

PUBLIC HEARINGS

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)



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 Richard Fontana for permission for the re-construction of a dock within the same footprint, and construction of a low-profile vinyl bulkhead in the waters of Eel Pond located at 154 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.



*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

154 ANTLERS SHORE DRIVE

EAST FALMOUTH, MASSACHUSETTS

Prepared for:

Richard Fontana

Prepared by:



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

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APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHER ALTER WETLANDS

ATTACHMENT A

PROJECT NARRATIVE

RECEIVED

DEC - 7 2021

TOWN OF FALMOUTH
BOARD OF SELECTMEN

FALMOUTH TOWN ENGINEER

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: Richard Fontana 49 Hancock Street Marshfield, MA 02050
(full name) (address)

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

APPLICANT: Richard Fontana 49 Hancock Street Marshfield, MA 02050
(full name) (address)

1. Location of Property: Map 32 Section 06 Parcel 000 Lot 154
Street Name and House Number 154 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 S.F.

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 25-4674

8. Remarks _____

9. Project Summary for legal notice: Re-construction of dock within same footprint,
Construction of low profile vinyl bulkhead.

Owner: Richard Fontana

Agent: Falmouth Engineering, Inc.

49 Hancock Street

17 Academy Lane, Ste. 200

Marshfield, MA 02050

Falmouth, MA 02540

(Name & Address)

(Name & Address)

TEL #:

TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)

TEL #:

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

ATTACHMENT A - PROJECT NARRATIVE

1.0 Introduction and Project Overview

Falmouth Engineering Inc. has filed this Notice of Intent (NOI) application on behalf of Richard Fontana, the applicant for 154 Antlers Shore Drive in East Falmouth. The Applicant proposes to reconstruct a previously licensed bulkhead and dock.

Included in this construction project is the replacement of seven (7) 10-inch diameter piles as well as support timbers and decking all related to the dock reconstruction and the installation of a replacement bulkhead.

2.0 Existing Conditions

The record lot area consists of approximately 9,600± square feet of land in a densely developed residential area of East Falmouth. 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.

A licensed timber bulkhead and dock exist along the waterfront of the property. The bulkhead and dock are licensed.

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 licensed dock and bulkhead in Eel Pond. Included in this construction project is the replacement of seven (7) 10-inch diameter piles, support timbers and decking. The dock will be constructed within the same footprint as the previously permitted dock. The dock is parallel to shore.

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

Dock 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 and bulkhead are permitted and proposed to be reconstructed, only temporary impacts due to the reconstruction process are anticipated.

The proposed vinyl bulkhead will be constructed in accordance with the specifications outlined on the enclosed plans. It will replace and be installed in the same location as the existing bulkhead. 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 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 dock occupies a total area of approximately 450 square feet of area seaward of mean high water.

The dock and bulkhead 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 four (4) square feet of land under the ocean in the same general location as the existing piles.

Installation of the bulkhead will be in the same location as the existing bulkhead. 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 and bulkhead reconstruction have been fully documented in the application. The project is designed to limit construction activities to only the area of the previously permitted dock and bulkhead.

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

For these reasons we are optimistic that Conservation commission can issue a favorable decision.

ATTACHMENT B

ORDER OF CONDITIONS DEP NO. 25-4675



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:
25-4674
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

A. General Information (cont.)

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

Barnstable

a. County

b. Certificate Number (if registered land)

31582

269

c. Book

d. Page

7. Dates: 08/26/2021
a. Date Notice of Intent Filed

09/15/2021
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- Proposed Bulkhead & Dock Reconstruction

a. Plan Title

Falmouth Engineering

Michael J. Borselli, P.E. & Gary S. Labrire, P.L.S.

b. Prepared By

9/27/2021

1"=10'

d. Final Revision Date

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.



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

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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	550 +/- 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 type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ c. nourishment <small>cu yd</small>	_____ d. nourishment <small>cu yd</small>
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	_____ c. nourishment <small>cu yd</small>	_____ d. nourishment <small>cu yd</small>
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 checked="" type="checkbox"/> Land Containing Shellfish	550 +/- 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	550 +/- 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.



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

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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 25-4674 "
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.



Massachusetts Department of Environmental Protection
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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 _____ 2. Citation 10.00

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

Provided by MassDEP:
25-4674
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

E. Signatures

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

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

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

10/26/2021

1. Date of Issuance

4

2. Number of Signers

<u>[Signature]</u>	Jennifer Lincoln, Conservation Administrator
<u>[Signature]</u>	Jamie Mathews, chair
<u>[Signature]</u>	Courtney Bird
<u>[Signature]</u>	Kevin O'Brien
<u>[Signature]</u>	Elizabeth Gladfelter
Signature _____	Printed Name _____
Signature _____	Printed Name _____

by hand delivery on

by certified mail, return receipt

Date 10-28-21 Enrico Badelli

Date _____

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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City/Town

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.



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:
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 Falmouth
 City/Town

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: Richard Fontana
Address: 154 Antlers Shore Drive
DEP #: 25-4674

FINDINGS:

1. The applicant proposes to reconstruct the existing licensed bulkhead.
2. Resource areas onsite and within 100 of proposed project include Land Under Salt Pond, Land Containing Shellfish, Coastal Bank, 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 Richard Fontana, 154 Antler Shores Drive, Falmouth, MA, to reconstruct the existing licensed bulkhead according to the narrative and plan prepared by Falmouth Engineering, Inc., dated July 6, 2021 and entitled "Site Plan Showing 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. 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. All cuttings/debris, etc. are to be kept out of the Resource Areas.
4. The construction site is to be cleaned daily to remove any loose debris.
5. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
6. Special Condition 4 and 7 shall be written into the Certificate of Compliance and shall be registered with and ongoing with the deed.

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

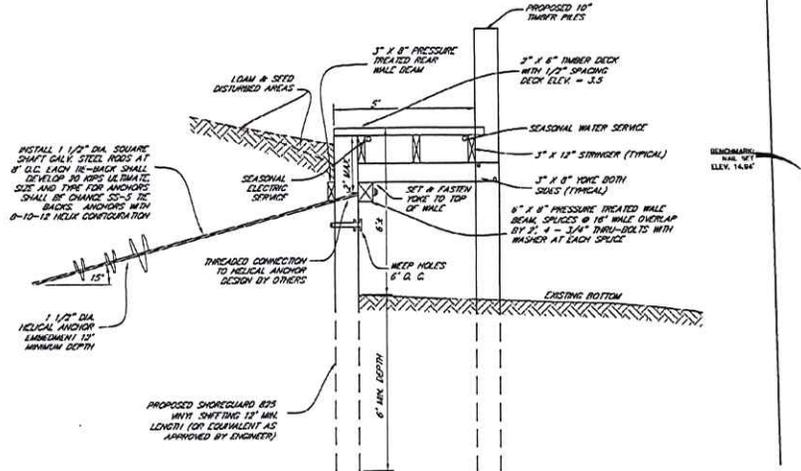
in the recorded Land Court Document: 1,393,706 dated 04-03-2020 9:24 Barnstable Land Court
Registry

ATTACHMENT C

PLAN OF PROPOSED BULKHEAD AND DOCK RECONSTRUCTION

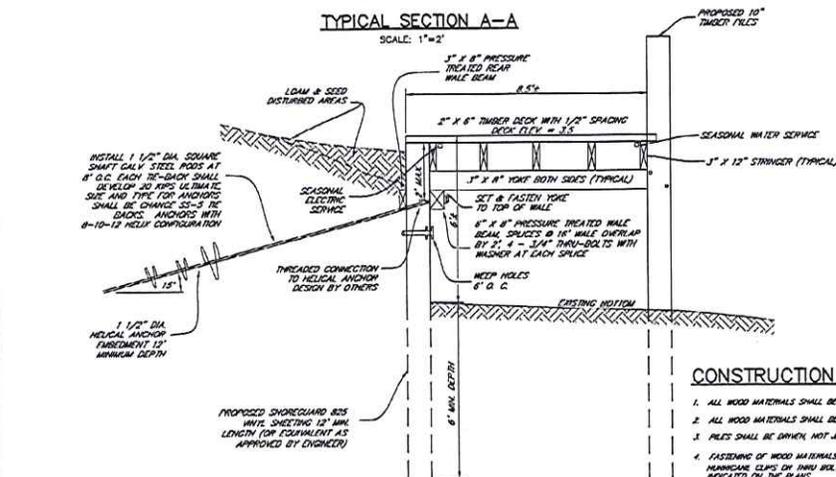
GENERAL NOTES:

1. THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A NEW VINYL 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 BARNSTABLE CONSERVATION COMMISSION FOR THE RESTORED PROJECT AND AS DESCRIBED BELOW.
3. METAL TO BE HOT DIPPED GALVANIZED AFTER FABRICATION.
4. SHEETING MATERIAL SHALL BE SHOREGUARD #25 OR APPROVED EQUAL. MINIMUM SHEETING LENGTH SHALL BE 12'
5. ANCHORS SHALL BE SS-316 HELICAL 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" MINIMUM EXPOSURE. THE MINIMUM ULTIMATE TENSILE AND COMPRESSIVE ANCHOR FORCE IS 20 KIIPS. ANCHORS SHALL BE TYPHOID TO CALCULATED ANCHOR FORCE MINIMUM THEN BAKED OFF AS NECESSARY TO STRAIGHTEN WALL. ENGINEER SHALL BE NOTIFIED IMMEDIATELY IF MINIMUM DESIGN SPECIFICATIONS 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.



TYPICAL SECTION A-A

SCALE: 1"=2'



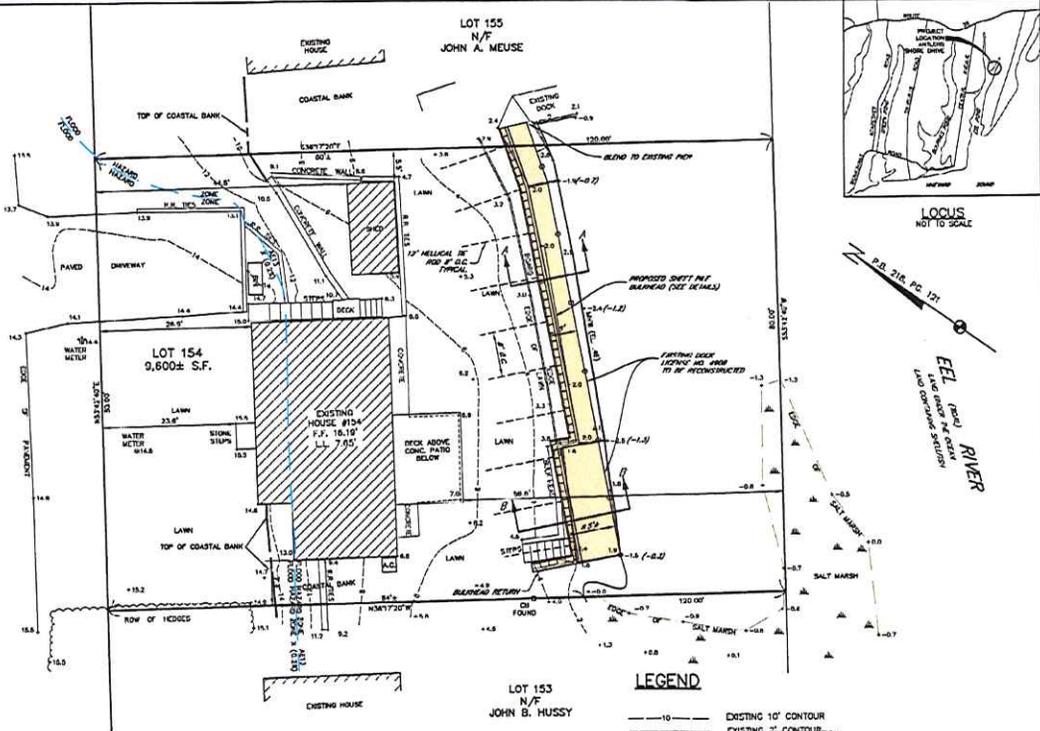
TYPICAL SECTION B-B

SCALE: 1"=2'

CONSTRUCTION NOTES:

