

TOWN OF FALMOUTH

SELECT BOARD

AGENDA

MONDAY, DECEMBER 20, 2021 – 5:30 P.M.

SELECT BOARD MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

5:30 p.m. OPEN SESSION

5:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – First Responder pandemic payments – Police Sergeants Union
2. M.G.L. c.30A s.21(a)(6) and s.21(a)(3) – To consider the value of Mayflower Wind Electric Cable easements and other matters to be presented at the Energy Facilities Siting Board and Massachusetts Environmental Policy Act regulatory tribunals in connection the proposed electric cable - Mayflower Wind
3. M.G.L. c.30A s.21(a)(6) and s.21(a)(3) – To consider the value of Eversource Electric Cable easements associated with transmission of electricity to Martha’s Vineyard and other matters to be presented at the Energy Facilities Siting Board and Massachusetts Environmental Policy Act regulatory tribunals in connection the proposed electric cable - Eversource cable to Martha’s Vineyard

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation: Eagle Scout Proclamation - Richard LaRuffa, Boy Scout Troop 38
4. Recognition
5. Announcements
6. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for a Change of Manager of a Wine & Malt Common Victualler License – Steve’s Pizzeria and More, located at 374 Main Street, Falmouth
 - b. Approve application for a Change of Manager of a Wine & Malt Common Victualler License – New Golden Dynasty, located at 13 Davis Straits, Unit #7, Falmouth
 - c. Approve application for Special One-Day Liquor Licenses – Falmouth Theatre Guild, located at 58 Highfield Drive, Falmouth – January 21, 22, 23, 28, 29, and 30 – Friday and Saturday hours 6:30 PM - 9:30 PM; Sunday hours 1:00 - 4:00 PM
 - d. Approve application for a Change of DBA of an all Alcoholic Common Victualler License – The Pizza Bar, LLC, d/b/a The Pizza Bar located at 146 Sandwich Road, Falmouth. Proposed DBA is Papa Jakes.
2. Administrative Orders
 - a. Vote to approve letter of support for the application to The Recycling Partnership for Residential Curbside Recycling Cart Grant
 - b. Vote to accept grant in the amount of \$15,000 from MassDEP Electric Vehicle Incentive Program
 - c. Vote to accept donation in the amount of \$500.00 from Roger and Kathy Marino to the Falmouth Fire Rescue Department donation account
 - d. Vote to allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of ocean outfall alternatives
 - e. Approve Grant of License to Buca Corp d/b/a Bucatino Restaurant and Wine Bar to maintain encroachments at 7 Nathan Ellis Highway, North Falmouth
 - f. Vote to affirm appointment of Frank Duffy, Town Counsel
 - g. Vote to approve request to raise an Osprey nesting structure on a parcel of Town land
3. Special Events
Recurring-Recommended:
 - a. Diving into Recovery – Freezin’ for a Reason Polar Plunge – Gosnold, Inc. – Falmouth Heights Beach – Saturday, 2/12/22, 10:00 a.m. to 1:30 p.m. Rain date: Saturday, 2/26/22.

7:30 p.m. PUBLIC HEARINGS

1. 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 and November 8, 2021 (15 minutes)
2. Wetlands/Dock Hearing – Arthur Meuse – Reconstruction of dock within the same footprint. Construction of low-profile vinyl bulkhead in and over the waters of Eel Pond, located at 148 Antlers Shore Drive, East Falmouth (15 minutes)
3. Wetlands/Dock Hearing – Richard Fontana – Reconstruction of dock within the same footprint. Construction of low-profile vinyl bulkhead in and over the waters of Eel Pond. Located at 154 Antlers Shore Drive, East Falmouth (15 minutes)

8:15 p.m. BUSINESS

1. Brief staff update on Mayflower Wind proposed electric cable installation in Falmouth (10 minutes)

8:25 p.m.

2. Brief status update on proposed Eversource electric cable installation to provide supplemental power to Martha’s Vineyard (10 minutes)

8:35 p.m.

3. Discussion on Right of First Refusal on 31.7-acre property on Route 151, continued from 12/6/21 (15 minutes)

8:50 p.m.

4. Interview, vote and appoint committee members (20 minutes)
 - a. Cape Cod Commission: Robert Mascali
 - b. Council on Aging: Jamie MacDonald
 - c. Historical Commission: Tamsen George
 - d. Veterans Council Committee: Paula Smith

9:10 p.m.

5. Update on ARPA funding and CZM grant opportunities (10 minutes)

9:20 p.m.

6. Annual License Renewals (5 minutes)

WINE AND MALT RESTAURANT

Silver Beach Pizza & Seafood, 557 North Falmouth Hwy.

COMMON VICTUALLER

Bite on the Go, 5 Old Meetinghouse Road
Coffee Obsession, 110 Palmer Highway
Coffee Obsession, 38 Water Street
Dana’s Kitchen, Inc. 881 Palmer Avenue
Devour Restaurant, 352 Main Street
Dilly’s Taqueria, 281 Main Street
East Falmouth Subway, LLC, 236 Teaticket Highway
Falmouth Hospital Cafeteria, 100 Ter Heun Drive
K & L Enterprises dba Subway, 137 Teaticket Highway
Meganset Circle, Inc. dba The Stand, 75 County Road
Peel Pizza, 31 Teaticket Highway
Silver Beach Pizza & Seafood, 557 North Falmouth Hwy.
The Buffalo Jump, 277 Hatchville Road

INNHOLDER

Admiralty Inn, 51 Teaticket Highway

CLASS II USED CARS

Battles Used Cars & Trucks, 14 Depot Avenue
Cid’s Auto Brokers, 91 Carl Landi Circle
Excel Auto Repair & Sales, 94 East Falmouth Highway
Falmouth Auto Center, Inc., 614 East Falmouth Highway
Hickey Auto, Inc. dba Executive Auto, 118 E. Falmouth Hwy.
M&N Auto Mall, 20A Village Common Drive
Teaticket Auto Body, 108 Trotting Park Road

VEHICLE FOR HIRE

All Seasons Taxi, 45 Simpsons Lane

9:25 p.m.

7. Review and Vote to Approve Minutes of Meetings: Public Session – December 6, 2021 (5 minutes)

9:30 p.m.

8. Individual Select Board Members’ Reports (10 minutes)

9:40 p.m.

9. Town Manager's Report (5 minutes)

Douglas C. Brown, Chair
Select Board

OPEN SESSION

- 3. Proclamation: Eagle Scout Proclamation – Richard LaRuffa, Boy Scout Troop 38**



PROCLAMATION

WHEREAS: Richard LaRuffa of Boy Scout Troop 38 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Richard LaRuffa met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: Richard LaRuffa is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price as Select Board of the Town of Falmouth, do hereby declare and PROCLAIM

RICHARD LARUFFA AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this **20th day of December, 2021.**

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

SELECT BOARD

Samuel H. Patterson

OPEN SESSION

SUMMARY OF ACTIONS

1. Licenses

- a. Approve application for a Change of Manager of a Wine & Malt Common Victualler License – Steve’s Pizzeria and More, located at 374 Main Street, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: Steve's Pizzeria & More

Address: 374 Main Street, Falmouth

License Type: Wine & Malt Beverages Restaurant

New or Transfer of License _____

or

Change of License Change of Manager

Police _____

Fire No issues

Building _____

Health _____

Zoning OK

Planning _____

DPW _____

Assessor's No issues

NOTES:



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00121-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

If Yes, Chapter
of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

One floor: Two rooms, dining area, kitchen, cellar for storage..

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 of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Steve's Pizzeria and More	Falmouth	00121-RS-0390

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
Efstathios Gregoriadis	Corporate Principal	stevespizzeriaandmore@gmail.com	508.457.9454

3A. MANAGER INFORMATION

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

Proposed Manager Name	Elias Gregoriadis	Date of Birth	[REDACTED]
Residential Address	[REDACTED]		
Email	[REDACTED]	Phone	[REDACTED]
Please indicate how many hours per week you intend to be on the licensed premises	98	Last-Approved License Manager	Gregory Gregoriadis

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.

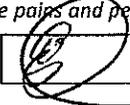
Start Date	End Date	Position	Employer	Supervisor Name
04/14/1995		cook	Steve's Pizzeria and More	Efstathios Gregoriadis

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 **12/12/2021**

APPLICANT'S STATEMENT

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

of Steve's Pizzeria and More
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: *Efstathios Gregoriadis*

Date: 11/30/2021

Title: Corporate Principal

OPEN SESSION

SUMMARY OF ACTIONS

1. Licenses

- b. Approve application for a Change of Manager of a Wine & Malt Common Victualler License – New Golden Dynasty, located at 13 Davis Straits, Unit #7, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: New Golden Dynasty

Address: 13 Davis Straits, Unit #7

License Type: Wine & Malt Beverages Restaurant

New or Transfer of License _____

or

Change of License Change of Manager

Police

No objection, pending CORI

Fire

Satisfied

Building

No issues

Health

Zoning

okay

Planning

DPW

NOTES:



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00136-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

If Yes, Chapter
of the Acts of (year)

\$12 Restaurant Annual Wines and Malt Beverages

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Store front consisting of 5,360 sq. ft. Seating for 192. Two entrances/exits, one in front and back.

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 of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
NEW Golden Dynasty Restaurant, Inc.	Falmouth	00136-RS-0390

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
JunQing Liu	Manger	qing19890204@yahoo.com	9737277360

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business is:

Proposed Manager Name	JunQing Liu	Date of Birth	[REDACTED]
Residential Address	13 Davis Straits road ,unit#7 Falmouth MA-02540		
Email	[REDACTED]	Phone	[REDACTED]
Please indicate how many you intend to be on the licensed premises	[REDACTED]	Approved License Manager	Sin Kuen Chan

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
2019	11/21	Waiter	New Golden Dynasty Buffet	Sin Kuen Chan
2014	05/2019	Waiter	Golden Fountain	Shao Hua Liu

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 JunQing Liu Date 11/29/2021

JunQing Liu

APPLICANT'S STATEMENT

I, Sin Kuen Chan the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of New Golden Dynasty Restaurant, Inc.
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: Sin Kuen Chan
Sin Kuen Chan
Title: owner

Date: 11/29/2021

ENTITY 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,

Sin Kuen Chan
Corporate Officer /LLC Manager Signature

Sin Kuen Chan
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

OPEN SESSION

SUMMARY OF ACTIONS

1. Licenses

- c. Approve application for Special One-Day Liquor Licenses – Falmouth Theatre Guild, located at 58 Highfield Drive, Falmouth – January 21, 22, 23, 28, 29, and 30 – Friday and Saturday hours 6:30 PM - 9:30 PM; Sunday hours 1:00 - 4:00 PM

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Theatre Guild

Address: 58 Highfield Drive

License Type: All Alcohol One-Day Liquor Licenses

New or Transfer of License _____

or

Change of License One-Day Liquor License

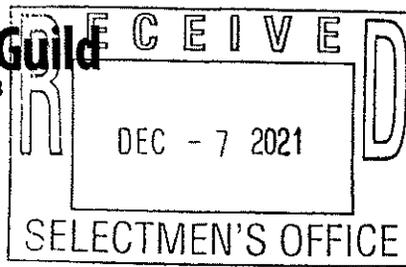
- Police No objections
- Fire No issues
- Building _____
- Health _____
- Zoning _____
- Planning _____
- DPW _____
- _____
- _____
- _____
- _____
- _____

NOTES:



Falmouth Theatre Guild
Bringing you the best in Community Theater since 1958

PAID
\$160-
CK# 4170



Falmouth Theatre Guild
P.O. Box 383
Falmouth MA, 02541
www.falmouththeatreguild.org
(508) 548-0400

December 6, 2021

Board of Directors

- Brett Baird
- Joan Baird
- Ashley Bolbrock
- Rob Bowerman
- Brian Buczkowski
- Peter D. Cook
- Jodi Edwards
- Davien Gould
- Matthew Gould
- Cathy Lemay
- Carol Marasa
- Tom McCahill
- Dan McSweeney
- Liz Moakley
- Todd Sadler
- Victoria Santos
- Tom Stackhouse

Application for Special One-Day Liquor Licenses:

Falmouth Theatre Guild

for the theatrical run of "Godspell"

Jan. 21, 22, 23, 28, 29, & 30 (6 days)

Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering the nine performances we have scheduled for our production of "Godspell," running Fridays, Saturdays, and Sundays from January 21 to January 30, 2022.

We would like to sell alcoholic beverages to our patrons for an hour before each performance and for approximately 30 minutes during intermission. As we have done in years past, alcoholic beverages would be served from our concessions stand where we also offer cans of soda and seltzer, boxed water, and prepackaged snacks and candy. There is no food preparation at our concessions stand.

There is always a trained TiPS certified server at our concessions to serve any alcoholic beverages (see the attached photocopies of all our active certified servers), and all beverages will be consumed on premises before and during the performance. The attached floor plan shows the location and layout of the outdoor patios, concessions stand ("bar service area"), and audience where beverages and concessions will be consumed.

If you have any questions, please do not hesitate to contact me by phone or by email.

Thank you,

Brian Buczkowski, Director-at-Large

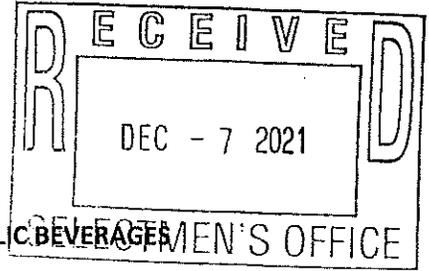
(508) 564-0181

bjbuczkowski@gmail.com



TOWN OF FALMOUTH
APPLICATION

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



NAME OF APPLICANT: Falmouth Theatre Guild - Brian Buczkowski, Director-at-large

ADDRESS OF APPLICANT: P.O. Box 383, Falmouth, MA 02541

NAME OF ORGANIZATION: Falmouth Theatre Guild

MAILING ADDRESS: same as above

TELEPHONE #: (508) 564-0181 EMAIL: bjbuczkowski@gmail.com

LOCATION TO BE LICENSED: Highfield Theater - 58 Highfield Drive, Falmouth

EVENT TITLE: "Godspell" (Community Theater) APPROXIMATE # OF PEOPLE: 275 per performance

DATE(S) OF EVENT: Jan. 21, 22, 23, 28, 29, & 30 (6 days) HOURS OF EVENT: Friday and Saturday: 6:30pm - 9:30pm; Sunday: 1:00pm - 4:00pm

AUTHORIZED MANAGER OF ESTABLISHMENT/EVENT Tomas McCahill, Concessions Chair

TYPE OF LICENSE:

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

REQUIREMENTS check list:

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

6 December 2021
DATE

Brian Buczkowski
APPLICANT SIGNATURE

Filing Fee: \$10.00
License Fee: \$25.00 per day

SELECT BOARD

OPEN SESSION

SUMMARY OF ACTIONS

1. Licenses

- d. Approve application for a Change of DBA of an all Alcoholic Common Victualler License – The Pizza Bar, LLC, d/b/a The Pizza Bar located at 146 Sandwich Road, Falmouth. Proposed DBA is Papa Jakes.

Change of DBA

The Pizza Bar, LLC dba The Pizza Bar



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

APPLICATION FOR AMENDMENT-Change of Business Entity Information

Change of Corporate Name

Change of DBA

- Payment Receipt (Req. for Chg of Corp Name only)
- Monetary Transmittal Form
- DOR Certificate of Good Standing (Req. for Chg of Corp Name only)
- DUA Certificate of Compliance (Req. for Chg of Corp Name only)
- Change of Corporate Name/DBA Application
- Vote of the Entity
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

Change of Corporate Structure

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Corporate Structure Application
- Vote of the Entity
- Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
The Pizza Bar, LLC	Falmouth	00196-RS-0390

Please provide a narrative overview of the transaction(s) being applied for.

