. The Board shall also have the power to appoint governmental bodies as provided in Article VII.

C. The Board shall also have the power to appoint other governmental bodies, to define their duties, and to set the limits for the scope of their responsibilities and the terms of their existence. Any such governmental body having a planning function shall coordinate its activities with the Planning Board.

C7-1 Appointing Authority; General

A. The Select Board shall have authority as defined by the General Laws to appoint members to those governmental bodies specifically listed in Article VII. The Board shall also have full appointing authority for other governmental bodies as defined in C3-6C. Prior to making appointments to governmental bodies, the board shall publicize all vacancies to be filled together with information on the filing of applications by prospective members, and the deadline for receiving applications. The board shall also require all chairs of governmental bodies to file with the Town Clerk a description of the duties and responsibilities of the governmental body and the members thereof. The board shall further consult with the governmental body to which appointments are to be made to obtain the names of prospective candidates for appointment. The board shall interview all applicants and make appointments in a timely manner, but no appointments shall be made until the last day for filing applications has passed.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 29 as printed.

**ARTICLE 30:** To see if the Town will vote to adopt an amendment to Article VII, Appointed Governmental Bodies, of the Falmouth Home Rule Charter, by deleting Sec. C7-3, Change in Composition of Appointed Governmental Bodies. Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 30 as printed.

**ARTICLE 31:** To see if the Town will vote an amendment to Article VIII, Financial Provisions and Procedures, of the Falmouth Home Rule Charter by amending Sec. C8-6A, Capital Improvements Plan, so as to read:  
C8-6, Capital Improvements Plan.

- A. The Town Manager shall prepare a five year Capital Improvements Plan consistent with the Strategic Plan and the Local Comprehensive Plan which shall include a clear summary of its contents; a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, together with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information shall be revised and extended each year with regard to capital improvements pending or in the process of construction or acquisition.

Or do or take any other action on the matter. On request of the Select Board and the Charter Review Committee.

**VOTED:** By a unanimous vote, a quorum being present on Monday, November 15, 2021 the Town voted Article 31 as printed.

**ARTICLE 32:** To see if the Town will vote to transfer jurisdiction of a parcel of land at the southwesterly corner of the Mullen Hall School property near the intersection of Katharine Lee Bates Road and the abandoned portion of Hamlin Avenue, which parcel has been declared not needed for school purposes by the School Committee, from the School Committee to the Select Board for municipal purposes, said parcel being shown as "Proposed Lease Area 8.100 +/- S.F." on a plan entitled "Site Plan for #140 Katharine Lee Bates Road prepared for Carousel of Light, Inc. in Falmouth, MA, dated October 26 2020, prepared by Falmouth Engineering, Inc."; and further that the transfer be subject to the conditions determined by the School Committee in its vote of October 28, 2020 as follows: 1) said property shall be used for recreational purposes only; 2) said property shall not be used during hours the Mullen Hall School is in session; 3) any structure on said property shall be located in such place to preserve and maintain views of Shiverick's Pond; 4) any structure on said property shall be located in such place to preserve existing trees; 5) there shall be no smoking or alcoholic beverages permitted on said property; 6) no structure shall be erected on said property until the Mullen Hall School is able to open for class instruction without any Covid 19 restrictions; 7) any lease of said property shall require a removal or decommissioning bond to remove any structure and restore said property at lease end; 8) said property shall revert to the jurisdiction of the School Committee if any use is abandoned or not used for a period of two years or more; and further that the Select Board is thereafter authorized to lease the parcel for a defined lease term not to exceed 30 years upon such terms and conditions

as it deems appropriate, and 9) Any use shall include an appropriate fence. Or do or take any action on the matter. On request of the Select Board.

**VOTED:** By an electronic vote of 105 in favor and 72 in oposition, a quorum being present on Tuesday, November 16, 2021, having failed to receive the required two thirds vote the Town voted not to pass Article 32 as printed.