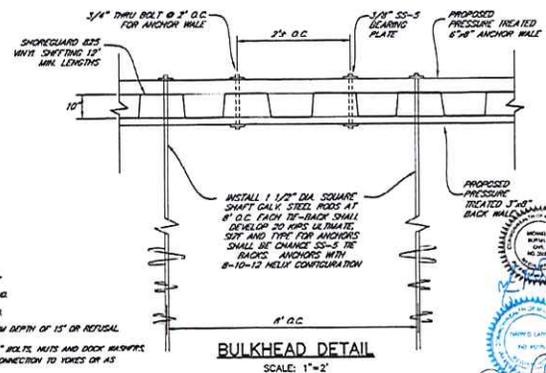
1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
2. ALL WOOD MATERIALS SHALL BE NON COX TREATED.
3. PILES SHALL BE DRIVEN, NOT SET, TO A MINIMUM DEPTH OF 15' OR REFUSAL.
4. FASTENING OF WOOD MATERIALS SHALL BE BY 1/4" BOLTS, NUTS AND DOCK BOLTS. HARDWARE CLIPS ON INNU BOLTS FOR STRINGER CONNECTION TO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

ANTLERS SHORE ROAD (W. SIDE)



SITE PLAN

SCALE: 1"=10'
SCALE: 1 INCH = 10 FEET



BULKHEAD DETAIL

SCALE: 1"=2'

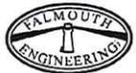
LEGEND

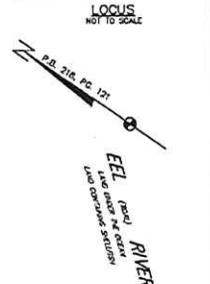
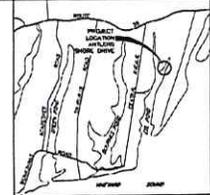
- 10- EXISTING 10' CONTOUR
- 10.5- EXISTING SPOT ELEVATION
- #10.0 PROPOSED SPOT ELEVATION
- (-1.2) WATER DEPTH AT MEAN LOW WATER
- CONCRETE BOUND

GENERAL NOTES:

1. ASSESSOR'S INFORMATION: 32 06 000 154
2. FLOOD ZONES: X (0.2%) & AC13 (FEMA MAP 25001C07333)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. LOT COVERAGE BY:
 - A. STRUCTURES: 1,377 S.F./9,800 S.F. = 14.3% < 20%
 - B. STRUCTURES/PARKING/PAVING: 1,852 S.F./9,800 S.F. = 19.3% < 40%
6. WIND Borne DEBRIS REGION: HIGH
7. STREET ADDRESS: ANTLERS SHORE DRIVE
8. HOUSE NUMBER: 154
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.

8-27-21 ADD A.C. AND BIN

DATE	REVISION
SITE PLAN SHOWING PROPOSED BULKHEAD AND DOCK RECONSTRUCTION FOR #154 ANTLERS SHORE DRIVE	
RICHARD FONTANA	
IN FALMOUTH, MA	
PLAN DATE: JULY 6, 2021	PLAN SCALE: AS SHOWN
CIVIL ENGINEERING	METLANDS PERMITTING
WATER RESOURCES	COASTAL ENGINEERING
FIELD & PLAN PLANS	PERMITS & BOOKS
LAND USE PLANNING	CONCRETE/RESIDENTIAL
	
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.485.1225	
PROJECT NUMBER: 19089	CAD FILE NAME: 19089SP
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 01504-1120	32 16 000G 011 LUC: 101	163 ANTLERS SHORE DR DRISCOLL JOHN M DRISCOLL KATHLEEN R 163 ANTLERS SHORE DR E FALMOUTH, MA 02638-6208	32 06 000 142 LUC: 101	156 ANTLERS SHORE DR HUSSEY JOHN B HUSSEY MARGARET L 166 ANTLERS SHORE DR E FALMOUTH, MA 02638-6285	32 06 000 153 LUC: 101
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 02638-5039	32 06 003 000 LUC: 132	109 EDGEWATER DR WEST FAUCHER CATHY 3 MAYFAIR LN UNIT 107 NASHUA, NH 03063	32 16 000G 010 LUC: 101	05 MADELINE RD JORDAN ANN MARIE 1479 GULF COAST DR NAPLES, FL 34110	32 06 000 121 LUC: 101
100 MADELINE RD BEAUCHAINE JOHN A BEAUCHAINE VANESSA C PO BOX 673 WRENTHAM, MA 02093	32 06 000 132 LUC: 101	104 MADELINE RD FITZPATRICK KEVIN C FITZPATRICK THERESA 235 COLONIAL DR SOMERSET, MA 02728-4515	32 06 000 131 LUC: 101	145 ANTLERS SHORE DR MAREGNI TRUSTEE LISA A L MAREGNI REV TRUST 145 ANTLERS SHORE DR EAST FALMOUTH, MA 02638	32 06 000 140 LUC: 101
203 EDGEWATER DR WEST BRAUNEIS DAVID A BRAUNEIS DEBRA E 203 EDGEWATER DR W EAST FALMOUTH, MA 02638-8890	32 16 000G 009 LUC: 101	154 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	88 MADELINE RD MCCUE MARK MCCUE HEATHER 88 MADELINE RD E FALMOUTH, MA 02638	32 06 000 135 LUC: 101
163 ANTLERS SHORE DR CELESTE TRUSTEE ROBERT J CELESTE TRUSTEE ELAINE E 333 CARRIAGE SHOP RD EAST FALMOUTH, MA 02638-6208	32 06 000 144 LUC: 101	144 ANTLERS SHORE DR GALVANI ROBERT J GALVANI RUTH A 144 ANTLERS SHORE DR EAST FALMOUTH, MA 02638	32 06 000 156 LUC: 101	140 ANTLERS SHORE DR MEUSE ARTHUR J MEUSE KRISTEN 5 STAFFORD RD LYNNFIELD, MA 01940-1461	32 06 000 155 LUC: 101
80 MADELINE RD CLANCY MARY ANN B 39 HUTCHINSON ST DORCHESTER, MA 02124	32 06 000 137 LUC: 101	84 MADELINE RD GELLERMAN TRUSTEE ERICA GELLERMAN TRUSTEE ALLEN 403 WEST FALMOUTH HWY FALMOUTH, MA 02640	32 06 000 136 LUC: 101	158 ANTLERS SHORE DR PERNICE KARA A 158 ANTLERS SHORE DR EAST FALMOUTH, MA 02638	32 06 000 152 LUC: 101
133 ANTLERS SHORE DR COVENEY TRUSTEE WILLIAM P COVENEY TRUSTEE MARY ANNE 6 LEE ANN CIR WESTBOROUGH, MA 01581	32 06 000 138 LUC: 101	168 ANTLERS SHORE DR GILDEA TRUSTEE MARK C CUNHA TRUSTEE RICHARD C PO BOX 663 SACKETTS HARBOR, NY 13685	32 06 000 150 LUC: 101	89 MADELINE RD PESSIN WILLIAM J 89 MADELINE RD E FALMOUTH, MA 02638-6235	32 06 000 122 LUC: 101
159 ANTLERS SHORE DR DIRUSSO TRUSTEE FRANCES A FA DIRUSSO FAM LIV TR 169 ANTLERS SHORE DR E FALMOUTH, MA 02638-6208	32 06 000 143 LUC: 101	138 ANTLERS SHORE DR GUARINO TRUSTEE LOUIS F GUARINO TRUSTEE KATHLEEN 6 OAK HILL DR CANTON, MA 02021	32 06 000 167 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	92 MADELINE RD HARNEY PAUL J HARNEY JOANNE M 92 MADELINE RD E FALMOUTH, MA 02638	32 06 000 134 LUC: 101	185 EDGEWATER DR WEST SANDS TRUSTEE KENNETH SANDS REALTY TRUST 20 BUCKTHORN TERR WINTHROP, MA 02152	32 16 000G 014 LUC: 101
211 EDGEWATER DR WEST DONOVAN CAROLINE C DONOVAN ROBERT 211 EDGEWATER DR W EAST FALMOUTH, MA 02638-8892	32 16 000G 007 LUC: 101	164 ANTLERS SHORE DR HIBERT DEBRA 34 ANDREWS RD MARLBOROUGH, MA 01752	32 06 000 151 LUC: 101	207 EDGEWATER DR WEST SCHROTH MATTHEW J PETERSEN DOMURAT STACY 108 KIMBALL RD DEDHAM, MA 02020	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

171 ANTLERS SHORE DR 32 06 000 146

SMITH MALCOLM F LUC: 101
SMITH PAMELA A
106 OAK ST
MIDDLEBORO, MA 02346

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

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 16 000G 012

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

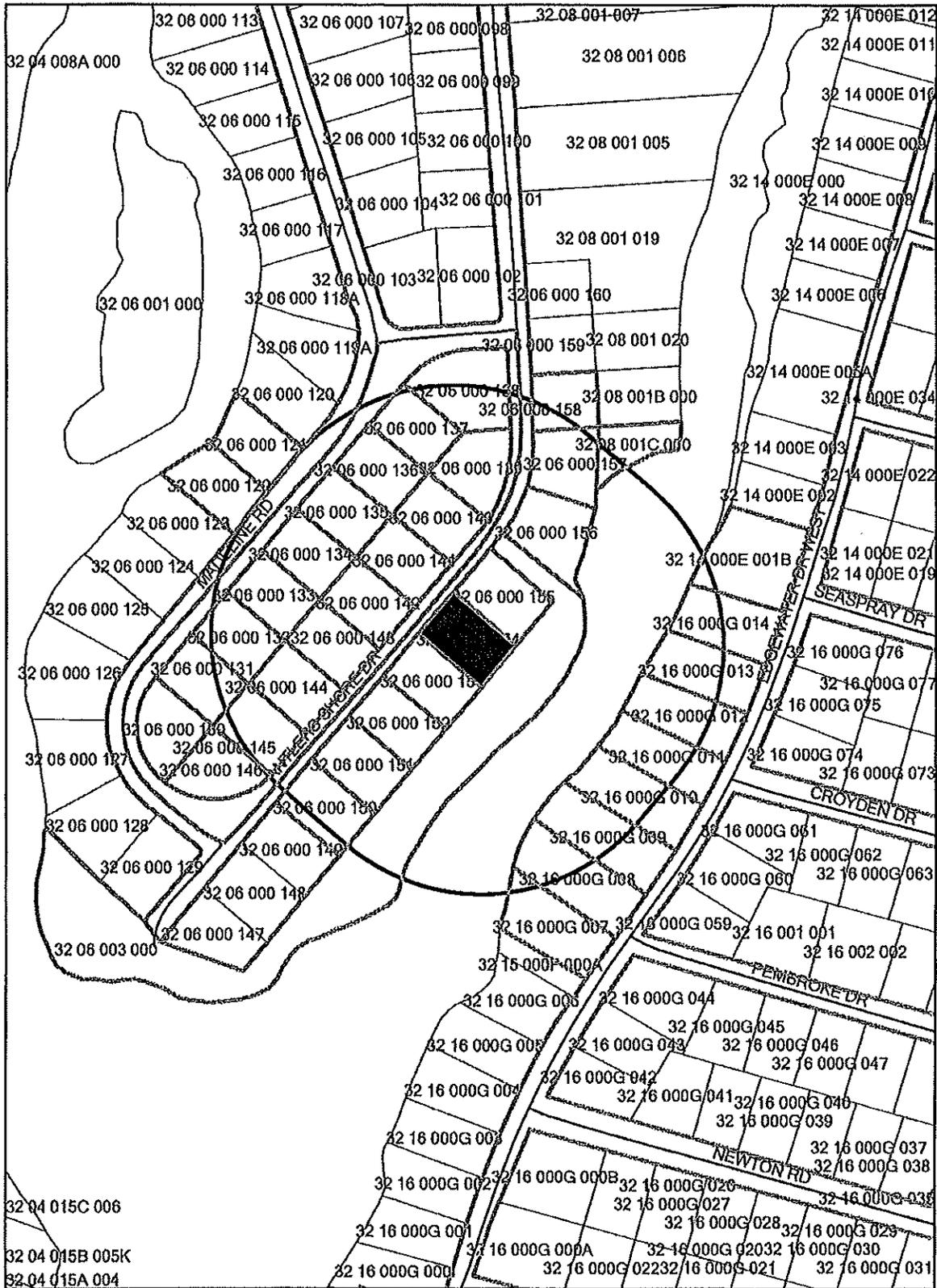
179 EDGEWATER DR WEST 32 14 000E 001B

WILLOX KAREN E LUC: 101
BETRO FELIX S
30 MECHANIC ST
FOXBORO, MA 02036

167 ANTLERS SHORE DR 32 06 000 146

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

154 ANTLEERS SHORE DR



BUSINESS

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

BUSINESS

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

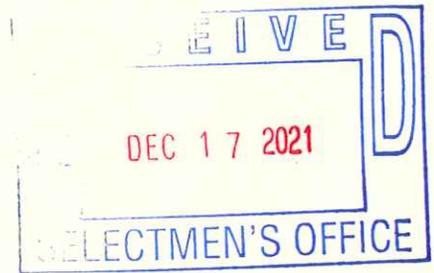
BUSINESS

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



December 17, 2021

Doug Brown, Chairman
Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540



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Adam H. Thomas

Executive Director
Jessica Whritenour

Director of Program Services
Lucy C. Helfrich

Stewardship Coordinator
Alexandra Zollo

Tax Exempt #22-2659529

Dear Doug:

The 300 Committee Land Trust (T3C) understands that the Select Board will be meeting on Monday, December 20 to discuss whether or not to exercise the right of first refusal to purchase the 31-acre parcel owned by CLSV off of Rt. 151. Further, we understand that the Select Board has prioritized this parcel for affordable housing development, either through a Town purchase and "RFP" process for housing development or through waiving the right of first refusal in order to allow Mr. Galasso's P&S Agreement to proceed for workforce housing development.