Change of DBA

APPLICATION CONTACT

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

Name	Title	Email	Phone
Andrea Drew	Owner	dreadrew3@aol.com	508-457-7272

2. CHANGES TO BUSINESS ENTITY INFORMATION

2a. Change of Corporate Name	Last-Approved Corporate Name:	<input type="text"/>
	Requested New Corporate Name:	<input type="text"/>
2b. Change of DBA	Last-Approved DBA:	The Pizza Bar
	Requested New DBA:	Papa Jakes
2c. Change of Corporate Structure	Last-Approved Corporate Structure	<input type="text"/>
LLC, Corporation, Sole Proprietor, etc	Requested New Corporate Structure	<input type="text"/>

Signature:

Date:

Title:

APPLICANT'S STATEMENT

I, Andrea Drew the: sole proprietor; partner; corporate principal; LLC/LLP manager

Authorized Signatory

of The Pizza Bar, LLC

Name of the Entity/Corporation

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

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

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

Signature:

Andrea Drew

Date:

12/16/2021

Title:

Owner

ENTITY VOTE

The Board of Directors or LLC Managers of Entity Name

duly voted to apply to the Licensing Authority of City/Town

and the Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

For the following transactions (Check all that apply):

- Change Corporate Name
- Change Corporate Structure (i.e. Corp / LLC)
- Change of DBA
- 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,

Andrea Drew
Corporate Officer / LLC Manager Signature

Andrea Drew
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

SUMMARY OF ACTIONS

2. Administrative Orders

- a. Vote to approve letter of support for the application to The Recycling Partnership for Residential Curbside Recycling Cart Grant



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

December 20, 2021

The Recycling Partnership
Attention: Vincent Leray
Email: vlaray@recyclingpartnership.org

Dear Mr. Leray:

The Town of Falmouth strongly supports the procurement of Recycling Carts in order to improve the efficiency and environmental impact of our community's curbside recycling program. Our five-member Select Board approved the Department of Public Works request to purchase the carts in September 2021 and voted to send the question to our legislative body, Falmouth Town Meeting. The formal request for funding was affirmed by Falmouth Town Meeting (244 elected delegates) on November 16, 2021. Falmouth has a well-established curbside recycling program which performs adequately, despite use of outdated 15-gallon open bins. Most residents are eager for the carts which they understand will make their own recycling efforts easier and keep more materials out of the waste stream.

Sincerely,

Julian M. Suso
Town Manager



Residential Curbside Recycling Cart Grant Proposal Application Form

Please complete this application using **Adobe Reader**. Email Rob Taylor at rtaylor@recyclingpartnership.org for assistance. For guidance and more detail about the information requested in this application, please see the Residential Curbside Recycling Cart Grant Program Request for Proposals.

COMMUNITY: Falmouth

STATE: Massachusetts

SECTION 1: LETTERS OF SUPPORT

Highest Elected Official Name & Title: Julian Suso, Town Manager, Town of Falmouth, MA

State Recycling Office Contact & Title: Kari Parcell, Mass. DEP, County/Municipal Area Coordinator

MRF Contact & Title: _____, Manager, E.L. Harvey & Sons, Westborough, MA

Were all three letters of support submitted as separate attachments? yes no

Check here if you are submitting a separate cover letter with your application. yes no

SECTION 2: KEY CONTACTS

PROJECT DIRECTOR:

Name: Mary Ryther

Title: Recycling & Solid Waste Coordinator

Phone Number: 508-457-2543

Email: mary.ryther@falmouthma.gov

Address: 416 Gifford Street

City, State: Falmouth, MA

Zip code: 02540

HIGHEST RANKING OFFICIAL:

Name: Julian M. Suso

Title: Town Manager

Phone Number: 508-495-7320

Email: julian.suso@falmouthma.gov

Address: 59 Town Hall Square

City, State: Falmouth, MA

Zip code: 02540

MATERIAL PROCESSOR (IF APPLICABLE):

Name: _____, E.L. Harvey & Sons

Title: Manager

Phone Number: 508-836-3000

Email: customerservice@elharvey.com

Address: 68 Hopkinton Rd.

City, State: Westborough, MA

Zip code: 01581

HAULER (IF APPLICABLE):

Name: MBI Trucking

Title:

Phone Number: 708-868-0059

Email:

Address: 2627 East 139th St

City, State: Burnham, IL

Zip code: 60633

ADDITIONAL HAULER OR MRF CONTACTS (IF APPLICABLE):

Name:

Title:

Phone Number:

Email:

Address:

City, State:

Zip code:



SECTION 3: MUNICIPAL MEASUREMENT PROGRAM (MMP)

Has your community established an MMP account? yes no

MMP Account Representative Name: Mary Ryther

Email Address: mary.ryther@falmouthma.gov

SECTION 4: CART IMPLEMENTATION STRATEGY

SECTION 4.1: CURRENT CURBSIDE RECYCLING PROGRAM (IF APPLICABLE)

What year did your program start? 1993

If more than one local government jurisdiction is part of this curbside recycling program, please list the individual community partners:

Number of households that receive curbside recycling service: ~21,000

Recycling collection service provider: Municipal Contractor

If private hauler, please specify: Republic Services

If other public entity or more than one service provider, please specify:

Landfill tipping fees (\$/ton): \$67.26/Ton

Classification of program for home to participate (refer to definitions in Appendix A of RFP): Comprehensive/Automatic

If other, please describe:

Recycling program collection style: Single stream

If other, please describe:

Type of container: Bin

If other, please describe:

Size of current container used by residents (in gallons): 15

Collection frequency: Every other week

If other, please describe:

Total curbside recycling tonnage collected for the most recent 12 months: 3059.37 Tons (FY2020)

Are other recycling programs (commercial or drop-off) included in this tonnage? yes no

Total annual pounds per household recycling collected for the most recent 12 months: 291.36 lbs.
(total annual lbs./total number of households in jurisdiction)

Contamination rate as characterized at MRF, if available: N/A



SECTION 4.2: CART IMPLEMENTATION STRATEGY & PLAN

Choose the following cart implementation strategy that best fits your intended plan with grant assistance (*refer to RFP for individual strategy qualifications*).

Strategy 1 - Universal Distributive

If other, please describe:

Number of households that will receive carts for recycling service as a part of this grant project: 21,000.00

If representing more than one local government, will each local government in jurisdiction receive carts? yes no

If you answered yes to the above question, please list the local governments that will receive carts:

Recycling service provider: Republic Services

Planned curbside recycling program collection style: Single stream

If other, please specify

Size of carts proposed to be purchased: 95 Gallon

Planned collection frequency: Every other week

If other, please specify

Additional information for Strategy 2 and Strategy 4 applicants

If seeking funding for Strategy 2, please provide information on your plans to eventually provide carts to the entire jurisdiction, including the number of years involved in the phased implementation. If seeking funding for Strategy 4, please describe the strategy for which portion of the community will be offered the opportunity to recycle with carts.

SECTION 5: CART REQUIREMENTS

Has your community already selected a vendor for your recycling carts? yes no

If yes, please indicate cart manufacturer: Toter

Do you understand that The Recycling Partnership requires that carts purchased with grant funding must include a minimum of five percent (5%) residential post-consumer plastic content? yes no

Are you committed to purchasing recycling carts with a minimum of five percent (5%) residential post-consumer plastic content? yes no

Once carts have been purchased, are you committed to working with your cart provider to secure documentation that demonstrates that The Recycling Partnership's residential post-consumer requirement has been met? yes no



SECTION 6: EDUCATION & OUTREACH PLAN

Are you committed to partnering with The Recycling Partnership to implement a recycling education and outreach campaign built using The Partnership's templated outreach materials and best management practices? yes no

Are you committed to implementing a contamination reduction plan using Oops tags or other anti-contamination strategies to reinforce correct recycling behavior at the curb? yes no

Are you committed to using all of the following minimum campaign components?

Complete check-box to indicate agreement.

Carts Are Coming postcard / bill stuffer Cart packet Update website

Does your community intend to budget funds for recycling education and outreach as part of the implementation of cart-based recycling? yes no

If yes, please indicate anticipated funding levels when preparing budget in Section 6 below.

Describe your planned education and outreach strategy. (250 words max)

Town of Falmouth's Recycling & Solid Waste Coordinator and Solid Waste Advisory Committee (appointed citizen board) will be responsible for communicating information to residents in preparation and implementation of the cart roll-out. Falmouth currently uses the Mass DEP recommended toolkit of outreach methods and practices including town website, physical bulletin boards, public tv, sandwich board signs, direct US mail, etc. to inform residents about current recycling efforts. We are currently seeking town leadership's approval to use social media to reach a greater number of residents.

Our outreach efforts will expand in advance of the new cart program to include presentations at public meetings, civic groups, schools, and senior center and other gatherings. We will require our collection contractor to provide more frequent and rigorous use of cart tags and "oops" stickers. Our contract with trash/recycling hauler currently includes an educational component, and we will require contractor to update and improve their messaging to more stringently address issues of contamination and improperly disposing of recyclables in trash receptacles.

Applicants seeking funding for Strategy 3 (Opt-out distribution of carts) must agree to cooperate with The Partnership to actively encourage participation in the recycling program with the goal of minimizing the number of households that opt-out of receiving a recycling cart. Agree Disagree

Applicants seeking funding for Strategy 5 (Opt-in distribution of carts) must agree to cooperate with The Partnership to actively encourage participation in the recycling program with the goal of maximizing the number of households that opt-in to receiving a recycling cart. Agree Disagree



SECTION 7: BUDGET

Describe how your current recycling program (if applicable) is funded:

Current recycling program funded by municipal property tax.

Describe how your recycling program will be funded once carts are distributed:

The recycling program will continue to be funded by municipal property tax.

Describe how carts and other equipment related to this project will be funded (bonds, additional grants or loans, etc.):

Falmouth Town Meeting voted to transfer funds from Certified Free Cash for the purchase of Recycling Carts which includes the cost of incidental and related expenses.

Please list and describe external funding sources for this project (state, foundations, private company contributions, etc.)

None, other than The Recycling Partnership grant.

Use the following chart to detail the project budget.

PROJECT BUDGET

Program Improvements	Describe funding sources (e.g. general fund, waste/recycling fee/etc.)	RFID Enabled Carts (one cart per hh)	Education and Outreach	Trucks or Other Capital investments	Total
Local Funding	Certified Free Cash	\$ 1,350,000	\$ 0	\$ 0	\$ 1,350,000
Other Funding	N/A				\$ 0
Partnership Grant Funding Requested		\$ 315,000	\$ 21,000	\$ 0	\$ 336,000
Totals		\$ 1,665,000	\$ 21,000	\$ 0	\$ 1,686,000

Budget Notes:



SECTION 8: TIMELINE

Please fill out the timeline below indicating projected implementation dates for the listed milestones. If a milestone is not applicable, please indicate this with "n/a." Applicants pursuing multi-phased projects (Strategy 2) should provide dates for first phase below and submit an attachment with application listing key dates for future phases.

Milestone <i>(dates do not need to be in sequence)</i>	Estimated Date	Notes
Grant Contract Signed with The Partnership	2/1/22	
Truck RFP (if applicable)		N/A
Cart RFP (if applicable)		N/A
Cart Vendor Selected	1/3/22	Toter selected
Begin Planning Outreach Campaign with The Partnership	2/1/22	
Public Facing Education Begins	4/4/22	
Community Address List Confirmed	4/4/22	
Contamination Minimization Plan Initiated	6/1/22	
First Cart Delivered	6/1/22	
Last Cart Delivered	8/1/22	
Cart-based Curbside Recycling Begins Service Begins	8/15/22	
Evaluate set-outs		
Measure Progress		

If you are submitting applications for a multi-phased project (Strategy 2), please check here to indicate whether you are submitting a supplemental timeline as attachment. yes no



SECTION 9: MEASUREMENT ACTIVITIES & PLANNING

Are you willing to provide monthly garbage and recycling tonnage data for at least 12 months before and after cart implementation? yes no

Describe how recycling tonnage is or will be measured.

Recycling tonnage is currently weighed at Town of Bourne ISWM Facility where recyclables are transferred for long-distance hauling to MRF. It is likely this will continue in future contract. If another MRF is selected, weighing will take place at new facility.

Are you willing to provide set-out data about your curbside recycling program before (if applicable) and after cart implementation? yes no

Describe how set-out rate is or will be measured.

We do not currently measure set-out data and will require direction on how to do this.

Will you be using RFID data collection technology to capture data after cart implementation? yes no
(Note: this is not required.)

Will you be able to provide contamination data before and after roll-out of carts? yes no
(This will need to be in partnership with MRF and is not always possible but recommended)

Will your community commit to submitting an annual report in the Municipal Measurement Program for at least five (5) years after cart implementation? yes no

Are you interested in working with The Partnership to conduct an optional before and after capture rate study to assess the impact of implementing recycling with carts? (Note: this is not required) yes no

SECTION 10: PROCESSING & HAULING CAPACITY

Is there a MRF nearby that has the capacity to process the recyclables that will be collected by your cart-based curbside recycling program? yes no

If a private hauler is used for collection, are they able to accommodate the collection of carts? yes no

Please add comments, if any, about hauling and processing capacity. Please describe any recent investments at the MRF that will serve your program.

There are several MRFs in Eastern Massachusetts that have the capacity to accept Falmouth's municipal curbside recyclables. The challenge that none are "nearby". The challenge we face (along with all towns on Cape Cod) is the long hauling distance to these MRFs. Falmouth's single stream recyclables are currently hauled by Republic Services to the adjacent town of Bourne, MA where it is off-loaded into a building at Bourne's Integrate Solid Waste Management Facility where it is aggregated with Town of Bourne recyclable materials and then hauled 70 miles to E.L. Harvey and Sons' MRF in Westborough, MA. E.L. Harvey contracts with hauler, MBI Trucking, which delivers the materials to the MRF.



SECTION 11: GROWING MATERIAL MIX

Please check each material you plan to add or already have.

	ALREADY ADDED	PLAN TO ADD	COMMENTS / DESCRIPTION
#1 and 2 Plastic bottles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Metal cans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Newspaper	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Magazines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Residential mixed paper (office paper, junk mail, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Corrugated cardboard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Paperboard boxes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Glass bottles and jars	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#1 Plastics other than bottles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#2 Plastics other than bottles`	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#5 Plastic cups, tubs, and containers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#3 - 7 plastic containers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	We follow RecycleSmartMA guidelines on what
Cartons (aseptic containers, gable-topped cartons)	<input type="checkbox"/>	<input type="checkbox"/>	
Empty aerosol cans	<input type="checkbox"/>	<input type="checkbox"/>	
Other metals	<input type="checkbox"/>	<input type="checkbox"/>	
Other plastics	<input type="checkbox"/>	<input type="checkbox"/>	
Other fiber	<input type="checkbox"/>	<input type="checkbox"/>	
Other materials	<input type="checkbox"/>	<input type="checkbox"/>	



SECTION 12: EXISTING PARTNERSHIPS

Please describe any existing partnerships that could contribute to the success of cart adoption. (250 words max)

Town staff currently work continuously with Falmouth Solid Waste Advisory Committee which in 2020 made an audit of curbside recycling practices. We partner closely with our local Massachusetts Dept. of Environmental Protection (DEP) "Municipal Assistance Coordinator", Kari Parcell, who provides information and assistance on collaborative recycling projects in our county. Kari creates partnerships with other entities which benefit Falmouth's waste diversion efforts as well. She is currently coordinating a holiday string-light recycling collection with AmeriCorps which collects the lights at locations including Falmouth's WMF. In the spring/summer Falmouth has participated with county, DEP and Sea Grant on a boat shrink-wrap collection and recycling program. Barnstable County Hazardous Materials Environmental Specialist, Kalliope Chute, also works with town DPW and Health Department staff to keep hazardous materials out of trash and recycling receptacles, coordinating regularly-scheduled county-organized household hazardous waste collection events.