T3C's focus in reaching out to the Select Board is to urge the Town to ensure that the existing Moraine Trail corridor is named as a priority for permanent protection for purposes of public access for trail usage. A significant portion of the Northern Moraine Trail crosses the 31-acre parcel under discussion. A small parking area is located on the parcel as well. The entirety of the Moraine Trail from Rt. 151 to Grews Pond is an important and well-used recreational resource for Falmouth's residents and visitors. The trail has long served as a unique natural area and as an amenity for the entire community, and we envision it to complement the Town's plans for the future of this land.

"Only a few parcels of open space existed along the spine of the glacial moraine that stretches from Bourne to Woods Hole when the town's Park and Open Space Plan of 1986 identified the goal of establishing a moraine greenway. By specifically targeting land for acquisition for this purpose, The 300 Committee helped the town establish the 11-mile Moraine Trail. Starting at Route 151, the trail follows an easement down the wildlife corridor between Route 28 and The Cape Club, then passes through conservation land, crossing Thomas Landers, Blacksmith Shop and Brick Kiln roads to Long Pond and Grews Pond. Because it follows the moraine, the wooded terrain is rugged, with high ridges and steep valleys."

-- excerpt from The 300 Committee Land Trust website

The Trail was created by T3C and the Town through decades of planning and proactive land acquisition, and it is important that the Town and T3C continue to partner to ensure its permanent protection. We ask that the Town include T3C in site planning discussions as the future of the 31-acre CLSV parcel is considered so

Preserving Open Space for Falmouth



157 Locust Street • Falmouth, MA 02540 • phone 508.540.0876 • fax 508.457.6406 • www.300committee.org

that we can provide input supporting the protection of the Moraine Trail. The Trail is maintained for public access usage through a cooperative stewardship arrangement of Town and T3C land management resources, which include Town and T3C staff supported by volunteer labor.

The Moraine Trail map (attached) was recently republished by The 300 Committee in order to increase visibility and public awareness of the Moraine Trail. We hope you enjoy the new map and the wealth of information it provides. We also hope you'll enjoy a visit to the Trail if you haven't been there already, or if you haven't been in a while. We would be happy to arrange for a T3C representative to meet with Select Board members or Town Management on site. Please feel free to reach out to me by phone at 508-540-0876 or by email at jwhritenour@300committee.org with any questions you may have as the Town moves forward with discussions.

Best regards,



Jessica K. Whritenour
Executive Director

Enc. Moraine Trail maps

cc: Select Board members
Julian Suso, Town Manager
Peter Johnson-Staub, Asst. Town Manager

BUSINESS

7. Discussion on Right of First Refusal on 31.7-acre property on Route 151 (15 minutes)

31-Acre Right of First Refusal

To Select Board for Discussion 12-6-2021

Documents:

- Redacted Purchase and Sales Agreement
- Proposed (Alternative) Project Description for Development Approach from Potential Purchaser Michael Galasso
- Appraisal of 31-acre property by Clancy Appraisal Company
- Staff Analysis of Property

Julian Suso

From: Laura Moynihan <laura@lmoynihanlaw.com>
Sent: Tuesday, November 16, 2021 9:48 AM
To: Frank Duffy
Cc: Julian Suso
Subject: CLSV Notice of Right of First Refusal
Attachments: P&S 31 Acres Redacted Version.pdf; 31 Acres Development Approach 11.15.21.docx.pdf

Dear Frank,
Attached is a copy of the [redacted purchase and sales agreement] as requested.

The buyer has requested that I provide for the consideration of the Select Board a proposed [project description with the development approach outlined] for the intended development of the land, which is attached as well. The buyer has also requested that I reiterate my request to have this discussed in Executive Session by the Select Board.

Lastly, I would like to add as a reminder that if the Select Board votes to grant the waiver of the right of first refusal that we have requested a vote that includes provision for it to be effective to the potential closing date of November 9, 2024.

Thank you,
Laura

Laura M. Moynihan, Esq.
Law Office of Laura M. Moynihan
17 Academy Lane, Suite 1
Falmouth, MA 02540
Tel: 508-548-5558
Fax: 508-548-5553

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From: Frank Duffy [mailto:frank.duffy@falmouthma.gov]
Sent: Wednesday, November 10, 2021 10:56 AM
To: 'Laura Moynihan' <laura@lmoynihanlaw.com>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Jennifer Mullen <jennifer.mullen@falmouthma.gov>; Thomas Bott

<thomas.bott@falmouthma.gov>

Subject: RE: CLSV Notice of Right of First Refusal

Laura: The Select Board has scheduled this as an agenda item for its Nov. 22 meeting. I request copies of the requested documents as soon as possible. Thank you.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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From: Laura Moynihan <laura@lmoynihanlaw.com>
Sent: Friday, October 29, 2021 2:01 PM
To: Frank Duffy <frank.duffy@falmouthma.gov>
Subject: RE: CLSV Notice of Right of First Refusal

Thank you.

Laura M. Moynihan, Esq.
Law Office of Laura M. Moynihan
17 Academy Lane, Suite 1
Falmouth, MA 02540
Tel: 508-548-5558
Fax: 508-548-5553

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From: Frank Duffy [<mailto:frank.duffy@falmouthma.gov>]
Sent: Friday, October 29, 2021 10:32 AM

To: 'Laura Moynihan' <laura@lmoynihanlaw.com>
Subject: Re: CLSV Notice of Right of First Refusal

Laura: the redacted P&S please.

From: 'Laura Moynihan' <laura@lmoynihanlaw.com>
Sent: Wednesday, October 27, 2021 8:06 AM
To: Frank Duffy <frank.duffy@falmouthma.gov>
Subject: CLSV Notice of Right of First Refusal

Thank you, Frank. Are you asking for the buyer name via a letter from me (which I had indicated we could provide) or a copy of the redacted p&s, or both? I thought when we last spoke you were going to consider what you would want to satisfy this issue.

Laura

On October 26, 2021 2:59 PM Frank Duffy <frank.duffy@falmouthma.gov> wrote:

Laura: We do not have this information. I realize the parties want privacy, but the right of first refusal is a matter of public record so this is an unreasonable expectation. The town is entitled to assurance the proposed transaction is a binding transaction between unrelated parties. Thank you.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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From: Frank Duffy
Sent: Friday, September 24, 2021 10:23 AM
To: 'Laura Moynihan' <laura@lmoynihanlaw.com>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Jennifer Mullen <jennifer.mullen@falmouthma.gov>
Subject: CLSV Notice of Right of First Refusal

Attorney Moynihan: This follows the recent correspondence dated September 13, 2021 notifying the Town of Falmouth of a pending sale of the land at the intersection of Rt. 28 and Rt. 151 in North Falmouth which is the subject of the Right of First Refusal recorded in the Registry of Deeds in Book 16253, Page 136. On behalf of the Town of Falmouth I make request for a copy

of the Purchase and Sale Agreement referenced in the correspondence. The purchase and sale agreement is necessary to verify the information in the correspondence. The Right of First Refusal requires revelation to the town of "all material terms of the offer."

The purchase and sale agreement will verify that there is a binding transaction and not merely an intention to sell which may or may not be a binding agreement. In addition the purchase and sale agreement will reveal the identity of the buyer. The Right of First Refusal provides that it does not apply to conveyances to a number of identified entities that are related to or associated with the same people who are principals of CLSV. If the property is conveyed to one of these related entities, the Right of First Refusal survives the transfer.

Similar correspondence was sent to the Town of Falmouth in September, 2007 relative to a proposed sale to another party. At that time the town requested a copy of the Purchase and Sale Agreement and it was provided by CLSV.

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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Laura M. Moynihan, Esq.

17 Academy Lane, Suite 1

Falmouth, MA 02540

Tel: 508-548-5558

Fax: 508-548-5553

www.lmoynihanlaw.com

- REDACTED
VERSION -

Laura M. Moynihan, Esq.
17 Academy Lane, Suite 1
Falmouth, MA 02540
Telephone: (508) 548-5558
Facsimile: (508) 548-5553
Email: Laura@lmoynihanlaw.com

PURCHASE AND SALE AGREEMENT

1. **Parties:** This 16TH day of September, 2021, CLSV Associates Limited Partnership, c/o Ballymeade Development Corp., General Partner, with a mailing address of P.O. Box 1683, North Falmouth, MA 02556, (hereinafter called the SELLER) agrees to sell, and 31 Acres, LLC, with a mailing address of 107 Lakeview Avenue, Falmouth, MA 02540, (hereinafter called the BUYER or PURCHASER), agrees to buy, upon the terms hereinafter set forth the following described premises:
2. **Description:** The land together with the buildings and improvements thereon situated at **31 Acre property located along Nathan Ellis Highway, East Falmouth, Barnstable County, Massachusetts**, shown as Parcel A, Parcel B, Parcel C and Lot 15 on a plan recorded in the Barnstable County Registry of Deeds in Plan Book 495 Page 50, a copy of which is attached hereto (hereinafter collectively called the "Premises"). For SELLER's title see Deed registered in Barnstable County Registry of Deeds, Book 17120 Page 137.
3. **Buildings, Structures, Improvements, Fixtures:** N/A vacant land
4. **Title Deed:** Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto free from encumbrances except:
 - (a) Provisions of existing building and zoning laws;
 - (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
 - (c) Any liens for municipal betterments assessed after the date of this agreement;
 - (d) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the intended use of said premises for residential use.

Buyer agrees that Buyer shall notify Seller at or by the Due Diligence Expiration Date (as defined below) of any matters as to title or survey with respect to the Premises that are not in compliance with this paragraph or otherwise with this Agreement. If Buyer fails to so notify Seller at or by the Due Diligence Expiration Date of any such matter or matters, Buyer shall be deemed to have accepted the title and survey condition of the Premises as

good, clear and marketable in compliance with the provisions of this paragraph and this Agreement as of the Due Diligence Expiration Date.

5. **Registered Title:** If the title to the premises is registered, then said deed shall be in a form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.
6. **Purchase Price.** The agreed purchase price for said premises is **Two Million Nine Hundred Ninety-Five Thousand Dollars and 00/100 (\$2,995,000.00) DOLLARS**, of which:

\$ 25,000.00	has been paid as a deposit this day ("Initial Deposit");
\$ 75,000.00	to be paid in accordance with Paragraph 30 below ("Second Deposit");
\$2,895,000.00	are to be paid at the time of delivery of the deed by Attorney's IOLTA check drawn on a Massachusetts bank.
\$2,995,000.00	Total Purchase Price
7. **Time for Performance: Delivery of Deed:** Such deed is to be delivered at the office of Seller's counsel at 17 Academy Lane, Suite 1, Falmouth, Massachusetts, unless otherwise agreed upon in writing, on the "Closing Date" as set forth in Paragraph 35 below. It is agreed that time is of the essence of this agreement.
8. **Possession and Conditions of Premises:** Full possession of said premises, free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said premises to be then in the same condition as they now are, reasonable use and wear thereof excepted, and in compliance with the provisions of any instrument hereinbefore referred to. The BUYER shall be entitled to personally inspect said premises prior to the delivery of the deed in order to determine whether the condition thereof complies with the terms of this paragraph.
9. **Extension to Perfect Title or Make Premises Conform:** If the SELLER shall be unable to give title, or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, in which event the time for performance hereunder shall be automatically extended for a period of thirty (30) calendar days. "Reasonable efforts" shall not require Seller expense of more than \$5,000.00 exclusive of discharge of monetary liens, if any.
10. **Failure to Perfect Title or Make Premises Conform:** If, at the expiration of the extended time, the SELLER shall have failed to so remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the

parties hereto shall cease and this agreement shall be void and without recourse to the parties hereto.

11. **BUYER's Election to Accept Title:** The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to said premises in their then condition, and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.
12. **Acceptance of Deed:** The acceptance and recording of a deed by the BUYER or his nominee, as the case may be, shall be deemed to be full performance and discharge of every agreement and obligation herein contained or expressed, except such as are by the terms hereof to be performed after the delivery of said deed.
13. **Use of Money to Clear Title:** To enable the SELLER to make conveyance as herein provided, the SELLER may at the time of delivery of the deed use the purchase money, or any portion thereof, to clear the title of any or all encumbrances or interest, provided that all instruments so procured are recorded simultaneously with the delivery of said deed or within reasonable time thereafter in accordance with customary practices in the case of discharges of institutional mortgages only.
14. **Insurance.** N/A Intentionally omitted.
15. **Adjustments:** Taxes for the then current fiscal year shall be apportioned as of the day of performance of this agreement, and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of the delivery of the deed.
16. **Adjustment of Unassessed and Abated Taxes:** If the amount of said taxes is not known at the time of delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, or the reapportionment as soon as the new tax rate and valuation can be ascertained; and if the taxes which are to be apportioned shall be thereafter reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
17. Intentionally omitted.
18. **Deposits:** Subject to the provisions of Paragraph 34 of this Agreement, all deposits made hereunder shall be held by Laura M. Moynihan, Esq., as Escrow Agent, in escrow subject to the terms of this agreement and shall be duly accounted for at the time for performance for this agreement. In the event of disagreement between the parties as to the deposit, the Escrow Agent shall retain the deposits made under this Agreement pending instructions mutually given by the Seller and the Buyer or a Court of competent jurisdiction.

19. **BUYER's Default:** If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages as the SELLER's sole remedy at law and in equity.
20. **Liability of Trustee, Shareholder or Beneficiary:** If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound; and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied hereunder.
21. **Warranties & Representations:**
- A. The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing.
- B. By execution of this Agreement, Buyer acknowledges that Buyer has been provided or will be provided ample opportunity to conduct any and all investigations, tests and inspections of the premises (either independently or through agents of the Buyer's choice), including all improvements thereon, if any, and any and all component thereof, desired by Buyer (and that the Seller has no responsibility for any failure by the Buyer to fully exercise such rights), including, without limitation, perc tests, surveys and investigations of dimensions and area of the premises, investigations as to eligibility for building permits, other permit and/or construction approvals and flood hazard zones. Any statements which may have previously been made by the Seller, including, without limitation, in any realtor's / broker's questionnaire or so-called "Seller's Disclosure Statement" or property listing information, if any, are specifically hereby voided and are superseded by this Agreement. Without intending to limit the generality of the foregoing, Seller does not warrant or represent that the premises comply with current municipal, county, state or federal codes, ordinances, statutes, laws, regulations or the like, relating to zoning, building, environmental, health or any involving the maintenance, operation or condition of the premises. The Buyer acknowledges that the Buyer is and will be purchasing the premises to be conveyed pursuant to this Agreement in its "as is" condition, except as may be expressly provided herein. The provisions of this paragraph shall survive the Closing and delivery of the Deed hereunder.
- C. Seller shall not be liable or bound in any way for any verbal or written statements, representations, or information pertaining to the premises furnished by any real estate broker or agent or any agent or employee of Seller, or any other person. It is understood and agreed that all prior and contemporaneous representations, statements, understandings and agreements, oral or written, between the parties are merged in this Agreement, which alone fully and completely expresses their agreement, and that the same is entered into after full investigation, neither party relying on any statement or representation not embodied in this Agreement made by the other.

22. **Notices:** All notices required or permitted to be given hereunder shall be in writing and deemed duly given when (a) mailed by registered or certified, first-class mail, return receipt requested, postage prepaid, (b) hand-delivered, (c) sent by facsimile, or (d) sent by overnight delivery service, addressed:

If to BUYER:

Johnna F. Tierney, Esq.
Halloran, Luskoff, Smith & Tierney, P.C.
432 County Street
New Bedford, MA 02740
Facsimile: (508) 990-7235
Jtierney@hlspl.com

If to SELLER:

Laura M. Moynihan, Esq.
17 Academy Lane, Suite 1
Falmouth, MA 02540
Facsimile: (508) 548-5553
laura@lmoynihanlaw.com

23. **Errors and Omissions:** If any errors or omissions are found to have occurred in any calculations or figures used in the settlement statement signed by the parties (or would have been included if not for any such error or omission) and notice hereof is given within two months of the date of delivery of the deed to the party to be charged, then such party agrees to make a payment to correct the error or omission.
24. **Massachusetts Contract:** This instrument, executed in triplicate, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors, and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and BUYER. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. Scanned or electronic signatures on this Agreement shall be treated as originals for all purposes.
25. **Extension:** The extension provided for in Paragraph 9 of this Agreement may be for a shorter period of time if such nonconformity can be cured within a shorter period of time, with such shorter extension date being agreed to by the Buyer and the Seller.
26. **Limited Power of Attorney:** BUYER and SELLER hereby authorize their respective attorneys (as the case may be) to execute on their behalf any extensions to the time for performance under this Agreement and any change of location and/or time for delivery of the deed. The BUYER and SELLER shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge before the execution or other

consent to such extensions, that either party has disclaimed the authority granted herein to bind them. For purposes of this Agreement, facsimile signatures shall be construed as original.

27. **Entry Upon Premises:** From and after the date of this Agreement, SELLER agrees to permit BUYER and BUYER's agents or designees to enter the premises, at reasonable times, after reasonable prior notice to SELLER or SELLER's agent, in the presence of SELLER or SELLER's agent, for the purpose of making measurements, survey, or otherwise to conduct Buyer's Due Diligence as defined in this Agreement. All such entry and access shall be at the sole risk of Buyer or Buyer's agents or designees. No alterations to the Premises shall be permitted as a result of such entry or access without the express consent of the Seller. Buyer agrees to indemnify and hold Seller harmless for any loss, damage, cost or expense to Seller caused by Buyer or Buyer's agents or designees from or in connection with such access.
28. **Title and Practice Standards:** In matters respecting title to the premises, standards of the Massachusetts Real Estate Bar Association shall be determinative.
29. **IRC Section 1445(b)(2):** SELLER hereby warrants and represents that (i) SELLER is not a "foreign person" as defined by the Internal Revenue Code ("IRC"), Section 1445, and (ii) SELLER shall execute and deliver to BUYER at closing an affidavit or certificate in compliance with IRC Section 1445(b)(2) and the applicable regulations thereunder.

30. **Right of First Refusal Contingency - Town of Falmouth**

[REDACTED]

[REDACTED]

31.

[REDACTED]

32.

[REDACTED]

[REDACTED]

33.

[REDACTED]

34. **Deposits.** The Initial Deposit and the Second Deposit are collectively referred to in this Agreement as the "Deposits"). Notwithstanding any other provision of this Agreement, Buyer and Seller agree that:

[REDACTED]

reports, studies or investigations along with written evidence of payment for same having been made.

35. **Closing Date.** The time for performance and delivery of the deed to the Premises (the "Closing Date") shall be the day that is 90 calendar days after the [REDACTED] Permit Expiration Date (as defined above), or the next business day if such day falls on a holiday or Saturday or Sunday, time being of the essence. The Buyer may, at the Buyer's option, extend the Closing Date for up to 365 additional calendar days from the Closing Date upon written notice to Seller prior to the Closing Date and with payment made at such time to the Seller by certified check or bank check [REDACTED] (the "Extension Deposit"). Such notice shall include the Extension Deposit in order to be effective to extend the Closing Date as herein provided, and in the absence of such payment at such time no extension of the Closing Date shall be effective pursuant to this paragraph. The Extension Deposit shall be paid and released to Seller at such time of Seller's receipt of such notice of extension of the Closing Date and not held in escrow pursuant to this Agreement and shall be non-refundable to Buyer, but shall be credited to the purchase price at the Closing Date. The Extension Deposit shall not be pro-rated or otherwise reduced if Buyer does not utilize the entire 365 calendar day extension period. Upon Seller's receipt of the Buyer's notice of extension of the Closing Date pursuant to this paragraph and the Extension Deposit, the Closing Date shall be extended for 365 calendar days from the Closing Date (or the next business day if such day falls on a holiday or Saturday or Sunday) unless the Buyer and Seller expressly agree to the Closing Date being earlier than such date.

36. **Hazardous Materials.** Seller represents to Buyer to the best of Seller's knowledge, without having made independent investigation, that:

- (1) Seller has no knowledge of any toxic or hazardous materials as said terms are defined pursuant to Massachusetts law that have been used, discharged or stored on, at or below the Premises in violation of any state, federal or local law or regulation;
- (2) Seller has no knowledge of any petroleum oil storage tanks located on or beneath the surface of the Premises.

Buyer and Seller agree that if any such hazardous materials are discovered at the Premises as a result of Buyer's Due Diligence with respect to the Premises that the Buyer and Seller shall make efforts to negotiate in good faith (without incurring any obligation hereby) as to the cost of any required environmental "clean up" of the Premises.

37. **Opportunity for Counsel.** Both BUYER and SELLER hereby acknowledge that they have been offered the opportunity to seek and confer with qualified legal counsel of their choice prior to signing this Agreement.

38. **Assignment and/or Recording.** This Agreement may not be assigned by Buyer without the express written consent of Seller, which consent shall not be unreasonably withheld. Any assignment of this Agreement by the Buyer to an assignee with similar affordable housing development experience and financial resources as the Buyer as determined by the Seller shall not be denied by the Seller. This Agreement shall not be recorded at the Barnstable County Registry of Deeds. Any assignment of this Agreement (excepted as allowed by the express written consent of the Seller) or recording of this Agreement at the Barnstable County Registry of Deeds shall entitle Seller, at Seller's option, to terminate this Agreement upon notice to Seller.

**NOTICE: This is a legal document that created binding obligations.
If not understood, consult an attorney.**

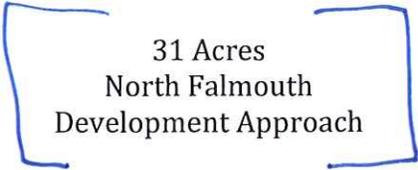
SELLER:
CLSV ASSOCIATES LIMITED PARTNERSHIP
C/O BALLYBRADE DEVELOPMENT CORP., GENERAL PARTNER

John Callahan
By: John Callahan (Sep 10, 2021 13:53 EDT)
John T. Callahan, President

BUYER:

31 Acres, LLC
By: 
Michael Galasso, Manager

9-9-21



31 Acres
North Falmouth
Development Approach

Recently the town of Falmouth completed and Town Meeting adopted its Housing Production Plan which called for the development of 74 new affordable / workforce housing units a year over the next ten years.

With a limited amount of land properly zoned for residential use in Falmouth and with land that is zoned for residential use constantly being taken out of product for open space and other alternative uses, the possibility of the town reaching its annual goal is very difficult.

There is also a lack of large developable parcels in town that, if properly planned, could help the town achieve its housing goal.