SECTION 13. SUPPORTIVE BEST PRACTICES

Please describe any existing or planned supporting policies or practices that serve to advance recycling in the applicant community. (250 words max)

In 2021 Falmouth SWAC and Board of Health drafted mandatory recycling regulations which will enable the Town to enforce Massachusetts' Waste Ban. MA state waste ban includes Recyclable Paper, Cardboard, and Glass/Aluminum/Metal/Plastic Containers. Next step is for Falmouth Town Meeting to vote to approve the regulations in April 2022. Falmouth has enacted town-wide bans on the sale of single-use plastic water bottles (2021), liquor in small "nip" bottles (2021) and distribution of single-use plastic shopping bags (2018). We believe these acts are evidence of strong support by Town Meeting for waste-reducing initiatives related to recycling. In general, Falmouth is an environmentally conscious community that supports initiatives to promoting recycling. Because our economy is reliant on clean water for tourism and home to several large marine and oceanographic scientific institutions, Falmouth's leadership and residents are motivated to continue to develop and improve our curbside recycling program.

SUMMARY OF ACTIONS

2. Administrative Orders

- b. Vote to accept grant in the amount of \$15,000 from MassDEP
Electric Vehicle Incentive Program



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Kathleen A. Theoharides
Secretary

Karyn E. Polito
Lieutenant Governor

Marlin Suuberg
Commissioner

November 29, 2021

Town Of Falmouth
416 Gifford Street
Falmouth, MA 02540

Dear Edwin Rivera,

The Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce that Town Of Falmouth (Grantee) has been awarded a grant of \$15,000 to acquire two electric vehicle(s) (EVs) under the Massachusetts Electric Vehicle Incentive Program (MassEVIP) Fleets in the following amounts:

- An amount not to exceed \$7,500 each for the purchase of two Battery Electric Vehicle(s)

Contract documents are attached. You will need to sign and return any that require signatures within **30** business days of receipt. The Grantee is authorized to proceed with the acquisition of the vehicle(s) with the receipt of this approval letter. The contract documents include:

- *End User Agreement*, signature required.

Please email scanned copies of all documents requiring signature to MassEVIP.MassDEP@mass.gov and mail originals (wet signature, no copies) to the following address:

MassDEP
Attn: MassEVIP
One Winter Street, 6th Floor
Boston, MA 02108

MassDEP will execute the *End User Agreement* and return a scanned copy for your records.

You have 180 days from MassDEP's execution of the contract documents to acquire the EV(s).

If you are purchasing the EVs off state contract, MassDEP will provide the incentive directly to the vendors on state contract.

If you are leasing the EV(s), MassDEP will direct the incentive to the Grantee in one full payment. If the EV(s) are not purchased through a statewide contract, MassDEP will direct the incentive to the Grantee, in which case, the Grantee must be on contract with the Commonwealth for goods and services as part of MassDEP's Sustainable Materials Recovery program.

You have up to 90 days from the date the EVs are acquired to request payment by completing and submitting the *End-User Agreement Attachment A Payment Request Form* and required attachments. MassDEP will not authorize the payment until receiving a complete *Payment Request Form* and required attachments. Required attachments include:

- Final invoice or lease agreement for EV(s).
- Copy of Massachusetts registration for EV(s).
- Photographs of EV(s).

On behalf of Commissioner Suuberg, I want to congratulate Town Of Falmouth for taking this important step towards making Massachusetts a leader in deploying these clean vehicles and helping the Commonwealth achieve its ambitious climate goals.

If you have any questions or comments regarding MassEVIP or the awarded grant, please contact us at MassEVIP.MassDEP@mass.gov.

Sincerely,



Christine Kirby,
Assistant Commissioner
Bureau of Air and Waste

Attachments:

End-User Agreement

**COMMONWEALTH OF MASSACHUSETTS AGREEMENT BETWEEN
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND TOWN OF FALMOUTH**

This Agreement is entered into by the Commonwealth of Massachusetts, acting through the Massachusetts Department of Environmental Protection (MassDEP), and Town Of Falmouth (Grantee) for the purpose of increasing the use and visibility of electric vehicles (EVs) within the Commonwealth of Massachusetts. MassDEP is charged with the implementation of and oversight for the Massachusetts Electric Vehicle Incentive Program (MassEVIP) Fleets. Through MassEVIP Fleets \$15,000 shall be allocated to Grantee for the procurement and deployment of two EVs ("MassEVIP vehicle(s)"). The funding consists of:

- An amount not to exceed \$7,500 each for the purchase of two Battery Electric Vehicle(s)

By accepting the benefits of MassEVIP Fleets funding, Grantee expressly agrees, through the execution of this Agreement, to be bound by the following Terms and Conditions. Grantee agrees that, from time to time as deemed necessary by MassDEP, to effectuate the goals and purposes of MassEVIP Fleets, MassDEP and Grantee shall amend this Agreement.

IN WITNESS THEREOF, the parties hereby execute this Agreement.

CITY/TOWN OF FALMOUTH

By: _____
Print Name:
Print Title:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

By: _____
Bawa Wavezwa, Director of Fiscal Management
Massachusetts Department of Environmental Protection

Date: _____

Terms and Conditions

1. MassEVIP Fleets Electric Vehicle(s) Funding

A. Agreement Duration/Timeline

- i. Grantee has up to 180 calendar days after the effective date of this Agreement to register with the Massachusetts Registry of Motor Vehicles the MassEVIP vehicle(s).
- ii. Grantee shall request MassDEP's approval of any extension of the 180 day timeframe by notifying MassDEP in writing at least 7 days prior to the end of the 180 day timeframe if the MassEVIP vehicle(s) will not be registered within 180 calendar days following the effective date of this Agreement. Grantee shall include documentation in any such request to show the reason for the delay, the efforts made by Grantee to avoid the delay, and a timeline by which the MassEVIP vehicle(s) will be registered. Grantee's request for an extension will not be deemed granted unless approved in writing by MassDEP.
- iii. Grantee shall operate each MassEVIP vehicle for a minimum of 3 full consecutive years following the date of first registration.
- iv. If Grantee leases MassEVIP vehicle(s), the minimum term of the lease shall be 36 months.
- v. In the event that Grantee wishes to make any changes to the vehicles identified on page 1 of this Agreement, Grantee shall notify MassDEP in writing and receive written approval from MassDEP prior to execution of any amended purchase agreement with the vendors for the MassEVIP vehicle(s).

B. MassEVIP Vehicle Cost(s)

- i. MassEVIP Fleets grant combined with funding from other sources shall not exceed 100% of the cost paid for the MassEVIP vehicle(s).
- ii. Funding from MassEVIP Fleets cannot be combined with grants from the Massachusetts Green Communities Division for a single MassEVIP vehicle.
- iii. Funding from MassEVIP Fleets is for new MassEVIP vehicles(s), not ordered until after an approval letter is received from MassDEP.

C. MassEVIP Vehicle Registration and Insurance Coverage

- i. Grantee shall obtain and maintain a valid registration through the Massachusetts Registry of Motor Vehicles for a minimum of 3 full consecutive years for each MassEVIP vehicle and provide a copy of the current vehicle registration to MassDEP upon request.
- ii. Adequate insurance coverage as required by law for MassEVIP vehicle(s) shall be provided by Grantee through third party coverage or self-insurance. Grantee shall provide proof of such coverage to MassDEP upon request.

D. MassEVIP Vehicle Promotion

Grantee agrees to promote MassEVIP vehicle(s) to employees, visitors and the general public via various strategies, for example: wrapping the MassEVIP vehicle(s) with graphics; hosting ride and drive events; including MassEVIP vehicle(s) in community events; providing education on the proper operation of MassEVIP vehicle(s); circulating flyers, internal/external newsletters and webpages, emails; etc. Grantee shall provide proof of such promotion to MassDEP upon request.

E. MassEVIP Vehicle(s) Operation and Training

Upon acquisition of the MassEVIP vehicle(s), Grantee agrees to require all pertinent personnel to attend a training session on the operation and maintenance of the MassEVIP vehicle(s).

F. MassDEP Verification of MassEVIP Vehicle(s)

Grantee agrees to allow MassDEP access to the MassEVIP vehicle(s) during normal business hours so that MassDEP can verify the registration, maintenance, and use of the MassEVIP vehicle(s).

G. Data Provision and Record Requirements

For a minimum of 3 full consecutive years after the MassEVIP vehicle(s) are first registered, Grantee shall collect data on the operation, maintenance and usage, e.g., hours of use, electric miles driven, gas miles driven (if applicable), kilowatt hours charged, downtime, and maintenance costs, if available. Upon request by MassDEP and within a reasonable time, Grantee shall prepare and submit such data or records to MassDEP, in a format specified by MassDEP.

H. MassEVIP Vehicle Maintenance Requirements

Grantee shall maintain the MassEVIP vehicle(s) in accordance with the manufacturer's recommended procedures and specifications for a minimum period of 3 full consecutive years following the first registration of the MassEVIP vehicle(s). Grantee agrees that it is responsible for any maintenance and repair work that is not covered under the scope of the manufacturer's warranty. Grantee shall keep records of its maintenance efforts and will make those records available to MassDEP upon request.

2. Payment Requests

Grantee shall complete and submit Attachment A *Payment Request Form* no later than 90 days after the date the MassEVIP vehicle(s) are registered in order to request the release of funding for the MassEVIP vehicle(s). The grant payment will be based on the final invoice or lease agreement for the MassEVIP vehicle(s) submitted by Grantee. The grant payment may be less than the total grant amount listed on page 1 of this Agreement, and will not exceed the per vehicle grant amount listed on page 1 of this Agreement. MassDEP reserves the right to refuse payment if Grantee fails to submit timely documentation. Grantee may submit multiple payment requests if receiving a grant for multiple MassEVIP vehicles and the MassEVIP vehicles are registered at different times. Once MassDEP has received all required documentation from Grantee for a payment request, MassDEP will release the grant funds to Grantee. It can take up to 45 days for the funds to be released. Information required by Attachment A includes, without limitation:

- A. the amount of funds that are the subject of the payment request for the MassEVIP vehicle(s);
- B. Massachusetts vehicle registration(s) for each MassEVIP vehicle;
- C. detailed final cost invoices or final lease agreements for the MassEVIP vehicle(s) that are the subject of the Payment Request;
- D. pictures of MassEVIP vehicle(s); and
- E. the party to whom the funds shall be directed.

Grantee agrees to provide MassDEP with any additional information requested by MassDEP as may be necessary.

If Grantee is subject to state public contracting laws, Grantee shall include with any payment request the following certification, "I hereby certify under the pains and penalties of perjury that Grantee has complied with all laws, regulations and other requirements applicable to the procurement and acquisition of the MassEVIP vehicle(s) that are the subject of this Payment Request."

3. Noncompliance

Grantee agrees that it is required to keep the MassEVIP vehicle(s) in service for a minimum of 3 full consecutive years after the MassEVIP vehicle(s) are first registered. In the event Grantee fails to comply with this requirement, the Commonwealth of Massachusetts and MassDEP shall, without limitation, have the right to require Grantee to return all or a portion of the MassEVIP Funds, such portion to be calculated *pro rata* based on the remaining portion of the required 3 full consecutive year in-service period.

MassDEP reserves the right to recover any funding provided to Grantee and/or pursue any other legal actions deemed appropriate if MassDEP determines that Grantee did not provide complete and accurate information or fails to meet the requirements or intent of the program.

The provisions of this paragraph shall in no way be construed to limit or prohibit the Commonwealth of Massachusetts or MassDEP from pursuing any other legal or equitable right, remedy, action or claim available under applicable federal or state laws and regulations for the failure of Grantee to meet any of its obligations including, without limitation, requiring Grantee to return MassEVIP funds grants hereunder.

4. Notices, Submissions and Requests

Except as otherwise provided in this Agreement, all notices, submissions and requests by Grantee shall be sent to MassEVIP.MassDEP@mass.gov.

5. Effective Date

The "Effective Date" of this Agreement is the date MassDEP signs this Agreement. The sequence of signing will be Grantee followed by MassDEP.

6. Transfer

Grantee agrees that it may not transfer the MassEVIP vehicle(s) or EV charging station(s) (if applicable), except as follows. In the event of an unforeseen circumstance that requires Grantee to transfer ownership of one or more MassEVIP vehicle(s) or EV charging station(s), Grantee may request written pre-approval from MassDEP to transfer such ownership. The decision to approve such a request shall be in MassDEP's sole and exclusive discretion, and Grantee shall provide MassDEP with all requested information and comply with all conditions imposed by MassDEP in connection with such approval. The Commonwealth of Massachusetts and MassDEP reserve all of their rights, remedies, actions and claims available under state and federal laws and regulations in the event of any inaccurate, misleading or fraudulent information provided by Grantee in connection with a request hereunder.

Attachment A

Payment Request Form



MassEVIP Fleets Payment Request Form

In order to request payment for the MassEVIP Fleets Program, this form must be completed, signed and submitted, along with all attachments, to the email address indicated on the last page.

Acronyms used in this document are as follows:

- EV = Electric Vehicle
- BEV = Battery Electric Vehicle
- PHEV = Plug-In Hybrid Electric Vehicle
- ZEM = Zero Emission Motorcycle

<u>EV(s) OWNER/LESSEE Information (Grantee):</u>			
<u>Entity:</u>		<u>Contact Person:</u>	
<u>Address:</u>		<u>Email:</u>	
<u>City, State, Zip:</u>		<u>Phone Number:</u>	

<u>EV(s) Dealer Information:</u>			
<u>Dealer Name:</u>		<u>Contact Person:</u>	
<u>Address:</u>		<u>Email:</u>	
<u>City, State, Zip:</u>		<u>Phone Number:</u>	

If EVs are acquired through more than one dealer, copy and paste above table to provide the additional dealer information.

EV Information

In the table below, indicate information for each EV acquired through the MassEVIP Fleets program.

EV Information Table

Electric Vehicle #	BEV, PHEV or ZEM	Purchase or Lease	EV Make/Model	Model Year	Vehicle Identification Number (VIN)	Registration Date	Total Purchase Price OR 3 Year Lease (\$)	Grant Amount (\$)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

EV Grant Payment Totals

<u>Number of BEV (s) Purchase</u>	<u>Number of BEV(s) Lease</u>	<u>Number of PHEV(s) Purchase</u>	<u>Number of PHEV(s) Lease</u>	<u>Number of ZEM(s) Purchase</u>	<u>TOTAL MASSEVIP VEHICLE GRANT PAYMENT AMOUNT</u>
					\$

Attachments

The below listed documentation must be submitted to MassDEP for the MassEVIP Fleets grant payment.

ELECTRIC VEHICLE(S)

- Final invoice(s) or lease agreement(s) for Electric Vehicle(s).
- Massachusetts vehicle registration for each MassEVIP EV.
- Photographs of Electric Vehicle(s).

Grantee agrees to provide MassDEP with any additional information requested by MassDEP as may be necessary to support a funding request.

I hereby certify under the pains and penalties of perjury that: 1) I have personally examined and am familiar with the information submitted herein, including all attachments, and to the best of my knowledge, the information submitted to MassDEP in this Payment Request, is true, accurate, and complete; 2) Grantee has complied with all laws, regulations and other requirements applicable to the procurement and acquisition of the EV(s) that are the subject of this Payment Request; and 3) I have authority to submit this Payment Request on behalf of Grantee. I am also aware that, in the event it is determined that any grant funding was awarded based on false, inaccurate or incomplete information, Grantee will be required to return the grant money.

Grantee Signature

Date

Grantee Printed Name

Grantee Title

**Please return the completed form and attachments to:
MassEVIP.MassDEP@Mass.gov**

SUMMARY OF ACTIONS

2. Administrative Orders

- c. Vote to accept donation in the amount of \$500.00 from Roger and Kathy Marino to the Falmouth Fire Rescue Department donation account

November 22, 2021

Falmouth Rescue Squad,

Wishing you good luck
in all your efforts. Keep
up the good work!