Our goal in planning and developing this site is to assemble an experienced team of nationally and internationally recognized designers, architects, land planners, environmental engineers and financial partners that will create a development plan that helps the town obtain its goal of providing critically need housing , has the support of a majority of surrounding neighbors and community , is sustainable and energy efficient.

Development Approach:

A key to successful development is the early and consistent engagement with the immediate property owners, neighborhood and surrounding community.

The first step for us is to meet with the neighbors and other community members with our professional design team with a blank slate. No preconceived ideas, no site or building plans (besides a site survey and topo) for an open discussion with the neighbors to hear their ideas on developing the property and to discuss what our general goals are and to listen to what their concerns may be . We want them to be an integral part of the planning process. The professional team we've assembled are skilled in listening to neighbors and community organizations and combining our development objectives with theirs which will, we hope, eventually result in a development master plan that has the support of the community so when the plan is presented to the town's ZBA, Select Board and other decision makers it has as much support as possible from the neighborhood.

We realize we may not meet all the neighbor's objectives but it's important for the success of the development to demonstrate to the decision makers, Mass Housing, DHCD, the Falmouth ZBA, Select Board and others that we have engaged our

neighbors in the planning process , listen to their concerns and have developed a consensus plan that also meet our goals and objectives.

We have already discussed the proposed uses with the Cape Cod Commission and as long as the gross square footage of any non-residential (retail , co-working space) does not exceed 20% of the gross residential square footage, they do not need to review the plans. We have agreed to meet with them on occasions to review the propose plans and receive any suggestions they may have.

Our master site and building plans will be designed to meet Enterprise Green Communities program requirements. Enterprise Green is the only national green building program in the nation created for affordable housing.

The proposed development would contain a mix of uses, will be environmentally sensitive with affordable workforce and market rate rental and for sale housing in a mix of sizes.

A majority of the proposed single-family homes will be intended just for first time, local homebuyer.

All building will be designed to meet at a minimum Net Zero Energy standards and will include renewable energy, electric car charging stations for the residents and shared electric vehicles (cars and bicycles) available for residents of the development use. Some of the units may be designed for local artist with open space, tall ceilings and lots of natural light. A percentage of the apartments and homes will meet full handicap accessibility requirements.

A public transportation bus shelter will be constructed along 151 with the goal of promoting the use of alternative transportation methods and reducing the demand for individual car ownership and on-site car parking spaces allowing for more land available for housing, community gardens, recreation and open space.

In addition, we believe we should consider include a community amenity such as a possible new North Falmouth Branch Library in a multi-use building which would become the community gathering place and include, not only the library, but a small cafe and a green grocer, similar to the organic grocer at Mashpee Commons.

Development Design Team:

Listed below are the national and international recognized design professionals committed to be a part of the development of this development.

Land Planning/ Site Master Plan: Union Studio Architecture and Community Design

Master Architect: Robert A.M. Stern Architects

Housing NOW Architects: Jill Neubauer Architects

Landscape Architect: TBD

Library/ Community Buildings Architect: Robert A.M. Stern Architects

We plan on adding more woman and minority owed business members to the team with a goal of a minimum of 30% minority and woman owned professionals and eventually the same percentage of contractors and subcontractors.

We are also looking into working with local educational institutions to create an internship / apprentice program to attract more minority, people of color and woman into the affordable housing development and construction industry.

Potential Financing Partners:

Equity Partners: Boston Capital / Boston Financial - Jack Wallace

Construction Financing: Citi Community Capital – Richard Gewirtz
Eastern Bank – Johann Stone

Permanent/ Term Financing: Hunt/ LUMENT Capital – Tim Hoppin

Mass Housing: Michelle Vinciguerra

DHCD: Kate Racer

Mass Development: Jay Pateakos

Mass Housing Investment Corporation: Bruce Ehrlich

The development of this project will require financial assistance from the town, state and federal sources.

The design and financial partners listed here are organizations which I have previously worked with in developing, owning and managing over 1,000 affordable and workforce housing units and other developments, many of which have won numerous planning and architectural awards.

The 31 acres site provides us with an opportunity to develop a well-designed, energy efficient community that has the support of its neighbors and surrounding community and can set an example of how affordable, mixed use housing can be developed in our community.

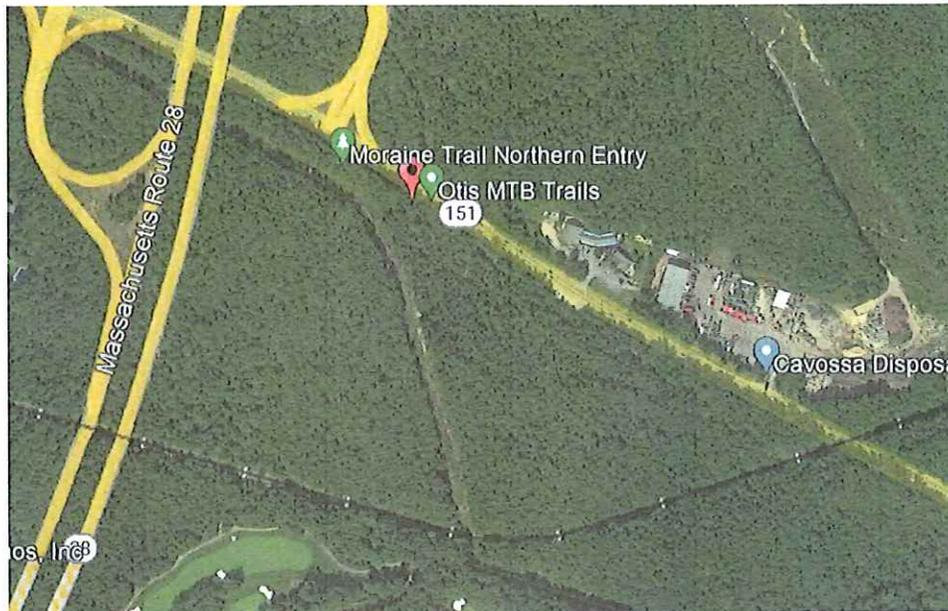
Michael Galasso
31 Acres, LLC

A REAL ESTATE APPRAISAL

REPORTED IN A RESTRICTED USE APPRAISAL FORMAT
OF THE PROPERTY

LOCATED AT:

**0 NATHAN S. ELLIS HIGHWAY
EAST FALMOUTH, MA 02536**



PREPARED FOR:

MR. JULIAN SUSO
TOWN MANAGER
59 TOWN HALL SQUARE
FALMOUTH, MA 02540

EFFECTIVE DATE OF APPRAISAL:

SEPTEMBER 24, 2021

PREPARED BY:

CLANCY APPRAISAL CO, INC
REAL ESTATE APPRAISERS AND CONSULTANTS
24 SPRING BARS ROAD, #3B
FALMOUTH, MA 02540

CLANCY APPRAISAL CO., INC.
24 Spring Bars Road, #3B
Falmouth, MA 02540-3910
(508) 540-9515 – Fax (508) 540-6586
Email: info@clancyappraisal.net

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

October 7, 2021

RE: 31.2 Acres - 4 vacant parcels on Nathan S Ellis Highway
East Falmouth, MA

Dear Mr. Suso,

In accordance with your request, I have appraised the vacant lots captioned above and provided a Real Estate Appraisal reported in a Restricted Use Appraisal Format. The subject consists of four (4) vacant parcels of land with a **total of 31.2 acres**. The land is zoned Residential AGAA with a SCRD Overlay for 6.61 Acres.

The Intended Use of this report is to provide an opinion of the Market Value of the Fee Simple Estate of the real property owned by CLSV Associates Limited Partnership for possible acquisition purposes. The Intended User is Mr. Julian Suso, Town Manager and the Town of Falmouth.

There are no Hypothetical Conditions or Extraordinary Assumptions. **See Page 6 for comments on Covid-19 Virus conditions.**

This report is based upon the appraiser's *personal inspection* of the subject property, and after a thorough examination of all of file data contained in this report and in my work files, it is my opinion that the "As Is" Market Value of the above-captioned property, as of September 24, 2021, is:

THREE MILLION & FORTY THOUSAND DOLLARS
(\$3,040,000)

Should questions arise in connection with this report, or if I may be of further assistance to you in this matter or any other, please feel free to call upon me

Respectfully submitted,

Joseph M. Clancy

Joseph M. Clancy, ASA, MRA
MA Certified General
Real Estate Appraiser #76

CERTIFICATION OF APPRAISAL

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and they are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice ("USPAP")*.
8. Joseph M. Clancy has made a personal inspection of the property that is the subject of this report on September 24, 2021.
9. No one else provided significant appraisal assistance to the person signing this certification.
10. This appraisal report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and the Standards of Professional Conduct of the Massachusetts Board of Real Estate Appraisers, with which the Appraiser is affiliated.
11. The signatory appraiser has provided no prior appraisal services regarding the subject property in the prior 3 years.

Joseph M. Clancy

Appraiser:

Joseph M. Clancy, MRA
MA Certified General
Real Estate Appraiser #76

STATEMENT OF LIMITING CONDITIONS

The certification of the appraiser appearing in this appraisal report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the appraiser in the report.

1. The appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor do the appraisers render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.
2. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraisers have not made a survey of the property.
3. The appraiser is not required to give testimony or appear in court because of having made this appraisal with reference to the property in question, unless arrangements have been made previously made, therefore.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
5. The appraiser assumes that there are no hidden or unapparent conditions of the property, no known existence of hazardous substances or detrimental environmental conditions, subsoil or structures, which would render it more or less valuable. The appraisers assume no responsibility for such conditions or for engineering, which might be required to discover such factors. Any statement in this appraisal relative to the highest and best use, the bearing capacity of the soil, and the uses to which the property can and will be put, are based on the writer's conclusions and on a surface examination only. Soil or engineering tests made by engineers indicating contrary results may affect the conclusions reported herein. The writers assume no liability beyond surface examination for the lack of engineering data required to support proposed uses for the property.
6. Information, estimates and opinions furnished to the appraiser and contained in this report were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the appraisers, can be assumed by the appraisers.

STATEMENT OF LIMITING CONDITIONS (cont'd)

7. Disclosure of the contents of this appraisal report is governed by the Bylaws and Regulations of the professional appraisal organizations with which the appraisers are affiliated.
8. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to property value, the identity of the appraisers, professional designations, reference to any professional appraisal organizations, or the firm with which the appraiser is connected) shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organizations, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the appraiser.
9. On all appraisals subject to satisfactory completion, repairs, or alterations, the appraisal report and value conclusions are contingent upon completion of the improvements in a workmanlike manner.
10. This assignment was undertaken for the client specified herein. The appraiser does not recognize or assume any duty to persons other than that client in the formulation of this report and its conclusions. The client may make such reasonable use of this report as is consistent with the function of the report, but any third or other party into whose possession the report may come should not assume that its rationales or conclusions will serve any other client or function.
11. Note the use of the single quote (‘) will denote feet in this report.
12. Environmental Disclaimer: The value estimated in this report is based on the assumption that the property is not negatively affected by the existence of hazardous substances or detrimental environmental conditions. The appraiser's routine inspection of and inquiries about the subject property did not develop any information that indicated any apparent significant hazardous substances or detrimental environmental conditions, which would affect the property negatively. It is possible that tests and inspections made by a qualified hazardous substance and environmental expert would reveal the existence of hazardous materials and environmental conditions on or around the property that would negatively affect its value.

STATEMENT OF LIMITING CONDITIONS (cont'd)

13. The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey or analysis of this property to determine whether or not the physical aspects of the improvements are in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative impact upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.
14. The Gramm-Leach-Bliley Act was signed into law on November 12, 1999. The intent of the Act is to protect consumer's personal information obtained by a financial institution from being disclosed or released without notice and without the permission of the consumer. Compliance with the law became mandatory after July 1, 2001. These regulations apply to appraisers as well as other providers of financial services, and apply to nonpublic personal information, or personally identifiable financial information.

Additional Certification

Statement Relative to the Coronavirus (COVID-19)

COVID-19 has been declared a pandemic and a national state of emergency in place. Substantial turmoil has occurred in financial markets and due to the developing situation, it is not possible at this time to quantify its long-term or short-term effects on real estate markets or on the subject property. The value opinion contained in this appraisal is based on findings of an analysis of market data available to the appraiser at the time of the assignment.