Thank you,

Roger and Kathy Marino
32 Cape Coder Rd, Falmouth

ROGER & KATHY MARINO FOUNDATION
8477 BAY COLONY DR. PH 2000
NAPLES, FL 34108-0746

298
62-15/311
150

11/22/2021
Date

Pay to the Order of Town of Falmouth Rescue Squad \$ 500⁰⁰
Five hundred and 00 Dollars



The Bank of New York Mellon
1 Wall Street
New York, NY 10286

Schwab One®

For _____

R Marino AP

██████████ ██████████

20298

Harford Clats

SUMMARY OF ACTIONS

2. Administrative Orders

- d. Vote to allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of ocean outfall alternatives

Diane Davidson

From: Amy Lowell
Sent: Wednesday, December 8, 2021 8:34 AM
To: Julian Suso; Peter Johnson-Staub; Diane Davidson
Cc: Peter McConarty; Eric Turkington; Jennifer Mullen
Subject: 12/20/21 Select Board meeting agenda item - AFCEE mitigation funds for outfall modeling

Good morning

As a follow up to this past Monday's Select Board meeting, I am requesting that the following item be placed on the Select Board's agenda for the 12/20/21 meeting: "Vote to allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of ocean outfall alternatives."

Motion: That the Select Board allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of ocean outfall alternatives.

Because outfall length is one of the biggest factors in outfall cost, this modeling will focus on how far from shore an outfall would need to extend into Buzzards Bay or Vineyard Sound in order to achieve discharge objectives.

At this time, there is : \$758,000 in AFCEE funds remaining un-obligated. If this allocation is voted, \$660,000 will be remaining un-obligated.

Eric Turkington has said that he can attend the meeting that night in case there are questions; unfortunately, I will not be able to attend the meeting.

Amy

Amy Lowell
Wastewater Superintendent
416 Gifford Street
Falmouth, MA 02540
(508) 457-2543 x 3018
amy.lowell@falmouthma.gov

SUMMARY OF ACTIONS

2. Administrative Orders

- e. Approve Grant of License to Buca Corp d/b/a Bucatino Restaurant and Wine Bar to maintain encroachments at 7 Nathan Ellis Highway, North Falmouth

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Select Board, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to ROBERT C. JARVIS and JENNIFER L. JARVIS, TRUSTEES of BUCA NOMINEE TRUST u/d/t dated April 28, 2016 and recorded with the Barnstable County Registry of Deeds in Book 29611. Page 325 with a mailing address of 64 Clubhouse Drive, Pocasset, MA 02556, the following license:

A. to maintain as an encroachment within the public way a canopy over deck, a ramp, a concrete walkway, a concrete slate walk, three (3) handicap parking spaces and a clam shell parking area on the southside of Nathan S. Ellis Highway, Route 151, formerly known as Coonamessett Highway, and being Parcel One in the hereinafter referenced deed and as shown on the sketch plan attached hereto; and

B. to maintain as an encroachment within the public way sixteen (16) angled parking spaces on the northside of Nathan S. Ellis Highway, Route 151, formerly known as Coonamessett Highway, and being Parcel Two in the hereinafter referenced deed and as shown on the sketch plan attached hereto.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Select Board at any time when it deems it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. All uses authorized by this License must comply with rules and regulations of the Massachusetts Architectural Access Board and Federal Americans With Disabilities Act. The handicap parking space on the northside of the highway shall be relocated to the southside of the highway.
- c. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove all encroaching retaining wall from the Town's road layout and restore any disturbed area to its original condition;
- d. If the grantee, its successors and assigns, fails to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall

Property: #7 and #22 Nathan S. Ellis Highway, Falmouth, MA
Title: Book 29611, Page 330

be paid by the grantee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;

- e. Until such revocation, this License shall continue permissively;
- f. The grantee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.
- g. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- h. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.

For title see Deed recorded with the Barnstable Registry of Deeds, Book 29611, Page 330.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this _____ day of December, 2021.

Town of Falmouth
By its Select Board

Douglas C. Brown, Chairman

Nancy R. Taylor, Vice Chairman

Samuel H. Patterson

Megan English Braga

Onjalé B. Scott-Price

Commonwealth of Massachusetts
County of Barnstable

On _____, before me, the undersigned notary public
personally appeared

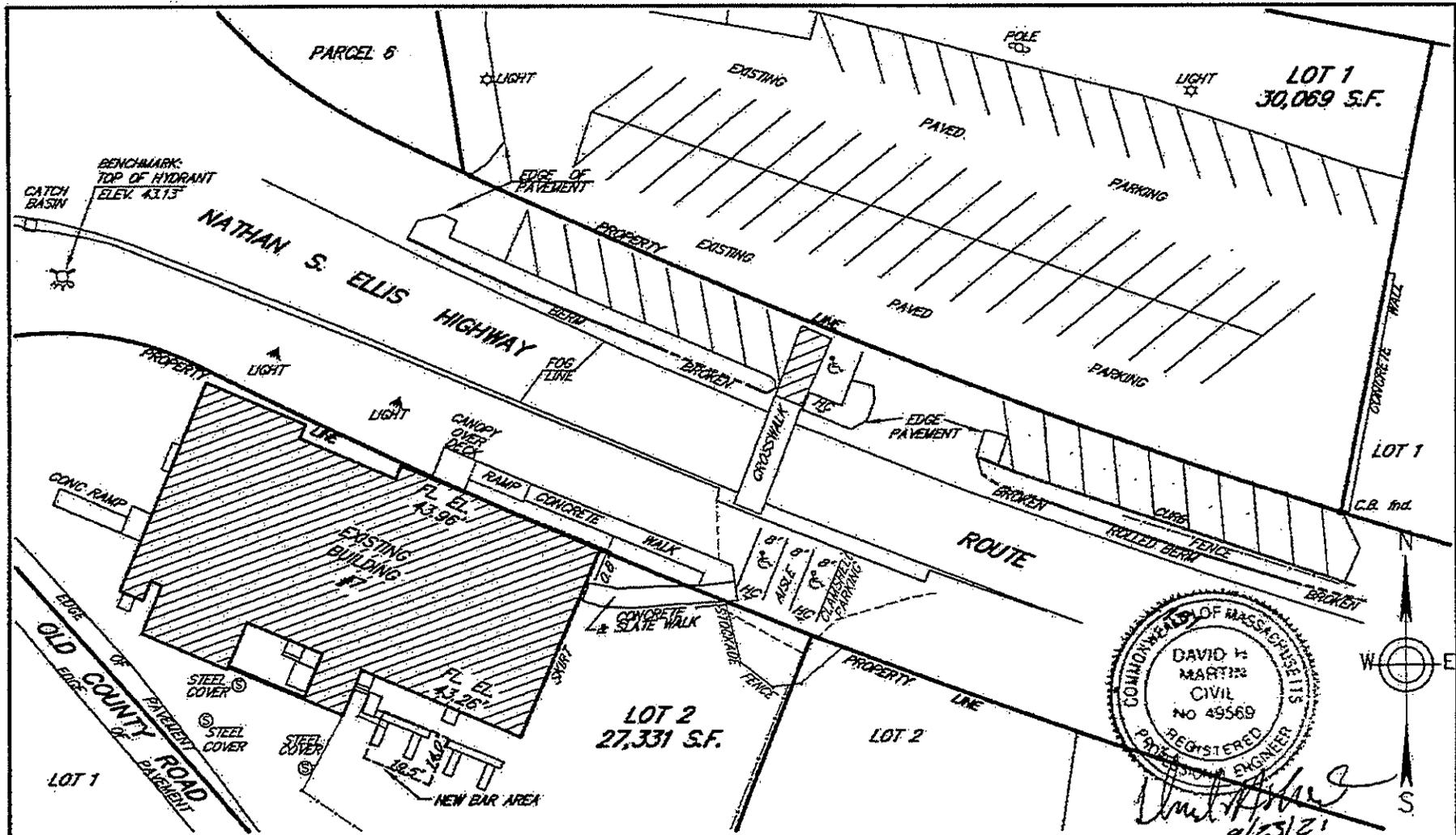
_____ name(s) of signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence of identification which was

_____ to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me this instrument is (his)(her) free act and deed.

WITNESS my hand and official seal.

Signature of Notary Public



GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 05 10 005A 002 & 05 09 007 001
2. FLOOD ZONE: X (FEMA MAP 25001 00513X)
3. ZONING DISTRICTS: B2 (LOT 2) & R2 (LOT 1)
4. OVERLAY DISTRICTS: MHSP PRIORITY & ESTIMATED HABITATS & FORAGING AREA 2
5. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.

OWNER:

ROBERT C. JARVIS & JENNIFER L. JARVIS
 15 LONGSHANK CIRCLE, EAST FALMOUTH, MA 02536
 DEED REFERENCE: BOOK 29611 PAGE 30



SCALE: 1 INCH = 40 FEET

STRUCTURES TO BE LICENSED:

- LIGHTS (2); ENTRY DECK WITH CANOPY, WOOD HC RAMP, CONC. HC RAMP, WALKWAY, HC PARKING (LOT 2)
- PAVED PARKING AS SHOWN, CURBING AND BERMS, WOOD FENCE ISLANDS (LOT 1)

PLAN SHOWING STRUCTURES TO BE LICENSED

prepared for:
#7 & #22 NATHAN S. ELLIS HIGHWAY, FALMOUTH, MA

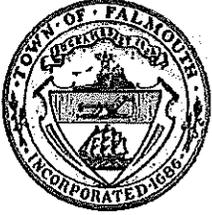
D. H. MARTIN ENGINEERING, INC.
 Environmental - Civil - Geotechnical

SCALE: 1"=40'	14 QUISSETT AVENUE, BOX 741 WOODS HOLE, MA 02543 tel. 774-856-0593 d.hmartine@gmail.com	DATE: SEPTEMBER 23, 2021
DES./DRAWN:		DWG. NAME: 1711DSTE EXL.DWG
APPROVED: D.H.M.		SHEET 1 of 1

SUMMARY OF ACTIONS

2. Administrative Orders

- f. Vote to affirm appointment of Frank Duffy, Town Counsel



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

THE COMMONWEALTH OF MASSACHUSETTS
The Town of Falmouth

Frank K. Duffy, Jr.
157 Locust Street
Falmouth, MA 02540

By virtue of the authority vested in me by the laws of the Commonwealth and the Falmouth Home Rule Charter, I hereby appoint you

TOWN COUNSEL

FROM JANUARY 1, 2022 UNTIL A SUCCESSOR TAKES OFFICE

Given at FALMOUTH this 10th day of DECEMBER, 2021

Please present this appointment to the Town Clerk to be sworn into the office to which you have been appointed in order to validate the appointment.



Julian M. Suso
Town Manager

RECORDED _____ 2021

ATTEST _____ TOWN CLERK

SUMMARY OF ACTIONS

2. Administrative Orders

- g. Vote to approve request to raise an Osprey nesting structure on a parcel of Town land

To: The Falmouth Select Board

From: Kevin Friel and Barbara Schneider, co-sponsors of The Osprey Project

12/15/21

We are writing to you on behalf of The Osprey Project to make two requests that exist under your purview. First, we ask for your permission to raise an Osprey nesting structure on a parcel of Town land. This parcel is on the "old route 28" in Waquoit, along the Child's River. A current nest is on top of a telephone pole just to the south of Rt. 28 and will be removed early this spring. The proposed new location is roughly 75 feet from the problem nest along the edge of the Child's River, overlooking the old Edward's Boatyard, currently Bosun's. This platform will be a part of our town-wide effort to relocate Osprey from utility poles to safe alternative structures. The location we have chosen for this nesting structure will also be cleared of a few Black Locust trees, further enhancing the local ecosystem. Attached is a map showing the current location of the problematic Osprey nest and the location we have proposed to erect a safe alternative. The Osprey Project will erect this structure at no cost to the Town thanks to private donations and will maintain the pole to ensure the birds' safety.

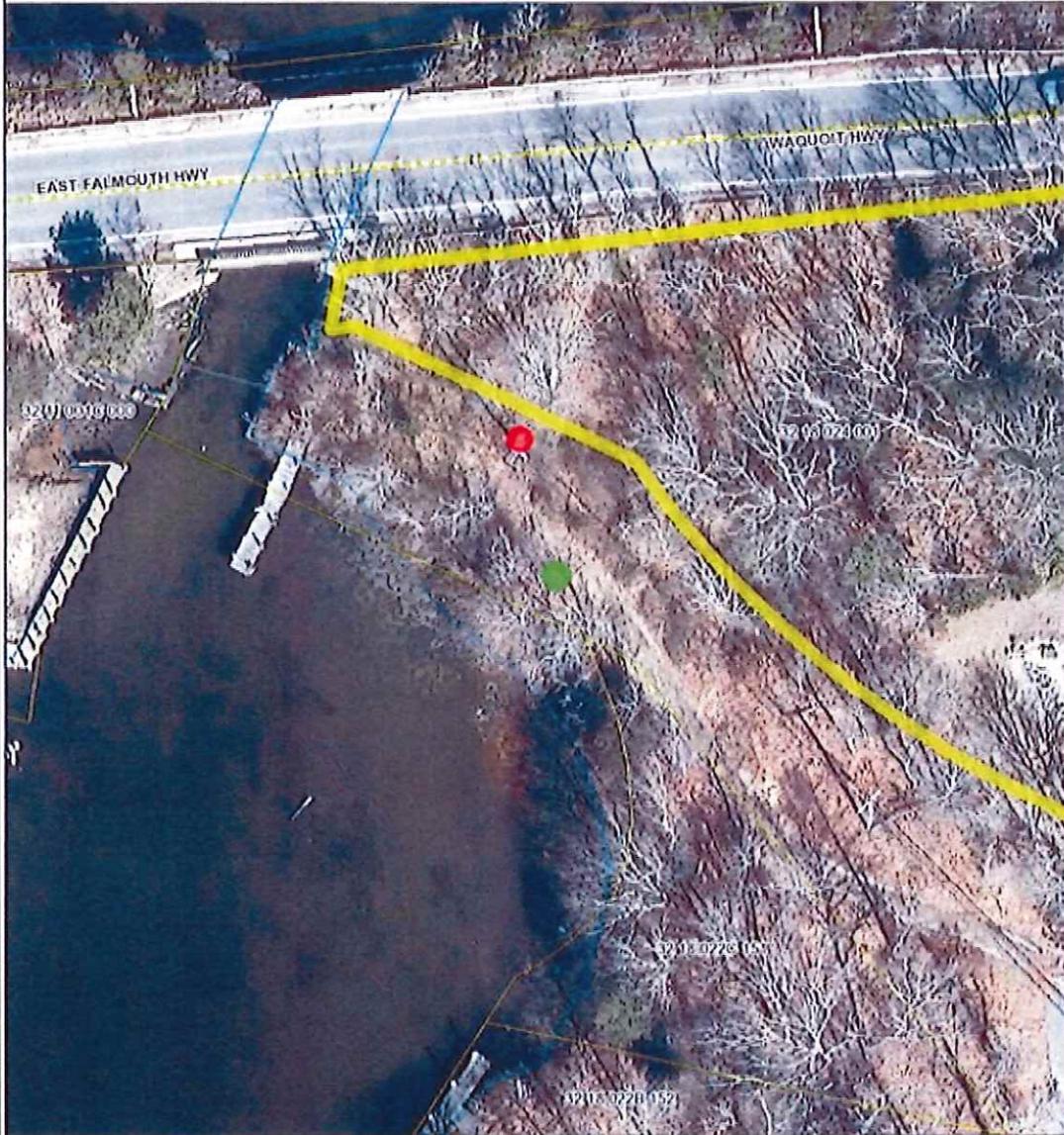
Second, we need to submit 11 RDAs for permitting, the normal fee for which is \$116 each. Those permits will allow us to place safer alternative osprey nesting sites close to current problematic ones. We ask that the Select Board waives these fees as we are doing this in an attempt to stop power outages and fires as well as electrocution of a number of these birds all over the Town of Falmouth.

Thank you for consideration of our two requests and for your support in our efforts to make all of our lives safer. Each nest we raise will potentially prevent a fire and/or power outage, while possibly even saving a few of these magnificent summer residents we all have grown to love.

Sincerely,

Kevin Friel and Barb Schneider

The Osprey Project



1" = 35 ft

- Parcel
- Road Ownership
 - all other values
 - COUNTY, TOWN
 - PRIVATE
 - STATE
- Water Features
 - () POND
 - () STREAM

RED CIRCLE = utility pole nest

GREEN CIRCLE = proposed new nest pole site

Disclaimer
 The Town of Falmouth makes no claims, no representations and no warranties, expressed or implied, concerning the utility locations or depths, the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any units of such data. Parcel lines are graphic representations only.
 Planimetric features derived from 300 Aerials.
 Furnished by Falmouth GIS.