STATEMENT OF FACTS

LOCATION: Parcel 10 Nathan S Ellis Highway (12.967 acres)
Parcel 3B Nathan S Ellis Highway (.396 ac)
Lot 14 Nathan S Ellis Highway (17.367 acres)
Lot 15 Nathan S Ellis Highway (.463 ac)

East Falmouth, MA

RIGHTS APPRAISED: Fee Simple

DATE OF APPRAISED VALUE: September 24, 2021

PROPERTY OWNER AND LEGAL DESCRIPTION: CLSV Associates Limited Partnership
Barnstable County Registry of Deeds
Book 17120 Page 137 dated 06/20/2003

ZONING: The subject property is in Agricultural AA Zoning District & Senior Care Retirement Community District.

ASSESSOR ID: Map 06-01-010-000
Map 06-01-003B-000
Map 06-01-008-014
Map 06-01-008C-015

FY 2021 Assessment - \$348,700 + \$9,200 + \$791,500 + \$9,500 =
\$1,158,900
FY 2020 Taxes - \$3,052.87 + \$80.55 + \$6,929.58 + \$83.17 =
\$10,146.17

SITE: Site consists of 4 vacant parcels containing a total of 31.2 acres with an irregular shape. Site has frontage on Nathan S Ellis Highway, aka Route 151. The site is rolling and is part of the glacial moraine along the State Highway. The site abuts the Otis AFB train tracks on the South. The Old County Road layout is on the easterly end of the site.

Utilities available to the site include town water, natural gas, and electricity, telephone & cable TV.

STATEMENT OF FACTS (cont'd)

IMPROVEMENTS: None

**HIGHEST AND
BEST USE:** Develop site with SCRC project or with mixed uses.

INDICATED VALUE: \$3,040,000

INTENDED USE OF APPRAISAL

The Intended Use of this report is to provide an opinion of the “As Is” Market Value of the Fee Simple Estate of four vacant parcels of land with a total of 31.2 acres located on Nathan S Ellis Highway, East Falmouth, MA for possible acquisition purposes. The Intended User is Mr. Julian Suso, Town Manager and the Town of Falmouth. The Effective Date of the appraisal is September 24, 2021.

DEFINITIONS

Market Value is defined as:

“The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is consummation of a sale as of a specific date and passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised and each acting in what he considers his own best interest;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”¹

Fee Simple Estate is defined as:

“Absolute ownership unencumbered by any other interest or estate subject only to the four powers of government.”²

Restricted Appraisal Reports: Standards Rule 2-2-b states that the content of a Restricted Appraisal Report must be appropriate for the intended use of the appraisal and at a minimum state the identity of any intended users. The information and data are *stated* as opposed to being described or summarized. The underlying reasoning for this abbreviated level of communication is that the client is assumed to have a sufficient level of knowledge to enable the client to understand a report of this type. The appraiser has included sufficient information for the client to understand the rationale for the opinions and conclusions.

¹ FIRREA, Office of the Controller of the Currency (OCC), Rule 12 CFR 34.42 (f)

² The Dictionary of Real Estate Appraisal, Second Edition, American Institute of Real Estate Appraisers, 430 North Michigan Avenue, Chicago, Illinois, Page 120.

SCOPE OF WORK

The appraiser was requested to provide a Real Property Appraisal utilizing a Restricted Use Appraisal Report. A Restricted Appraisal Report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(c) of the Uniform Standards of Professional Appraisal Practice for a Restricted Appraisal Report. As such it represents either limited or no discussions of the data, reasoning and analyses that were used in developing an opinion of value. Supporting documentation concerning the data, reasoning and analyses is retained in the appraiser's files. The depth of discussion contained in this report is specific to the needs of the client and for the intended use of this appraisal. The appraiser is not responsible for the unauthorized use of this report.

Accurately providing an opinion of the Market Value requires an inspection of the subject property, and an analysis of the subject site. The appraisal is a summary of the methods and sources used, and the steps taken in order to competently value the subject property.

The first step was to inspect the property in order to gain as much information as possible regarding the physical and functional features of the overall property. The next phase of information gathering included obtaining a recorded deed, certified plot plan or recorded plan (if available) and reviewing information at several town offices including the assessor's records, tax information, zoning bylaws and map, building department, and special permit granting authority.

The subject property is then evaluated within the context of the neighborhood and town as to its conformance with nearby properties and compliance with pertinent regulations.

Finally, all necessary information is put into written report form in order that the reader of the report, assumed to have no prior knowledge of the property, can follow a logical sequence of information that adequately describes the property and the area, and leads to and supports the value conclusion as stated.

All data was gathered from sources deemed reliable. These sources include; present property owners, grantors, grantees, real estate brokers or their representatives, municipal records, MLS and other publications.

The verification of data involved contacting grantors, grantees, real estate brokers or their representatives, municipal records, registries of deeds, and banks.

SUBJECT PHOTOS



Frontage opposite cloverleaf



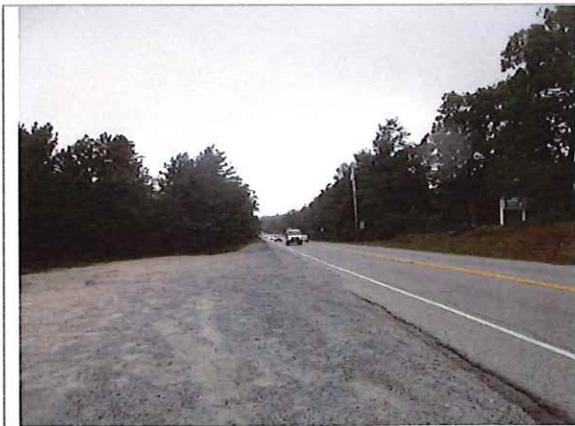
Street Scene



Animal Hospital & Dog Kennel across Route 151



Route 151 Street Scene on East end of site



Route 151 Street Scene at parking area on East end of site



Cleared parking area

SUBJECT PHOTOS



Old County Road path



Old County Road path



Route 151 Road Frontage



Route 151 Road Frontage w/Guardrails

ESTIMATED MARKETING TIME/EXPOSURE TIME

Marketing time is defined as the amount of time it might take to sell a property interest at the estimated Market Value level during the period immediately after the effective date of an appraisal. The average marketing time for these properties has been 3-6 months. Although marketing periods are difficult to estimate, I believe, if properly promoted, the subject property could be sold within 6-12 months of the date first offered for sale on the open market.

Exposure time is the amount of time it might take to sell a property interest at the estimated Market Value level during the period immediately before the effective date of an appraisal. Exposure Time is estimated to be less than one year.

Exact marketing times are difficult to estimate with precision due to a lack of a large volume of sales on which to base conclusions in this market area. However, it is possible to provide a range that is reflective of the opinions of informed individuals who work within this market. The above opinions are based on prevailing conditions in this market, the marketing times of several comparable properties, opinions of knowledgeable individuals, and the appraiser's judgment.

OWNER OF RECORD/LEGAL DESCRIPTION

Title to the 31.20 Acre parcel is recorded in Book 17120 Page 137 in the Barnstable County Registry of Deeds, dated June 20, 2003, in the name of CLSV Associates Limited Partnership.

The property was conveyed to CLSV for the consideration of \$1.00 from Ballymeade Associates Limited Partnership I.

MARKETING

The parcel of land has been marketed for several years at \$5,000,000 +/- . Recently, the price was reduced to \$2,995,000 which produced interest and an accepted offer at that price.

The Town of Falmouth per the Deed has the Right of First Refusal at that price for a period of 120 Days.

RECORDED DEED

Bk 17120 Pg 137 #71847

NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY 06A 20-2003 @ 09:49a

QUITCLAIM DEED

NOT AN

NOT AN

BALLYMEADE ASSOCIATES LIMITED PARTNERSHIP, a limited partnership organized under the laws of the Commonwealth of Massachusetts, the sole General Partner of which is FALMOUTH DEVELOPMENT CORPORATION, a Massachusetts corporation with a principal office at 80 First Street, Bridgewater, Plymouth County, Massachusetts 02324,

for consideration paid and in full consideration of One and 00/100 (\$1.00) Dollar;

grants to CLSV Associates Limited Partnership, a Massachusetts Limited Partnership with a mailing address of 125 Falmouth Woods Road, Falmouth, MA 02536

with quitclaim covenants

That certain parcel of land of approximately 31.2 acres on Route 151 in Falmouth, Massachusetts, which is shown on the Falmouth Tax Assessor's Map 06, Section 01 as Parcel 003B, Lot 000, Parcel 008, Lot 014, Parcel 008C, Lot 015, and Parcel 013B, Lot 000 (collectively, the "Property") and is shown as Parcel A, Parcel B, and Parcel C on a plan of land and Lot 15 entitled "Plan of Land prepared for Ballymeade Development Corp. of Parcels 3, A, B & C in Hatchville Falmouth, Mass." dated May 13, 1993, prepared by Holmes & McGrath, Inc., which plan is recorded at Barnstable County Registry of Deeds at Plan Book 495, Page 50.

This conveyance is made subject to and with the benefit of:

- 1. All easements, restrictions and other matters of record to the extent the same are in force and applicable; and
2. A certain Right of First Refusal granted to the Town of Falmouth, which Right is more particularly described in a document recorded at Barnstable County Registry of Deeds in Book 16253, Page 136.

For title, see deed recorded at Barnstable County Registry of Deeds at Book 8944, Page 154.

IN WITNESS WHEREOF, BALLYMEADE ASSOCIATES LIMITED PARTNERSHIP I has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by JOHN T. CALAHAN, President and Clerk of FALMOUTH DEVELOPMENT CORPORATION, its General Partner, hereunto duly authorized this 20th day of June, 2003.

RECORDED DEED

Ek 17120 Pg138 #71847

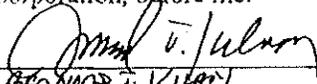
NOT AN OFFICIAL COPY
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 OFFICIAL COPY By: Its General Partner
 OFFICIAL COPY
 FALMOUTH DEVELOPMENT CORPORATION
 NOT AN OFFICIAL COPY
 NOT AN OFFICIAL COPY
 OFFICIAL COPY By: John T. Callahan
 OFFICIAL COPY
 John T. Callahan, its President and Clerk

COMMONWEALTH MASSACHUSETTS

BARNSTABLE, SS.