SUMMARY OF ACTIONS

3. Special Events

Recurring – Recommended by Working Group:

- a. Diving into Recovery – Freezin’ for a Reason Polar Plunge – Gosnold, Inc. – Falmouth Heights Beach – Saturday, 2/12/22, 10:00 a.m. to 1:30 p.m. Rain date: Saturday, 2/26/22.

Town Manager's Working Group Review Form

Meeting/Review Date: December, 2021
 Event Name: Diving into Recovery - Freezin' for a Reason
 Applicant: Gosnold, Inc., Danae Young.
 Location: Falmouth Heights Beach
 Date of Event: Saturday, February 12, 2022 Time: 10:00 a.m. - 1:30 p.m.
 Rain Date: Saturday, February 26, 2022
 Set-up Date: 2/12/22 Time: 10:00 a.m. Breakdown Date: 2/12/22 Time: 1:30 p.m.
 Number of Attendees: 45
 Recurrence/# Years at Site: Annual event.
 One-Day Liquor License? Y/N No Food/Beverages? Y/N No
 Signs: Y/N No How Many: _____ Where: _____
 Tents: Y/N No How Many: _____ Size: _____ Where: _____
 Parking Plan: 30 vehicles at Falmouth Heights Beach lot.

Reviewers/Sign In :	Name	Comments	Written Referral	
Department of Public Works:	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Parks Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Highway Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Engineering	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Police Department	Sean Doyle.	No objections.	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Fire Department	Boyd DeMello.	Medical detail of one EMT or paramedic for the event.	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Emergency Communications	Chris Campbell.	No objections.	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Recreation Director	Joe Olenick.	All set with this activity.	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Building Commissioner	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Health Department	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Beach Department	Maggie Clayton.	All set with this application.	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Marine & Environmental Svcs.	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Zoning Enforcement Officer	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Bicycle & Pedestrian Committee	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>
Other	_____	_____	Y <input type="checkbox"/>	N <input type="checkbox"/>

Does this Event Meet the Minimum Requirements of the Special Events Policy? – Yes/No If No, what are the shortfalls of the application that must be addressed?

Yes. _____

Special Events Approved or Requested on this Date or Weekend:

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

Known Private Events on this Date or Weekend:

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

Additional Requests:

Organizer will rent a portable restroom for the event.

Special Consideration – Events Proposed on Main Streets of Villages

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

Conditions, comments, recommendations:

Add condition on license as follows: Request a medical detail of one EMT or Paramedic for the event. Applicant to contact the Emergency Medical Supervisor to schedule the detail. EMS Office: 508-495-2551.

Correspondence Received:

None.

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

Julian M. Suso, Town Manager

Fees:

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

If approved, terms:

Initial/Town Manager



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Dive into Recovery – Freezin’ for a Reason

NAME Gosnold, Inc., Danae Young

MAILING ADDRESS 200 Ter Heun Drive, Falmouth, MA 02540

EVENT DAY & DATE Saturday, February 12, 2022

RAIN DATE Saturday, February 26, 2022

EVENT LOCATION Falmouth Heights Beach

EVENT TYPE Polar Plunge

EVENT HOURS 10:00 a.m. – 1:30 p.m. **SETUP/BREAKDOWN** 10:00 a.m. / 1:30 p.m.

NUMBER OF ATTENDEES 45 **NUMBER OF VEHICLES:** 30

ADDITIONAL DETAILS Use of beach parking lot. Organizer will rent a portable restroom for the event.

CONDITIONS:

1. *Per the Falmouth Fire Rescue Department: Event organizer is to contact the Emergency Medical Supervisor to schedule a medical detail of one EMT or Paramedic for the event at the EMS Office: 508-495-2551.*
2. *Organizers to check area following event to ensure it is left clean.*

PERMIT FEE \$ 25.00 **FILING FEE** \$10.00

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

SELECT BOARD:



PAID
ID. 00ct-110.839

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

Application for Special Events



CONTACT INFORMATION

Applicant's Name: Gosnold, Inc. (contact: Danae Young)

Mailing Address: 200 Ter Heun Drive

Phone: 508-540-6550 Cell Phone: 978-877-9938

E-Mail: dyoung@gosnold.org / ataylor@gosnold.org

EVENT DETAILS

Name of Event: Diving into Recovery - Freezin' for a Reason

Type of Event: Polar Plunge fundraising event

Event Day & Date: Saturday, February 19, 2022 (12 February 2022)

Rain Date: Saturday, February 26, 2022

Event Hours: From: 10:00 a.m. To: 1:30 p.m.

Setup Date: 2/12/2022 Time: 10 a.m. Breakdown Date: 2/19/2022 Time: 1:30 p.m.

Location Requested:

1st Choice: Falmouth Heights Beach

2nd Choice: Old Silver Beach

Number of Attendees: 45 Number of Vehicles: 30

Parking Plan: Use of beach parking lot.

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

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

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

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

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

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

Will event include entertainment? No What type? _____

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

Organizer will rent a portable restroom for the event (likely delivery 2/18/2022 with pickup 2/21/2022).

Applicant's Signature: Danae Young Date: 11/16/21

- References: 1. _____
2. _____
3. _____

SELECT BOARD

PUBLIC HEARINGS

1. 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 and November 8, 2021 (15 minutes)



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



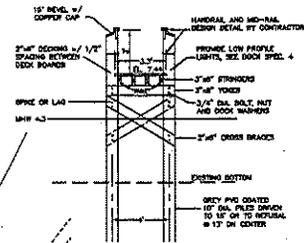
Virus-free. www.avg.com

NOTES:

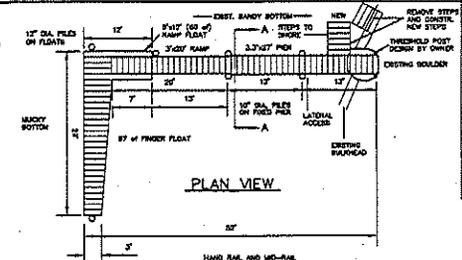
1. LOCUS IDENTIFICATION: HOUSE No. 147 BAY ROAD EXT. ASSESSORS No. 03 03 011 0028
2. LOT 2B PLAN BOOK 126 PAGE 155
3. LOCUS IS WITHIN: ZONING DISTRICT: R1 FLOOD ZONE: AE EL. 15 AND ZONE X BUILDING CODE WIND EXPOSURE CATEGORY: D WHO-BORNE DETERS REGION
4. LOCUS IS LOC WITHIN: ZONE # OF A PUBLIC WATER SUPPLY WATER RESOURCE PROTECTION DISTRICT COASTAL FOND OVERLAY DISTRICT ENHANCED SPECIES HABITAT NEARLY CORRIDOR OVERLAY DISTRICT BLACK BEACH / SUPPONSET MARSH DOPC NEARBY BAY AREA
5. LOT COVERAGE BY STRUCTURES: EXISTING: 1.44' OF 3.55'
6. CONTOURS ARE FROM ON-THE-GROUND SURVEY BASED ON NAVD, BENCH MARK TOP OF CONCRETE FOUND ELEVATION BASE. SOUNDINGS ARE BASED ON MLLW DATUM EL. 0.0
7. SEPTIC SYSTEM WAS DRAWN AS OUR INTERPRETATION OF RECORD AS-BUILT SKETCH FROM HEALTH DEPARTMENT. EXISTING BUILDING OFFICES ARE MEASURED TO CORNER BOARDS, NOT FOUNDATION.

DOCK SPECIFICATIONS

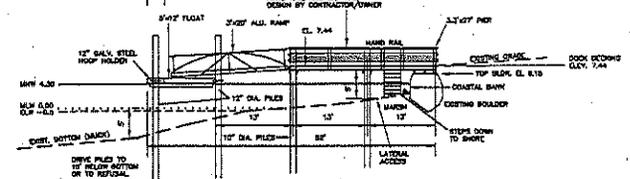
1. ALL LARGE FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL OR STAINLESS STEEL
2. PROPOSED TIMBER PILING SHALL NOT BE TREATED WITH ANY TOXIC PRESERVATIVES (USE PVC COATED)
3. CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE WATERS OF RAND'S CANAL EACH DAY.
4. THE MARSHIN HORIZONTAL FOOT-CANDLE LEVEL SHALL NOT EXCEED 0.2 FOOT-CANDLES (FC).
5. THE PROPOSED FLAT SHALL BE EQUIPPED WITH A BURSTER OR-CRACK STOP ON THE UPLAND.
6. THE DECKING SURFACE OVER THE EXISTING SALT MARSH SHALL HAVE A MINIMUM OF 12" SPACING. ALL VISIBLE FASTENERS (NAILS, ETC.) USED ON DECKING AND RAILS SHALL BE STAINLESS STEEL.



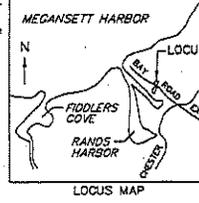
PIER SECTION AA
SCALE: 1"=3'



PLAN VIEW



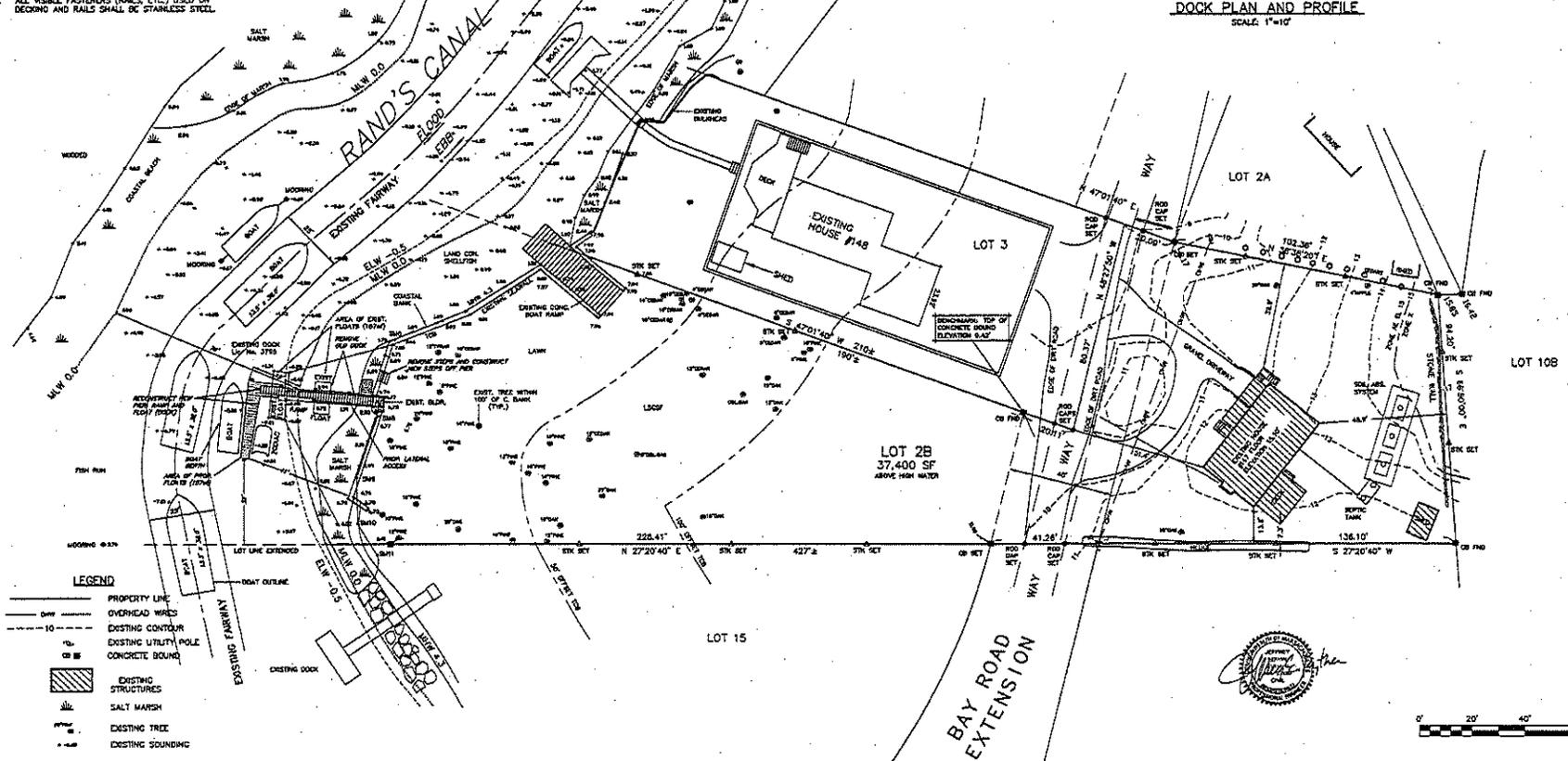
DOCK PLAN AND PROFILE
SCALE: 1"=10'



LOCUS MAP

BSS DESIGN
ENGINEERING & SURVEYING
www.bssdesign.com
BSS Design, Incorporated
246 Southway Lane Suite 24
Falmouth Massachusetts 01905
508-546-6800 FAX 508-546-0333

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	CHANDLER
Job Number	15184
Revised	MAR. 8, 2021
1. REVISION ACCESS DRIVE	
2. REDUCED FLAT AREA FROM 160 SF TO 147 SF.	
3. REDUCED HEIGHT OF NEW DOCK FROM 4' TO 3.2'.	
DATE	JULY 16, 2021
1. REVISION STEPS AND CONSTRUCT NEW STEPS.	
2. REVISION DRAIN.	
DATE	JULY 22, 2021
1. CORRECTED SITE PLAN.	
DATE	NOV. 1, 2021
1. ADDED SHOWER BATHS & EXISTING BOAT FERRYWAY.	

Sheet
Site Plan and Details
Drawing Number
824-99

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,

JER for Applicant

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

cc: BSS Design, Inc.



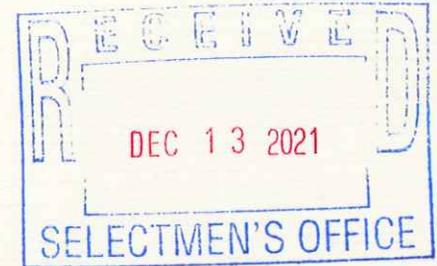
TROY WALL ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW
A PROFESSIONAL ASSOCIATION OF INDIVIDUAL PRACTITIONERS*

90 ROUTE 6A, SANDWICH, MASSACHUSETTS 02563
TELEPHONE: (508) 888-5700

ROBERT S. TROY
rst@troywallassociates.com

BRIAN J. WALL
bjw@troywallassociates.com



December 10, 2021

BY EMAIL AND U.S. MAIL

Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: **Teague I. Campbell**
147 Bay Road Extension
Application for Special Permit

Dear Members of the Select Board:

Please be advised that I represent Teague I. Campbell ("Campbell"), owner of property at 147 Bay Road Extension. This serves to supplement Campbell's pending application for Special Permit, under §240-77 – §240-79, seeking approval to reconstruct and improve an existing dock in the waters of Rand's Canal, a man-made canal adjacent to Campbell's property.

When reviewing an application for Special Permit under § 240-77 through § 240-79, the Select Board evaluates whether the proposal will have an adverse impact upon the aquatic resources of the canal "for the benefit and welfare of the present or future inhabitants of the Town." Traditionally, the Select Board implements this review by considering the effect of the proposed project upon navigation.

Two owners of properties at the end of the canal, east of Campbell's property, have raised concerns with the impact the proposed dock may have on navigation. Specifically, the neighbors have asserted that the combination of the proposed dock and a boat tied to the dock may impede navigation past Campbell's property. In response to these concerns, we had the proposed dock evaluated by Mr. Ian O'Connell. Mr. O'Connell prepared the attached letter summarizing his review of the proposed dock and setting forth his professional opinion that the proposed dock will not adversely impact navigation or the ability of Campbell's neighbors to navigate easily and safely past Campbell's proposed dock, including when there is a boat tied to the dock.