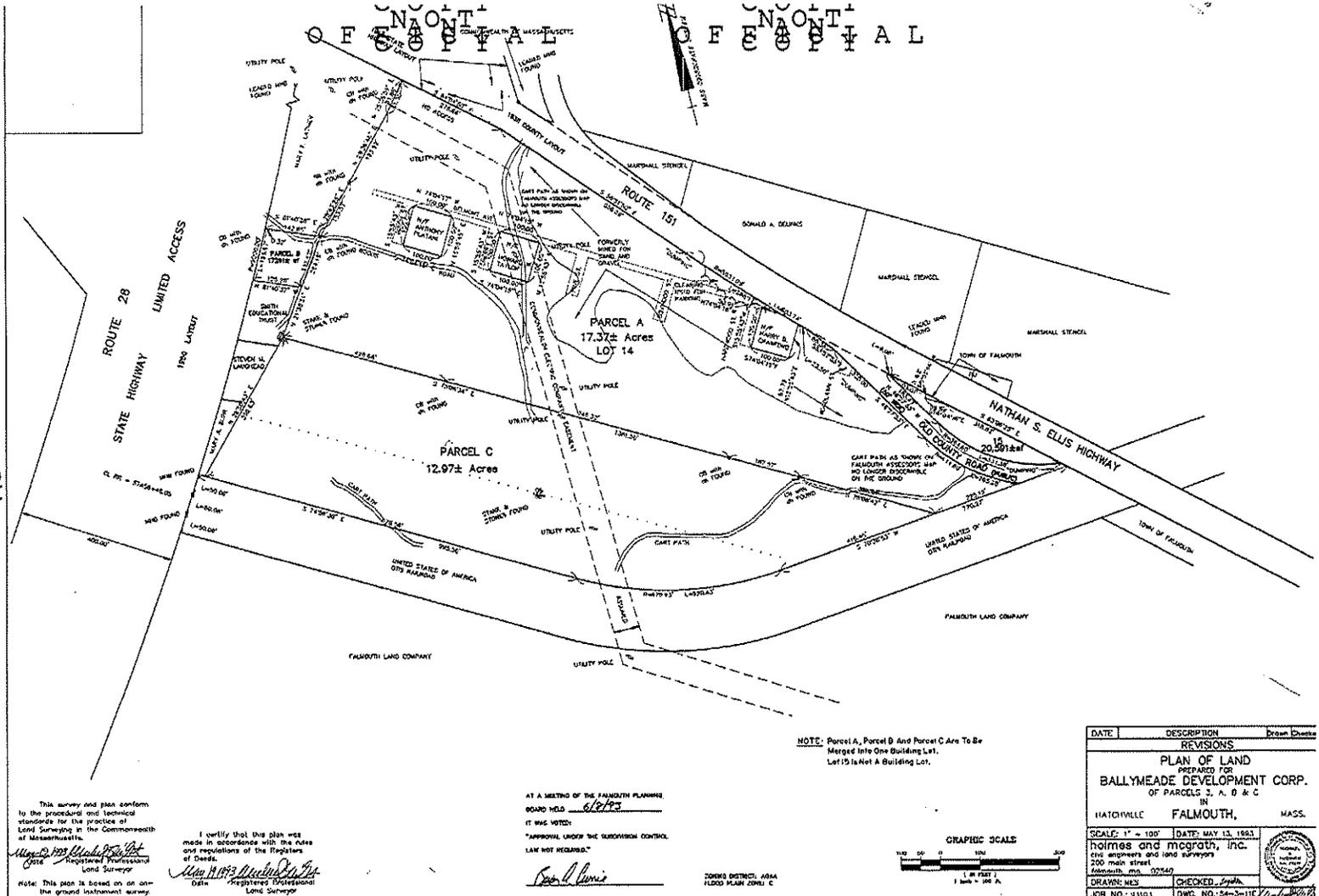
June 20, 2003

Then personally appeared the above-named John T. Callahan, President and Clerk of FALMOUTH DEVELOPMENT CORPORATION, General Partner of BALLYMEADE ASSOCIATES LIMITED PARTNERSHIP I, and acknowledged the foregoing instrument to be the free act and deed of said Partnership and Corporation, before me.


Notary Public
 My Commission Expires: APRIL 17, 2007

BARNSTABLE REGISTRY OF DEEDS

05-584



RECORDED PLAN

This survey and plan conform to the procedural and technical standards for the practice of Land Surveying in the Commonwealth of Massachusetts.

Michael J. McLaughlin
 Registered Professional Land Surveyor

Note: This plan is based on an on-the-ground instrument survey.

I certify that this plan was made in accordance with the rules and regulations of the Register of Deeds.

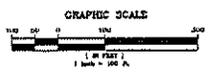
John H. 1973 McLaughlin
 Registered Professional Land Surveyor

AT A MEETING OF THE FALMOUTH PLANNING BOARD HELD 6/27/23 IT WAS VOTED: "APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED."

David Linn

ZONING DISTRICT: ARA
 FLOOD PLAIN ZONE: C

NOTE: Parcel A, Parcel B and Parcel C are to be Merged into One Building Lot. Lot 15 is Not a Building Lot.



DATE	DESCRIPTION	Drawn/Checked
	REVISIONS	
PLAN OF LAND PREPARED FOR BALLYMEADE DEVELOPMENT CORP. OF PARCELS J, A, B & C IN FALMOUTH, MASS.		
SCALE: 1" = 100'	DATE: MAY 13, 1923	
holmes and mcgrath, inc. civil engineers and land surveyors 200 main street falmouth, ma 02540		
DRAWING: WES	CHECKED: <i>Smith</i>	
JOB NO.: 43103	DWG. NO.: 04-3-111	

PROPERTY DATA

Site Description:

The subject property currently consists of 31.20 Acres per the attached recorded plan.

The irregular-shaped 31.20-acre site contains a total of about 1,604 linear feet +/- of frontage along Nathan Ellis Highway or Route 151. The site is shown on Recorded Plan Book 495 Page 50, recorded on 5/13/1993. The site is level at the road frontage and then changes elevation sharply throughout the site. According to the Falmouth GIS Map, the elevation at the street is about 100' and increases to 112' at the rear of the SCRC area that contains about 6.61 acres =/-.

The Map does not depict any wetlands or encroachments. A review of the **Priority and Estimated Habitat map layers created by NHESP**, found no evidence on the site.

The site is within the **Wildlife Corridor** that is a North-South Corridor created by Planning Board to preserve animal habitat along route 28.

The site is heavily wooded with natural vegetation with a mix of scrub oak, scrub pine trees, and understory. Parts of the site that border Route 28 on West are the result of the glacier that retreated 25,000 years ago. It is best described as a Terminal Moraine that resembles large amounts of deposits of clay, gravel, and rock debris.

A 200' wide *Commonwealth Electric Company* Easement cuts diagonally through the site. It leaves Parcel C with about 12.97 acres that has 278.66' of road frontage on the Easterly end of the site.

The Southern boundary is made up of the United States of America railroad line that originates from the old Otis Railroad, now referred to as Joint Base Cape Cod.

The site has no landscaping. There is a cleared area along the road that is used for parking by bicyclists that use the woods bike path to the north of Route 151.

Most public utilities are present and include town water, natural gas, overhead electricity, telephone and cable TV.

According to the most recent FEMA Map #25001C0566J (7-16-2014) the property is in Flood Zone X and is not located within a special flood hazard zone.

<u>Assessor' ID</u>	<u>FY 2021</u> <u>Assessment</u>	<u>FY 2021</u> <u>Taxes</u>
Map 06-01-010-000	\$348,700	
Map 06-01-003B-000	\$9,200	
Map 06-01-008-014	\$791,500	
Map 06-01-008C-015	\$9,500	
Total	<u>\$1,158,900</u>	<u>\$10,146.17</u>

Zoning:

The subject property is located in the **Senior Care Retirement District – SCRD** Zoning District requires 45,000 SF minimum lot size. The **Agricultural AA - AGAA Residential Zoning District** that requires a minimum lot area of 80,000 SF or 1.84 acres and 150 feet of frontage.

The following pages depict the SCRC overlay district on the subject site.

BYLAW

9/17/21, 4:54 PM

Town of Falmouth, MA Senior Care Retirement District Search: § 240-65.1 Purpose.

[Added AF TM 11-18-2002, Art. 4, approved 3-15-2003; amended AF TM 11-10-2008, Art. 6, approved 1-6-2009]

§ 240-65.1 Purpose.

The purpose of this district is to allow for alternative housing for senior citizens in a setting that provides them with personal and health-related services and programs and allows for their maximum independence.

§ 240-65.2 Permitted residential uses.

- A. One-family detached houses.
- B. Public or nonprofit housing for the elderly subject to the requirements of § 240-164.

§ 240-65.3 Permitted business uses.

- A. Medical clinics, medical and allied health offices.
- B. Bank, professional offices.
- C. Class I or Class II restaurant.

§ 240-65.4 Uses allowed by special permit from the Planning Board.

- A. Senior Care Retirement Community (SCRC), under the following standards and requirements:
 - (1) A SCRC contains one or more residential buildings with living units described below, which provide residences exclusively for persons 62 years of age or older (except their spouses and surviving spouses, and also except for staff housing and skilled nursing units), and which includes common areas and community dining facilities, and which provides personal services such as social, psychological, educational and health-related programs and services, designed to allow residents to safely "age in place" with maximum independence and with skilled caregivers available continuously on-site.
 - (2) A SCRC may include independent living units (ILUs) for persons who may not require regular assistance with daily living, as well as assisted living units (ALUs) for persons in need of daily assistance from skilled caregivers, and may include skilled nursing rooms (SNRs), as defined by the Massachusetts Department of Public Health. For the purposes of this bylaw, ILUs, ALUs and SNRs shall be known as "SCRC" units. A SCRC may also include staff housing units, provided that the number of staff units shall not exceed 10% of the SCRC units. The total number of units in the development, including both SCRC units and staff housing as determined by the Planning Board, shall not exceed six units per acre. No unit may contain more than two bedrooms. Assisted living units shall be no less than 350 but no greater than 800 square feet in size. Each skilled nursing room may contain no more than two beds.
 - (3) A SCRC shall have a minimum total area of 15 acres and lot frontage of 100 feet. In calculating the minimum total area the provisions of § 240-124A shall apply. At least 65% of the total area must be set aside as open space consistent with § 240-130 of the Zoning Bylaw. Up to one-third or five acres of the required open space, whichever is greater, may be located off-site at the discretion of the Planning Board.
[Amended AF TM 11-9-2009, Art. 4, approved 2-5-2010]
 - (4) Front yard building setbacks shall be a minimum of 50 feet. Side and rear yard building setbacks shall be a minimum of 25 feet. The Planning Board may require greater setbacks, up to 100 feet for front yard and up to 50 feet for rear and side yard setbacks where needed to provide screening and buffer from the street or adjacent properties. Redevelopment of existing buildings may maintain existing setbacks at the discretion of the Planning Board. Redevelopment does not include the voluntary demolition of an existing building and subsequent rebuilding.
 - (5) The maximum building height of any SCRC building shall be no more than three stories, not to exceed 35 feet as defined for community service uses. The Planning Board in its discretion may increase this height to 45 feet, upon good cause shown by the applicant, provided that for every one-foot increase in height all minimum setbacks are increased by two feet.
 - (6) The development may incorporate within a residential building accessory facilities intended solely for the use or benefit of the residents and staff of the development, such as banking and recreational facilities, as limited and approved by the Planning Board.

<https://ecode360.com/9075331>

1/

- (7) The Planning Board, in order to approve the special permit for a SCRC, must find that the overall impacts of the SCRC in terms of traffic, wastewater, nutrient loading and fiscal impact to the Town will be no greater than the impacts associated with other uses allowed as a matter of right or special permit within Single Residence or Agricultural Zoning Districts on the lot(s). Speculative uses, such as applications made under M.G.L. c. 40B, shall not be considered in making the comparison of cumulative impacts. The Planning Board may require the applicant to provide specialized studies or information as necessary in order to make such a finding.
- (8) The Planning Board shall not approve a SCRC unless tertiary treatment of wastewater is provided. Tertiary treatment shall include enhanced nitrogen removal consistent with § 240-100A(3) of the Zoning Bylaw when a SCRC is located in a coastal pond overlay district.
- (9) The Planning Board may require the applicant to reduce the size including the height of any residential structure or to adjust its placement on the lot to reduce impacts on neighborhood visual character, including views or vistas. The Planning Board, in order to approve the special permit for a SCRC, must make a positive finding under § 240-122G, of the Planned Residential Development Bylaw and four or more of the purposes of § 240-122. The Planning Board may require or allow that the development be constructed in phases if necessary to minimize neighborhood impacts or to meet financing or regulatory requirements.
- (10) Parking shall be located in side or rear yards behind the front facade line of the building, except that parking may be allowed in front of the building line at the discretion of the Planning Board if appropriately screened or landscaped as determined by the Planning Board. The number of parking spaces shall be determined according to the following: one space per independent living unit; one-half space per assisted living unit; one space per employee. The Planning Board may apply parking reductions to a SCRC as provided for in § 240-107 as part of this special permit.
- (11) Section 240-65.4A(2) notwithstanding, a density bonus maybe allowed, at the sole discretion of the Planning Board as part of the special permit process for a Senior Care Retirement Community, up to a total of eight units per acre, if the applicant provides at least 15% of the SCRC units (not including staff units) as affordable, subject to the requirements below, and one or more of the following: a) tertiary treatment of wastewater that achieves an annual average nitrogen reduction to a level of nine mg/l or less, or; b) the application results in no net increase in nitrogen loading or; c) the SCRC is tied into the municipal sewer system.

As a condition of any density bonus the applicant shall be required to execute an affordable housing restriction and regulatory agreement for recordation at the Registry of Deeds, consistent with the requirements of the Massachusetts Department of Housing and Community Development, for qualification of the affordable units towards the Town's subsidized housing inventory.