December 10, 2021

Page 2

Based on his observations, his credentials, and his substantial professional boating experience, Mr. O'Connell determined that *"the proposed dock with a boat tied to it will not adversely affect navigation, or cause any navigational hazards, or cause any burden or interference with navigation and that the owners of boats at the terminal end of Rand's Canal will be able to safely and easily transit past the proposed dock with a boat berthed on it."*

Mr. O'Connell is qualified to provide this expert opinion based upon his education, his Coast Guard license, and his substantial marine experience. Mr. O'Connell has a Bachelor of Science from the Massachusetts Maritime Academy in Marine Transportation and he holds a U.S. Coast Guard 1600 Ton Master Third Mate Unlimited Tonnage All Oceans License. During high school and college, Mr. O'Connell was a mate on a charter fishing boat for six seasons which operated in Cape Cod waters. Upon graduation from the Massachusetts Maritime Academy in 2000, Mr. O'Connell took a position as captain of the "Whale Watcher." The Whale Watcher operates in the summer from Barnstable Harbor as a whale-watching excursion boat and in the winter as a high-speed ferry in Florida. The ship is 130 feet long and 28 feet wide and has a capacity of 400 passengers. In 2002, Mr. O'Connell took a position with Oyster Harbors Marine, Inc., a yacht yard located in Osterville, Massachusetts. At Oyster Harbors, Mr. O'Connell maintained and repaired ship systems and served as a delivery captain and tow boat operator. From 2007 to 2013, Mr. O'Connell was a yacht captain and was responsible for the operation and piloting of the yacht "Resilience," a 112-foot Westport Motor Yacht. The "Resilience" cruised New England waters during the summer and the waters of the Caribbean and the Bahamas in the winter. From 2014 until 2016, Mr. O'Connell was captain of the yacht "Double Down," a 108-foot Broward Motor Yacht. The "Double Down" also cruised New England in the summer and the Caribbean and the Bahamas in the winter. In March of 2016, Mr. O'Connell left his captain position and took a position at Millway Marina in Barnstable as Service Manager. Mr. O'Connell's responsibilities include managing all aspects of the marina, including, but not limited to, management of boat slips, launching boats in the spring, servicing boats in all respects (maintenance and repair of engines, electronics, and ship systems), pulling boats in the fall, winterizing boats, and shrink-wrapping boats for winter storage. Mr. O'Connell is also again serving as a captain of the "Whale Watcher" on an as-needed basis, which involves acting as captain on one or more whale watching trips per week during the summer season. Mr. O'Connell is familiar with all aspects of boat operation and navigation and is familiar with the boating skills of recreational boaters, including the skills necessary to transit a canal such as Rand's Canal.

December 10, 2021
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CONCLUSION

For the reasons set forth herein, the opinion of Ian O'Connell, and the testimony of Jeff Ryther, P.E., we respectfully request that the Select Board grant Campbell's application for a Special Permit.

Thank you for your consideration.

Respectfully submitted,



Brian J. Wall

Enclosure

Cc: Teague I. Campbell
Jeffrey Ryther, P.E.
Ian O'Connell

**IAN O'CONNELL
8 BOW LANE
BARNSTABLE, MA 02630**

December 10, 2021

BY EMAIL AND U.S. MAIL

Select Board
59 Town Hall Square
Falmouth, MA 02540

**Re: Teague I. Campbell
147 Bay Road Extension**

Dear Members of the Select Board:

I have been retained by Teague I. Campbell to review his proposed dock and determine whether it will result in any adverse impacts to navigation or cause any navigational hazards.

In making this determination, I reviewed the proposed Site Plan prepared by BSS Design dated January 7, 2021 and revised November 1, 2021, and I conducted a site visit on December 4, 2021. The site visit was timed to coincide with the low tide which was at or about 1:24 p.m. that day. The lunar phase was New Moon; thus, the tide was extremely low. Mr. Campbell's boat was tied up at the dock. The boat is a 31' Duffy with a beam of 11'.

Mr. Campbell's property is near the eastern end of the canal. At this location, there is little current and the area is protected from the wind. Mr. Campbell informed me that boat traffic in the canal is limited and is comprised almost entirely of property owners along the canal. This is due in part to the canal being a dead-end and because of navigational hazards, including submerged rocks outside the canal entrance in Buzzards Bay and a sandbar inside the canal just east of the mouth. To the east of Mr. Campbell's property, in the terminal end of the canal, there are four boats seasonally berthed – three on docks and one on a mooring. Thus, traffic that passes by Mr. Campbell's property is limited.

December 10, 2021

Page 2

The proposed dock will extend into the canal 9 feet farther than the existing dock. The berthing area for the proposed dock will be shifted about 5 feet to the east and will extend farther eastward than the existing berthing area.

Based upon my review of the plan of the proposed dock, the observations I made at the site visit, and my professional experience as a commercial boat captain and as a manager of a marina, it is my opinion that the proposed dock with a boat tied to it will not create any adverse impacts to navigation, or cause any navigational hazards, or cause any burden upon or interference with navigation. This opinion is based upon the following considerations:

- If the proposed dock is constructed, and a boat is tied to it, there will remain a navigable fairway approximately 25+ feet wide at low tide with a depth of 6 to 7 feet at mean low water (MLW). This is an adequate amount of room and an adequate amount of depth for a boat to safely transit past Campbell's property.
- The tidal range in the canal is approximately 3 to 5 feet. When the tide rises, the fairway will be even wider and will have greater depth.
- The location of the proposed dock is in an area of the channel that is protected from the wind and with very little current. Wind and current can make navigating difficult. In the location at issue, these factors are minimal.
- The amount of traffic in the canal at the location of the proposed dock is minimal. The public rarely uses the canal and only 3-4 boats are kept in the canal east of Campbell's dock. Thus, traffic and traffic conflicts will be minimal.
- In the event boats meet each other in the fairway, there is adequate room in the fairway for two boats of up to 30+ feet to pass simultaneously. Most boats 30' in length or less have a beam of 8.5 feet as this is the maximum size that will fit on a standard trailer. Two boats of this size will be able to pass each other in the fairway simultaneously. Such boats will total 17 feet in width and the fairway is a minimum of 25 feet in width at MLW. Thus, there will be a minimum of 8 feet of space available for maneuvering. In the event boats with larger beams meet, one boat can simply wait in the circular area at the terminal end of the canal until the channel is clear.

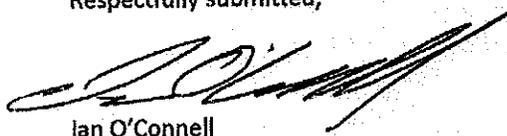
December 10, 2021

Page 3

- Mr. Campbell informed me that one or more boats berthed in the terminal end of the canal have beams of 13.5 feet. There is, in my opinion, sufficient room for such boats to safely and easily pass in the 25-foot-wide fairway that will be available at the location of Mr. Campbell's proposed dock at MLW. Indeed, such a boat will have a minimum of 11.5 feet of maneuvering room, or 5.5 feet per side. This is the case whether the boat at issue is a single-prop or a dual prop.
- Larger boats with beams of 13+ feet are often propelled by twin propellers. Such vessels are highly maneuverable at low speed in comparison to single-propeller vessels. A boat with twin props will be able to easily maneuver through the channel by a boater with reasonable recreational boating skills. Moreover, newer boats in this size range often have bow thrusters increasing maneuverability even more.

In summary, it is my opinion that that the proposed dock with a boat tied to it will not adversely affect navigation, or cause any navigational hazards, or cause any burden or interference with navigation and that the owners of boats at the terminal end of Rand's Canal will be able to safely and easily transit the canal past the proposed dock with a boat berthed on it.

Respectfully submitted,



Ian O'Connell

Cc: Brian J. Wall, Esq.
Teague Campbell
Jeff Ryther, P.E., BSS Design



TROY WALL ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW
A PROFESSIONAL ASSOCIATION OF INDIVIDUAL PRACTITIONERS*

90 ROUTE 6A, SANDWICH, MASSACHUSETTS 02563
TELEPHONE: (508) 888-5700

ROBERT S. TROY
rst@troywallassociates.com

BRIAN J. WALL
bjw@troywallassociates.com

November 8, 2021

BY EMAIL AND U.S. MAIL

Select Board
59 Town Hall Square
Falmouth, MA 02540

Re: **Teague I. Campbell**
147 Bay Road Extension
Application for Special Permit

Dear Members of the Select Board:

I have been retained by Teague I. Campbell to assist with the above-referenced Application for a Special Permit.

Please accept this as a request to continue the hearing scheduled this evening to the Select Board's meeting on December 6, 2021, or a later date if the Board's agenda for the December 6 meeting is already full.

This continuance is being requested because I have only recently become involved with this matter and I require time to prepare. Further, we intend to submit additional information and time is needed to compile the information and prepare our submittal.

Thank you for your courtesy and consideration.

Very truly yours,

Brian J. Wall

Cc: **Teague I. Campbell**
Jeff Ryther, BSS Design

Public comment received by email.

Diane Davidson

From: Keith Tortorella <KTortorella@cceggolfcars.com>
Sent: Tuesday, October 26, 2021 9:31 AM
To: Falmouth Selectboard
Cc: brett.barton@elancoah.com; Keith Tortorella; jonweintraub@yahoo.com; mvanetten@willowbendcapecod.com
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



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PUBLIC HEARINGS

2. Wetlands/Dock Hearing – Arthur Meuse – Reconstruction of dock within the same footprint. Construction of low-profile vinyl bulkhead in and over the waters of Eel Pond, located at 148 Antlers Shore Drive, East Falmouth (15 minutes)



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, December 20, 2021 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Arthur Meuse for permission to re-construct a dock within the same footprint, and construction of a low-profile vinyl bulkhead in the waters of Eel Pond located at 148 Antlers Shore Drive, East Falmouth, MA. Area affected is Eel Pond. 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, December 3, 2021 and Friday, December 10, 2021; Falmouth Enterprise.



PAID
\$75.00

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

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

PIER RE-CONSTRUCTION/BULKHEAD CONSTRUCTION

148 ANTLERS SHORE DRIVE

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

Arthur Meuse

Prepared by:



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

TABLE OF CONTENTS

APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHER ALTER WETLANDS

ATTACHMENT A - PROJECT NARRATIVE

ATTACHMENT B – ORDER OF CONDITIONS - DEP NO. 25-4675

ATTACHMENT C - PLAN OF PROPOSED BULKHEAD AND DOCK RECONSTRUCTION

APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHER ALTER WETLANDS

ATTACHMENT A

PROJECT NARRATIVE

RECEIVED

DEC - 7 2021

FALMOUTH TOWN CLERK

TOWN OF FALMOUTH
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: November 17, 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: Arthur Meuse 5 Stafford Road Lynnfield, MA 01940-1461
(full name) (address)

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

APPLICANT: Arthur Meuse 5 Stafford Road Lynnfield, MA 01940-1461
(full name) (address)

1. Location of Property: Map 32 Section 06 Parcel 000 Lot 155

Street Name and House Number 148 Antlers Shore Drive

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

3. Description of property and project site: Approximately 9,600 S.F. of land in a denseley developed residential area in East Falmouth containing single family dwelling with Eel Pond located directly east of the site.

a. Dimensions, Acreage of total parcel: 9,600 square feet

b. Length of water marsh frontage: 80'

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

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

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

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

Disposition of Spoil: N/A

- f. Describe proposed riprap or bulkheading, if any: Low profile vinyl bulkhead
g. Other (docks, piers and etc.) Re-construction of dock within same footprint
h. Method (equipment to be used) for proposed work: Barge supported crane
4. Purpose of proposed work: Non-commercial docking & access to navigable waters.
5. Zoning which governs area: RC
6. Date of application for permit to dredge or fill from the Commonwealth of Mass. N/A Army Engineers N/A
7. Has a permit ever been approved or refused for this location by State, Federal or Local Authority? Order of Conditions 25-4675
8. Remarks _____
9. Project Summary for legal notice: Re-construction of dock within same footprint.
Construction of low profile vinyl bulkhead.

Owner: Arthur Meuse
5 Stafford Road
Lynnfield, MA 01940-1461
(Name & Address)
TEL #:

Agent: Falmouth Engineering, Inc.
17 Academy Lane, Ste. 200
Falmouth, MA 02540
(Name & Address)
TEL #: 508.495.1225 (agent)

Applicant: Same as owner

(Name & Address)
TEL #:

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

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of Arthur Meuse, the owner and applicant for 148 Antlers Shore Drive in East Falmouth. The Applicant proposes to construct a low profile vinyl bulkhead and to reconstruct a previously licensed and permitted dock.

Included in this construction project is the replacement of eight (8) 12-inch diameter piles as well as support timbers and decking all related to the dock reconstruction and the installation of a new bulkhead.

The property has been exposed to beach erosion through the years. In the past, the property owner has attempted to stabilize the coastal beach by placement of sand nourishment. This nourishment cannot be maintained and the sand erodes into Eel Pond.

The applicant is also observing cracks within the house foundation and is concerned that future erosion could impact the foundation of the house.

The proposed project has received approval from the Conservation Commission. A copy of the Order of Conditions issued by the Falmouth Conservation Commission is attached to this application.

2.0 Existing Conditions

The record lot area lot consists of approximately 9,600± square feet of land in a densely developed residential area of East Falmouth (refer to Figure 1-Site Location Map). A dwelling occupies the central portion of the site. Other residential properties abut either side of the site.

Eel Pond is located directly east of the site. A moderately sloping coastal bank rises from the landward side of the house up towards the street side of the house. A house exists and occupies the coastal bank as shown on the plans.

Just seaward of the house, there is a landscape timber edge just seaward of the house deck. This timber edge defines the landward edge of the coastal beach.

2.1 Regulated Wetland Resource Areas

All coastal resource areas within 100 feet of the proposed project facilities have been identified and appropriately located in the field. Adjacent resource areas include land under the ocean (Eel Pond), land containing shellfish, coastal bank, and land subject to

coastal storm flowage. The attached plan shows each of the resource areas that have been identified in the project area.

2.2 Estimated Habitat and Protected Species

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program indicates that the proposed dock construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

3.0 Proposed Project

The project involves the reconstruction of a pier in Eel Pond and construction of a low-profile vinyl bulkhead. Included in this construction project is the replacement of eight (8) 12-inch diameter piles, support timbers and decking. The dock will be constructed within the same footprint as the previously permitted dock. The dock projects 32' seaward of mean high water.

All pilings will be driven by a barge supported pile driver. The barge will float at all times during the pier construction.

Pier construction will take place in and above land containing shellfish, land under the ocean. The pier will be constructed using a barge that will operate from Eel Pond. All staging, cutting, and prep work will be done on the barge.

Since the dock is permitted and proposed to be reconstructed, only temporary impacts due to the reconstruction process is anticipated.

The proposed vinyl bulkhead will be constructed in accordance with the specifications outlined on the enclosed plans. The individual sheets will be driven. Helical anchors will secure the bulkhead to mitigate against future erosion of the beach and exposure of the bulkhead.

Construction access will be either from the upland (for some activities), or by barge. Barge access shall be managed to occur at times of higher tides to minimize impacts to the substrate. If a favorable Order of Condition is issued, a condition requiring management of construction with tides should be included in the decision.

4.0 Anticipated Impacts to Resource Areas

Anticipated Impacts

The proposed pier occupies a total area of approximately 325 square feet of area seaward of mean high water.

The pier is a reconstruction project. As such no new long-term impacts are anticipated. Only temporary impacts at time of reconstruction will occur.

The timber piles will be driven using a barge-mounted pile driver equipped with a vibratory hammer. Pile installation will directly impact approximately six (6) square feet of land under the ocean.

Installation of the bulkhead will be into a sandy beach area. Only temporary installation impacts are anticipated from these activities as well.

6.0 Summary

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with this dock reconstruction and bulkhead construction project have been fully documented in this application. The project is designed to limit construction activities to only the area of the previously permitted dock and a sandy beach area where the installation of a vinyl bulkhead will occur.

The bulkhead is necessary to mitigate for future beach erosion and potential impacts to the existing house.

For these reasons we are optimistic that Select Board can issue a favorable decision.

ATTACHMENT B

ORDER OF CONDITIONS 25-4675

ATTACHMENT C

PLAN OF PROPOSED BULKHEAD AND DOCK RECONSTRUCTION



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4675
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A. General Information (cont.)

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

Barnstable

a. County

31846

c. Book

b. Certificate Number (if registered land)

68

d. Page

7. Dates:

8/26/2021

a. Date Notice of Intent Filed

9/15/2021

b. Date Public Hearing Closed

10/26/2021

c. Date of Issuance

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

Site Plan Showing Proposed Bulkhead & Dock Reconstruction

a. Plan Title

Falmouth Engineering, Inc

b. Prepared By

9/27/2021

d. Final Revision Date

Michael J Borselli, PE Gary S Labrie, PLS

c. Signed and Stamped by

1"=10'

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

- | | | |
|--|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

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

Approved subject to:

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



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B. Findings (cont.)

Denied because:

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

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

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



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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	300 +/- a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	100 +/- a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	400 +/- a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW _____

b. square feet of salt marsh _____

24. Stream Crossing(s):

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4675 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Falmouth Conservation Commission hereby finds (check one that applies):

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

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

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

1. Municipal Ordinance or Bylaw

10.00

2. Citation

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

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



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E. Signatures

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

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

10/26/2021

1. Date of Issuance

4

2. Number of Signers

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

Jennifer Lincoln
Signature
Jamie Mathews
Signature
Kevin O'Brien
Signature
Elizabeth Gladfelter
Signature
Courtney Bird
Signature

Jennifer Lincoln, Conservation Administrator

Printed Name
Jamie Mathews, chair

Printed Name
Kevin O'Brien

Printed Name
Elizabeth Gladfelter

Printed Name
Courtney Bird

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

10/28/21 Erica Buselli
Date

Date 1

Falmouth Engineering, Inc.

For Signature Authorization see
Doc: 1,393,706
BARNSTABLE LAND COURT REGISTRY



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Falmouth Conservation Commission

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

Name: Arthur Meuse
Address: 148 Antlers Shore Drive
DEP #: 25-4675

FINDINGS:

1. The applicant proposes to reconstruct a previously licensed bulkhead and dock, and install a vinyl bulkhead within the beach area.
2. In the 2018 and 2019 aerial photographs on the town GIS, there is a unpermitted float attached to the bulkhead/dock. This shall be removed from the site and is not allowed to return to the site without proper permits.
3. The applicant was issued a cease and desist in 2020 for the placement of beach nourishment material without a permit.
4. Resource areas onsite and within 100 feet of the proposed project include Land Under Salt Pond, Coastal Beach, Coastal Bank, Land Containing Shellfish, Land Subject to Coastal Storm Flowage (LSCSF), Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Protection of fisheries
4. Protection of land containing shellfish
5. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Arthur Meuse, 148 Antler Shores Drive, Falmouth, MA, to reconstruct a previously licensed bulkhead and dock, and install a vinyl bulkhead within the beach area according to the narrative and plan prepared by Falmouth Engineering, Inc., dated August 4, 2021 and entitled "Site Plan-Proposed Bulkhead and Dock Reconstruction" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the

right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions **do not** extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.

- e. The Limit of Work must be installed prior to any work, excavation, construction or clearing of vegetation, in order to prevent damage to the Interests of the Act and Bylaw. The Limit of Work shall consist of a single row of staked strawbale/silt fencing.
 - i. **Please be advised that the use of a straw/mulch waddle/sock is not allowed unless approved in writing by the Conservation Administrator. The Conservation Administrator reserves the right to revoke any approval if this method is determined to be ineffective or is not maintained.**
9. The Limit of Work strawbales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, strawbales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.
10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
13. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.
14. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.

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

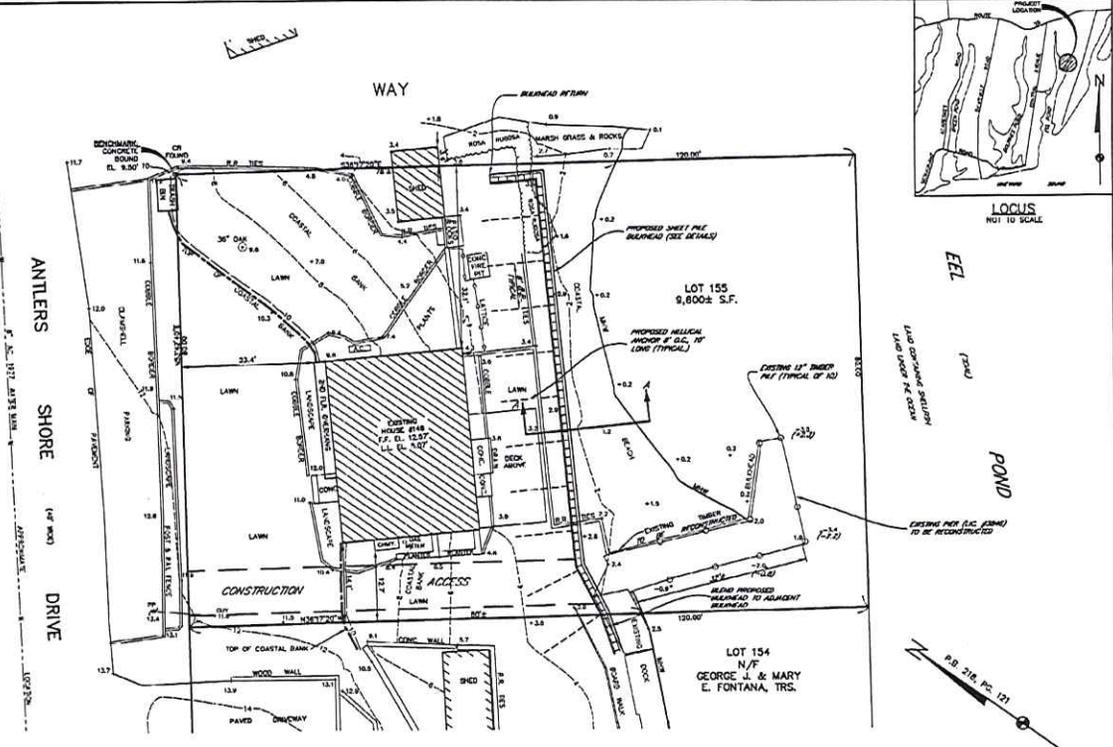
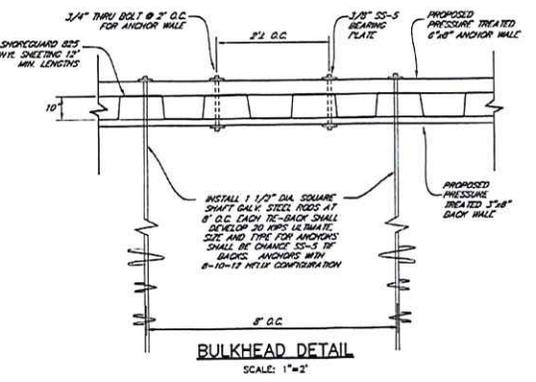
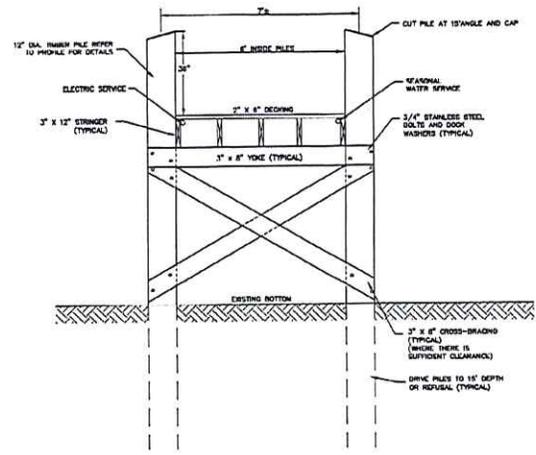
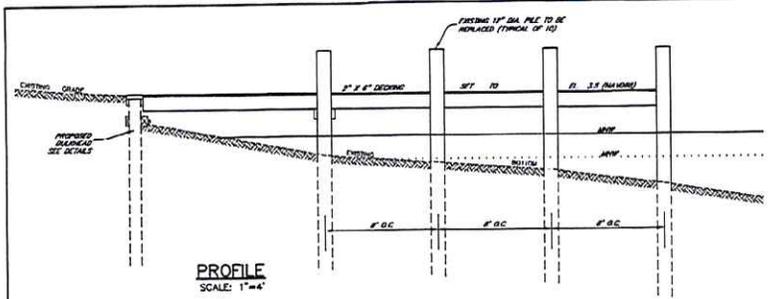
SPECIAL CONDITIONS:

1. Prior to the start of work the applicants' representatives shall meet with the Conservation staff to review construction access and methodology.
2. If using a barge, the barge shall be always floating, and work shall be done during periods of high tide.
3. The unpermitted float shall be removed and may not be installed without proper permits.

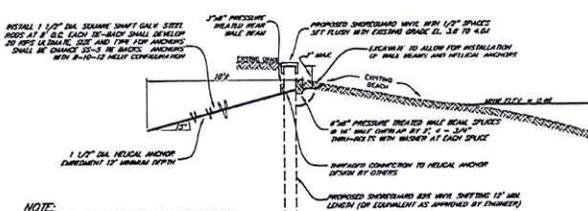
4. No beach nourishment is permitted under this Order of Conditions. Beach nourishment shall not be conducted at any time without obtaining proper permits prior to any such activity.
5. All cuttings/debris, etc. are to be kept out of the Resource Areas.
6. The construction site is to be cleaned daily to remove any loose debris.
7. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

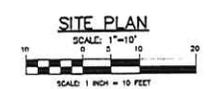
In accordance with the unanimous vote of the Falmouth Conservation Commission, Jennifer L. Lincoln, Conservation Administrator is authorized to sign on behalf of each individual Commissioner as reflected in the recorded Land Court Document: 1,393,706 dated 04-03-2020 9:24 Barnstable Land Court Registry



- GENERAL NOTES:**
1. THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A NEW WAVE SHEET PILE WALL TO MITIGATE FURTHER EROSION.
 2. PERFORMANCE OF THE WORK SHALL BE IN COMPLIANCE WITH THE PLANS, SPECIFICATIONS AND ORDER OF CONDITIONS ISSUED BY THE MAINTAINABLE CONSERVATION COMMISSION FOR THE REFERENCED PROJECT AND AS DESCRIBED BELOW.
 3. METAL TO BE HOT DIPPED GALVANIZED AFTER FABRICATION.
 4. SHEETING MATERIAL SHALL BE SHOREGUARD BBS OR APPROVED EQUAL. MINIMUM SHEETING LENGTH SHALL BE 12'.
 5. ANCHORS SHALL BE SS-5 TYPICAL ANCHORS WITH 1 1/2" DIA. SQUARE SHAFT STEEL RODS MINIMUM 8"-10"-12" HELIX CONFIGURATION. THE PROPOSED WALL REPLACEMENT IS DESIGNED FOR 6' MAXIMUM EXPOSURE. THE MINIMUM ULTIMATE FORCES AND EMBEDDED ANCHOR FORCE IS 30 KIPS. ANCHORS SHALL BE DIMENSIONED TO CALCULATED ANCHOR FORCE MINIMUM THEN BORED OFF AS NECESSARY TO STRENGTHEN WALL. ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF MINIMUM DESIGN SPECIFICATION CAN NOT BE ATTAINED. A TENSILE LOG SHALL BE KEPT BY CONTRACTOR DURING INSTALLATION OF ANCHORS AND GIVEN TO ENGINEER AT COMMENCEMENT OF INSTALLATION. A PULL TEST SHALL BE CONDUCTED AFTER INSTALLATION OF ANCHORS TO ENSURE PROPER LOADING.
 6. CONSTRUCTION DETAILS TO BE APPROVED BY ENGINEER PRIOR TO CONSTRUCTION.
 7. CONTRACTOR TO VERIFY ALL DIMENSIONS IN THE FIELD AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.



NOTE:
STRUCTURE IS PROPOSED TO BE CONSTRUCTED ABOVE HIGH WATER, THEREFORE NOT SUBJECT TO CHAPTER 91 LICENSE.

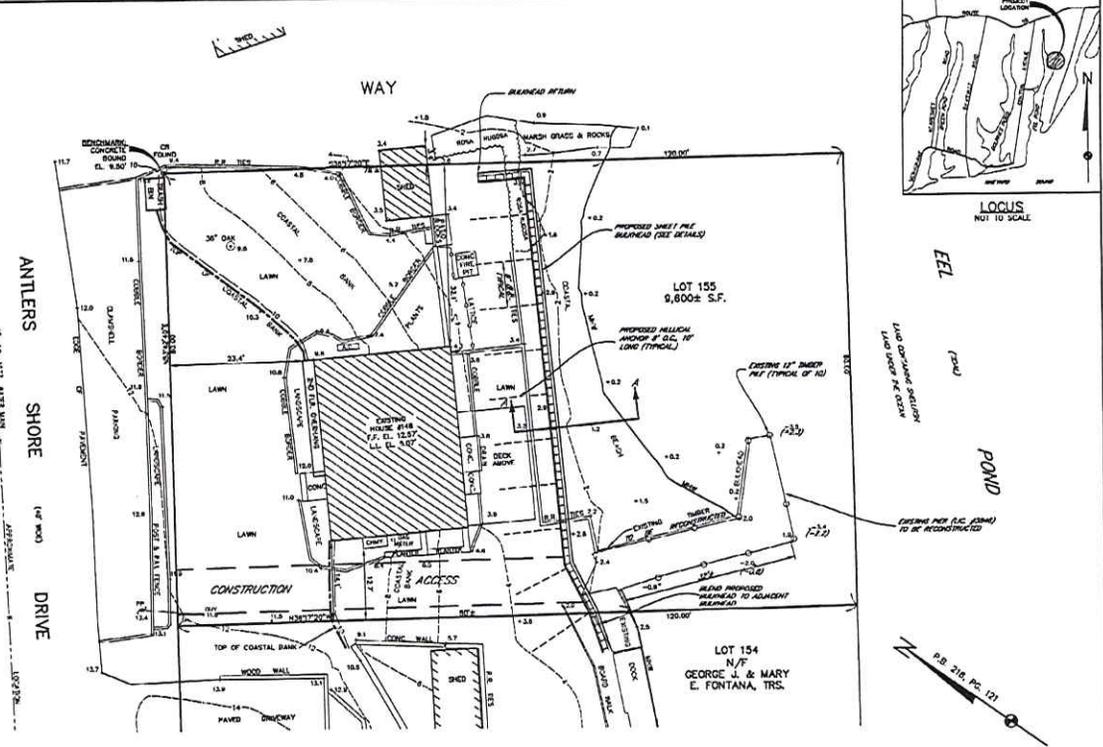
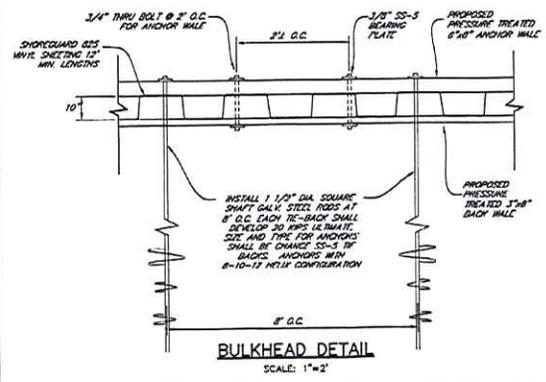
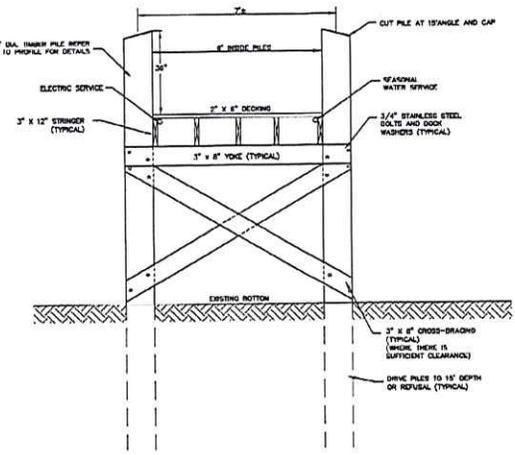
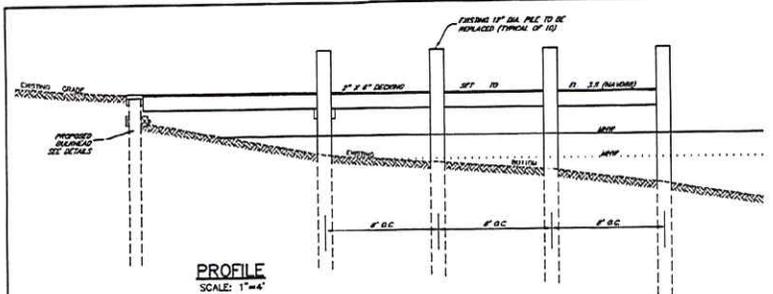


- LEGEND**
- EXISTING 2' CONTOUR
 - EXISTING 10' CONTOUR
 - EXISTING SPOT ELEVATION
 - PROPOSED SPOT ELEVATION
 - WATER DEPTH AT MLW
 - EXISTING TREE
 - EXISTING UTILITY POLE
 - CONCRETE ROUND

- GENERAL NOTES:**
1. ASSESSOR'S INFORMATION: 32 06 000 133
 2. FLOOD ZONE: AE-3 (FEMA MAP 25001C0733)
 3. ZONING DISTRICT: RC
 4. WIND EXPOSURE CATEGORY: C
 5. LOT COVERAGE BY:
 - A. EXISTING STRUCTURES: 1,187 S.F./9,600 S.F. = 12.4% < 20%
 - B. WIND BORNE DEBRIS REGION: HIGH
 6. STREET ADDRESS: ANTLERS SHORE DRIVE
 7. HOUSE NUMBER: 148
 8. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
 9. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.

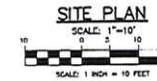
8-27-21	ADD TRASH BIN	REVISION
DATE		REVISION
SITE PLAN - PROPOSED BULKHEAD AND DOCK RECONSTRUCTION FOR #148 ANTLERS SHORE DRIVE		
ARTHUR MEUSE		
IN FALMOUTH, MA		
PLAN DATE: AUGUST 4, 2021	PLAN SCALE: 1"=10'	
CIVIL ENGINEERING	WELLSLAND PERMITTING	
WATER/SEWER DESIGN	COASTAL ENGINEERING	
TITLE & PLOT PLANS	PIERS AND DOCKS	
LAND USE PLANNING	COMMERCIAL/RESIDENTIAL	
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225		
PROJECT NUMBER: 200223	CAD FILE NAME: 200223P	DRAWN BY: L.M.





GENERAL NOTES:

1. THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A NEW WYLL SHEET PILE WALL TO MITIGATE FURTHER EROSION.
2. PERFORMANCE OF THE WORK SHALL BE IN COMPLIANCE WITH THE PLANS, SPECIFICATIONS AND ORDER OF CONDITIONS ISSUED BY THE MAINTAINABLE CONSERVATION COMMISSION FOR THE REFERENCED PROJECT AND AS DESCRIBED BELOW.
3. METAL TO BE HOT DIPPED GALVANIZED AFTER FABRICATION.
4. SHEETING MATERIAL SHALL BE SHORGLAND BBS OR APPROVED EQUAL. MINIMUM SHEETING LENGTH SHALL BE 12'.
5. ANCHORS SHALL BE SS-5 VERTICAL ANCHORS WITH 1 1/2" DIA SQUARE SHAFT STEEL RODS MINIMUM AND 8-10-12 HELIX CONFIGURATION. THE PROPOSED WALL REPLACEMENT IS DESIGNED FOR 6' MAXIMUM EXPOSURE. THE MINIMUM ULTIMATE FORCES AND EMBEDDED ANCHOR POINT IS 30 RIPS. ANCHORS SHALL BE DESIGN TO CALCULATED ANCHOR FORCE MINIMUM THEN BACKED OFF AS NECESSARY TO STRENGTHEN WALL. ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF MINIMUM DESIGN SPECIFICATIONS CAN NOT BE ATTAINED. A TORQUE LOG SHALL BE KEPT BY CONTRACTOR DURING INSTALLATION OF ANCHORS AND GIVEN TO ENGINEER AT COMMENCEMENT OF INSTALLATION. A PULL TEST SHALL BE CONDUCTED AFTER INSTALLATION OF ANCHORS TO ENSURE PROPER LOADING.
6. CONSTRUCTION DETAILS TO BE APPROVED BY ENGINEER PRIOR TO CONSTRUCTION.
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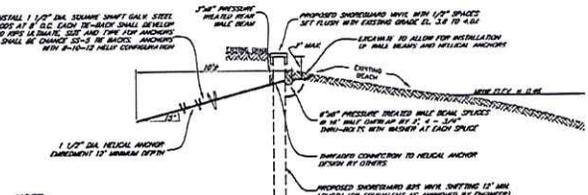


LEGEND

- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- WATER DEPTH AT MLW
- EXISTING TREE
- EXISTING UTILITY POLE
- CONCRETE ROUND

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 32 06 000 155
2. FLOOD ZONE: AE13 (FEMA MAP 25001C0733J)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. LOT COVERAGE BY:
 - A. EXISTING STRUCTURES: 1,187 S.F./9,800 S.F. = 12.4% < 20%
6. WIND Borne DEBRIS REGION: HIGH
7. STREET ADDRESS: ANTLERS SHORE DRIVE
8. HOUSE NUMBER: 148
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.



TYPICAL SECTION A-A
SCALE: 1"=2'

NOTE:
STRUCTURE IS PROPOSED TO BE CONSTRUCTED ABOVE MEAN HIGH WATER, THEREFORE NOT SUBJECT TO CHAPTER 91 LICENSE.



8-27-21	ADD TRASH BIN	REVISION
DATE		REVISION
SITE PLAN - PROPOSED BULKHEAD AND DOCK RECONSTRUCTION FOR #148 ANTLERS SHORE DRIVE		
ARTHUR MEUSE		
in FALMOUTH MA		
PLAN DATE: AUGUST 4, 2021		PLAN SCALE: 1"=10'
CIVIL ENGINEERING		WETLAND PERMITTING
WATERWAY DESIGN		COASTAL ENGINEERING
TITLE & PLOT PLANS		PIERS AND DOCKS
LAND USE PLANNING		COMMERCIAL/PRECEPTUAL
<small>Serving Cape Cod and Southeastern Massachusetts</small>		
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.485.1225		
PROJECT NUMBER: 200233	CAD FILE NAME: 200233P	DRAWN BY: L.M.
		SHEET 1 OF 1

Diane Davidson

From: Diane Davidson
Sent: Wednesday, December 8, 2021 4:25 PM
To: Jennifer Lincoln (jennifer.lincoln@falmouthma.gov)
Cc: Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov); Charles Martinsen; Amy Coughlin
Subject: Wetlands/Dock Permit Applications - 148 and 154 Antlers Shore Drive
Attachments: 148 Antlers Shore Application.pdf; 148 Antlers Shore Plan.pdf; 154 Antlers Shore Application.pdf; 154 Antlers Shore Plan.pdf

To all,

The Select Board has received two applications, attached, for special permits to reconstruct docks:

Applicant: Arthur Meuse

Location: 148 Antlers Shore Drive, East Falmouth

Proposed Work: Re-construction of a dock within the same footprint, and construction of a low-profile vinyl bulkhead.

Body of Water: Eel Pond

Applicant: Richard Fontana

Location: 154 Antlers Shore Drive, East Falmouth

Proposed Work: Re-construction of a dock within the same footprint, and construction of a low-profile vinyl bulkhead.

Body of Water: Eel Pond

If you have any comments or recommendations or additional documents to provide for the Select Board, please email to me by Thursday, December 16, 2021. The hearing is scheduled at the Select Board meeting on Monday, December 20, 2021 at 7:30 p.m.

Thank you,

Diane

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

195 EDGEWATER DR WEST ANDREWS TRUSTEE DELPHINA A ANDREWS TRUSTEE VINCENT PAUL 28 LIBERTY HILL DR BLACKSTONE, MA 01604-1120	32 16 000G 011 LUC: 101	0 EDGEWATER DR WEST FALMOUTH TOWN OF 69 TOWN HALL SQ FALMOUTH, MA 02540-2761	32 14 000E 000 LUC: 936	0 ANTLERS SHORE DR OFF HUGHES JOHN F HUGHES ANN M 132 ANTLERS SHORE DR E FALMOUTH, MA 02636-6265	32 08 001 020 LUC: 132
0 ANTLERS SHORE DR BAKER JR ESTATE OF HAROLD L BAKER ESTATE OF JANICE K 7 PATTEE RD C/O STEPHEN BAKER EXECUTOR E FALMOUTH, MA 02636-5039	32 06 003 000 LUC: 132	199 EDGEWATER DR WEST FAUCHER CATHY 3 MAYFAIR LN UNIT 107 NASHUA, NH 03063	32 16 000G 010 LUC: 101	166 ANTLERS SHORE DR HUSSEY JOHN B HUSSEY MARGARET L 166 ANTLERS SHORE DR E FALMOUTH, MA 02636-6265	32 06 000 153 LUC: 101
100 MADELINE RD BEAUCHAINE JOHN A BEAUCHAINE VANESSA C PO BOX 673 WRENTHAM, MA 02093	32 06 000 132 LUC: 101	164 ANTLERS SHORE DR FONTANA TRUSTEE J GEORGE FONTANA TRUSTEE MARY E 85 WHITMAN ST UNIT 003 EAST WEYMOUTH, MA 02189	32 06 000 154 LUC: 101	85 MADELINE RD JORDAN ANN MARIE 1479 GULF COAST DR NAPLES, FL 34110	32 06 000 121 LUC: 101
203 EDGEWATER DR WEST BRAUNEIS DAVID A BRAUNEIS DEBRA E 203 EDGEWATER DR W EAST FALMOUTH, MA 02536-6890	32 16 000G 009 LUC: 101	144 ANTLERS SHORE DR GALVANI ROBERT J GALVANI RUTH A 144 ANTLERS SHORE DR EAST FALMOUTH, MA 02536	32 06 000 156 LUC: 101	145 ANTLERS SHORE DR MAREGNI TRUSTEE LISA A L MAREGNI REV TRUST 145 ANTLERS SHORE DR EAST FALMOUTH, MA 02536	32 06 000 140 LUC: 101
163 ANTLERS SHORE DR CELESTE TRUSTEE ROBERT J CELESTE TRUSTEE ELAINE E 333 CARRIAGE SHOP RD EAST FALMOUTH, MA 02536-6208	32 06 000 144 LUC: 101	84 MADELINE RD GELLERMAN TRUSTEE ERICA GELLERMAN TRUSTEE ALLEN 403 WEST FALMOUTH HWY FALMOUTH, MA 02540	32 06 000 136 LUC: 101	88 MADELINE RD MCCUE MARK MCCUE HEATHER 88 MADELINE RD E FALMOUTH, MA 02536	32 06 000 135 LUC: 101
80 MADELINE RD CLANCY MARY ANN B 39 HUTCHINSON ST DORCHESTER, MA 02124	32 06 000 137 LUC: 101	81 MADELINE RD GRANAT CRISTYANN 4 BELL ROAD NORTH BROOKFIELD, MA 01636	32 06 000 120 LUC: 101	148 ANTLERS SHORE DR MEUSE ARTHUR J MEUSE KRISTEN 5 STAFFORD RD LYNNFIELD, MA 01940-1461	32 06 000 155 LUC: 101
133 ANTLERS SHORE DR COVENEY TRUSTEE WILLIAM P COVENEY TRUSTEE MARY ANNE 6 LEE ANN CIR WESTBOROUGH, MA 01581	32 08 000 138 LUC: 101	138 ANTLERS SHORE DR GUARINO TRUSTEE LOUIS F GUARINO TRUSTEE KATHLEEN 5 OAK HILL DR CANTON, MA 02021	32 06 000 157 LUC: 101	158 ANTLERS SHORE DR PERNICE KARA A 158 ANTLERS SHORE DR EAST FALMOUTH, MA 02536	32 06 000 152 LUC: 101
159 ANTLERS SHORE DR DIRUSSO TRUSTEE FRANCES A FA DIRUSSO FAM LIV TR 159 ANTLERS SHORE DR E FALMOUTH, MA 02536-6208	32 06 000 143 LUC: 101	92 MADELINE RD HARNEY PAUL J HARNEY JOANNE M 92 MADELINE RD E FALMOUTH, MA 02536	32 06 000 134 LUC: 101	151 ANTLERS SHORE DR RUKSTALIS JOSEPH RUKSTALIS JEANETTE G 130 RIDGEWOOD DR NORWOOD, MA 02062-5638	32 06 000 141 LUC: 101
0 ANTLERS SHORE DR OFF DISANTO EDMUND F DISANTO JEAN M 344 PLEASANT ST CANTON, MA 02021-2259	32 08 001C 000 LUC: 132	164 ANTLERS SHORE DR HIBERT DEBRA 34 ANDREWS RD MARLBOROUGH, MA 01752	32 06 000 151 LUC: 101	185 EDGEWATER DR WEST SANDS TRUSTEE KENNETH SANDS REALTY TRUST 20 BUCKTHORN TERR WINTHROP, MA 02152	32 16 000G 014 LUC: 101
153 ANTLERS SHORE DR DRISCOLL JOHN M DRISCOLL KATHLEEN R 153 ANTLERS SHORE DR E FALMOUTH, MA 02536-6208	32 06 000 142 LUC: 101	132 ANTLERS SHORE DR HUGHES ANN M 132 ANTLERS SHORE DR EAST FALMOUTH, MA 02536-6265	32 06 000 159 LUC: 101	207 EDGEWATER DR WEST SCHROTH MATTHEW J PETERSEN DOMURAT STACY 108 KIMBALL RD DEDHAM, MA 02026	32 16 000G 008 LUC: 101

96 MADELINE RD 32 06 000 133

SHEA ROBERT J LUC: 101
SHEA ELIZABETH M
96 MADELINE RD
EAST FALMOUTH, MA 02538

139 ANTLERS SHORE DR 32 06 000 139

SMITH MARK R LUC: 101
SMITH PAULA F
30 TRAINOR DR
BRAintree, MA 02184

134 ANTLERS SHORE DR 32 06 000 158

SPERRY JR TRUSTEE ROBERT J LUC: 101
R S C REALTY TRUST
134 ANTLERS SHORE DR
E FALMOUTH, MA 02538

0 ANTLERS SHORE DR OFF 32 08 001B 000

SPERRY JR TRUSTEE ROBERT J LUC: 132
R S C REALTY TRUST
134 ANTLERS SHORE DR
E FALMOUTH, MA 02538

189 EDGEWATER DR WEST 32 16 000G 013

TOUHEY TRUSTEE MICHAEL F LUC: 101
TOUHEY TRUSTEE MAUREEN D
189 EDGEWATER DR W
E FALMOUTH, MA 02538-8889

191 EDGEWATER DR WEST 32 18 000G 012

TOWN OF FALMOUTH LUC: 930
CONSERVATION COMMISSION
59 TOWN HALL SQUARE
FALMOUTH, MA 02540

175 EDGEWATER DR WEST 32 14 000E 002

WILLOX KAREN E LUC: 130
BETRO FELIX S
10 MERCER LN
FRANKLIN, MA 02026

179 EDGEWATER DR WEST 32 14 000E 001B

WILLOX KAREN E LUC: 101
BETRO FELIX S
30 MECHANIC ST
FOXBORO, MA 02035

187 ANTLERS SHORE DR 32 06 000 145

WILSON JR JAMES H LUC: 101
WILSON CYNTHIA W
187 ANTLERS SHORE DR
E FALMOUTH, MA 02538

148 ANTLEERS SHORE DR