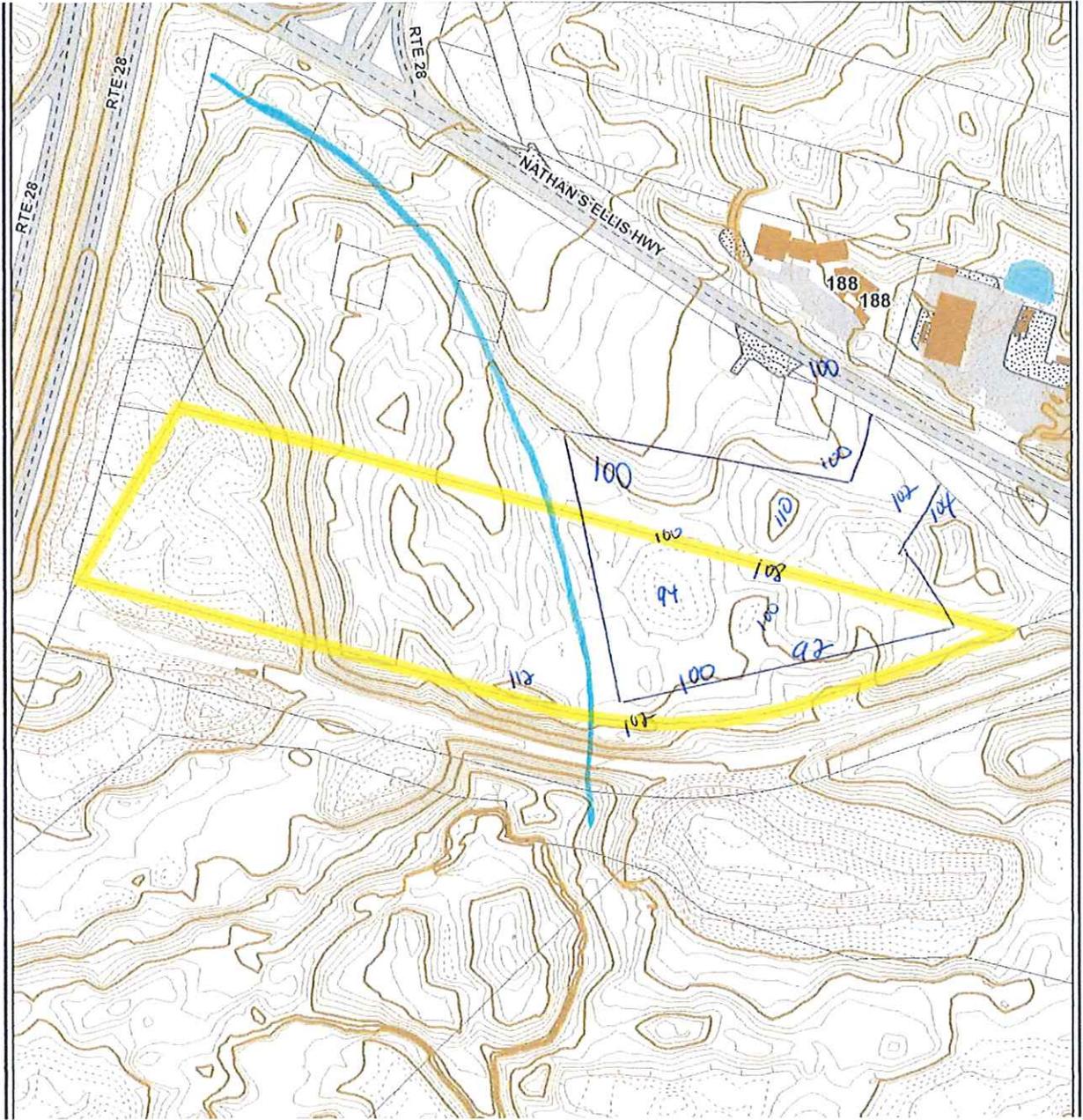
- (7) The Planning Board, in order to approve the special permit for a SCRC, must find that the overall impacts of the SCRC in terms of traffic, wastewater, nutrient loading and fiscal impact to the Town will be no greater than the impacts associated with other uses allowed as a matter of right or special permit within Single Residence or Agricultural Zoning Districts on the lot(s). Speculative uses, such as applications made under M.G.L. c. 40B, shall not be considered in making the comparison of cumulative impacts. The Planning Board may require the applicant to provide specialized studies or information as necessary in order to make such a finding.
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As a condition of any density bonus the applicant shall be required to execute an affordable housing restriction and regulatory agreement for recordation at the Registry of Deeds, consistent with the requirements of the Massachusetts Department of Housing and Community Development, for qualification of the affordable units towards the Town's subsidized housing inventory.

§ 240-65.5 Minimum lot dimensions for uses allowed under §§ 240-65.2 and 240-65.3.

- A. Minimum lot size: 45,000 square feet.
- B. Lot frontage: 100 feet.
- C. Lot width: 150 feet.
- D. Lot coverage by structures: 20%; lot coverage by structures, paving and parking: 40%.

[Added AF1M 11-9-2009, Art. 3, approved 2-5-2010]



HIGHEST AND BEST USE

The highest and best use of the real estate represents the premise upon which the opinion of Market Value is based.

“highest and best use of land or a site as though vacant”

Among all reasonable, alternative uses, the use that yields the highest present land value, after payments are made for labor, capital, and coordination. The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements.¹

“highest and best use of property as improved”

The use that should be made of a property as it exists. An existing improvement should be renovated or retained as is so long as it continues to contribute to the total market value of the property, or until the return from a new improvement would more than offset the cost of demolishing the existing building and constructing a new one.²

In both cases, a series of steps is followed to arrive at the highest and best use by eliminating uses that do not meet the requirements. The appraiser considers uses that are:

1. Legally Permissible
2. Physically Possible
3. Financially Feasible
4. Maximally Productive

•
AS IF VACANT: The vacant site is made up of 31.20 Acres of land. No physical improvements or Regulatory approvals have been made to the site. A SCRD Overlay Zoning district allows 6.61 Acres of the site to be developed with a Senior Care Retirement community after receiving a special Permit from the Planning Board. The population of Falmouth has 31,000 year round residents that are over the age of 50. SCRC use is considered legal for the site. It is physically possible given the topography, soil conditions, roadways, and utilities in place to the site. These uses are considered financially feasible as these types of large developable land site are in short supply. These uses are considered the maximally productive use of the site. Per the Bylaw, Tertiary onsite wastewater treatment is required. Therefore, the Highest & Best use of the site is to develop the 31.20 acres with a SCRC.

As an alternative, the Bylaw also allows residential, offices, banks, and restaurants. A mixed use development subject to Planning Board & Cape Cod Commission approvals, would meet the test of Highest & Best Use.

•
AS IMPROVED: None

¹ Appraisal Institute, 5th Edition, page 93.

²Ibid page 93

THE APPRAISAL PROCESS

The Intended Use of this Restricted Appraisal Report is to provide an opinion of the Market Value of the 31.20 acre. **The Effective Date of the appraisal is September 24, 2021.** This is achieved by a systematic gathering, classification and analysis of data that is required in the development and consideration of the three approaches to value: the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach.

The Cost Approach consists of estimating the replacement cost new of all property improvements, deducting the accrued depreciation from all sources, and then adding the estimated market value of the underlying land, which is estimated separately. This approach is not applicable to vacant land.

The Sales Comparison Approach involves a comparison of the subject to similar properties that have sold in arm's length transactions or are offered for sale. Sale and asking prices are adjusted to reflect the significant differences, if any that exist between the sale property and the subject property, and the adjusted prices correlated into a probable final value estimate for the subject property. Individual lot sales will be recited for use in valuing the property.

The Income Capitalization Approach involves an analysis of the income earning capabilities of the property being appraised by estimating the actual or market income value for one year (Direct) or over a projected holding period (Discounted Cash Flow Analysis) and deducting the operating expenses necessary to support the potential gross rental income estimate. The net operating income remaining after operating expenses is capitalized into an estimate of probable Market Value by capitalizing the one year's net operating income or by discounting the stream of net operating income estimates and the reversion value estimate over the holding into an estimate of probable market value for the subject property. This approach is not applicable to vacant land.

VALUATION RATIONALE:

The subject property is currently a developable property with a SCRD Overlay District for a senior care project or alternative mixed use. Sales of other parcels with the most similar approvals that can be located will be the basis of the Market Value opinion.

The Cost and Income Approaches have no application in this instance and will not be developed.

As a developable land with a SCRD Overlay district, the subject responds best to the Sales Comparison Approach for similar developable sites.

THE SALES COMPARISON APPROACH

The Sales Comparison Approach is essential in most appraisals of real property value. In applying the Sales Comparison Approach, the appraiser;

1. Seeks similar properties for which pertinent sales, listings, offerings, and/or rental data are available;
2. Ascertains the conditions of sale, including the price, motivating forces, and its bona fide nature;
3. Analyzes each of the comparable properties' important attributes in relation to the corresponding attributes of the property being appraised under the general divisions of time, location, physical characteristics, and terms of sale;
4. Considers the dissimilarities in the characteristics in terms of their probable effect on the sale price;
5. Formulates, in light of the comparisons made, an opinion of the relative value of the property being appraised.

An opinion of value of a property is derived using this approach. Similar vacant lots that have been sold recently or are currently offered for sale in the same or competing areas are compared to the subject property. Four categories of data are basic and apply to all types of property. They are (1) date of sale, (2) conditions and terms influencing each sale, (3) location of each property, and (4) physical size and characteristics of each property.

The following comparable sales described will be used to provide an opinion of the market value for the 31.20 acre site.

THE SALES COMPARISON APPROACH
SALE 1



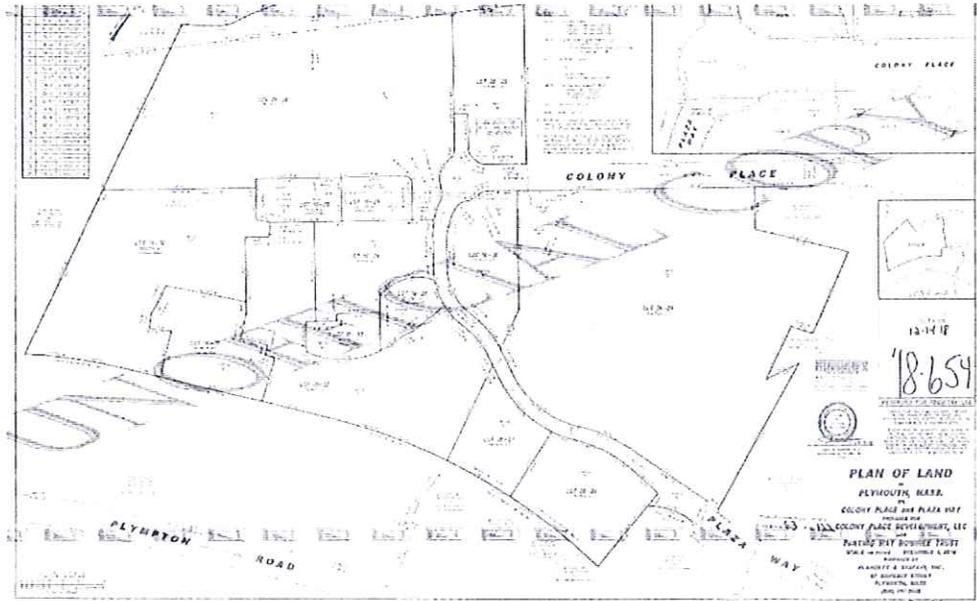
ADDRESS	850 Falmouth Road, Hyannis, MA
Property Type	Land
Sale Price	\$1,200,000
Sale Date	7/7/2020
Grantor	Lorusso Charitable Foundation
Grantee	Standard Holdings LLC
Legal Reference	Barnstable County Registry of Deeds, Book 33050 Page 46
Financing	All Cash

SITE DETAILS			
Land Area	2.98 Acres	Zoning	MAH – Multifamily Affordable
Assessors ID	250-036		Housing & GPOD

Comments: This sale is former Whitehall Nursing Home. Seller paid for removal of old building prior to closing. Existing Sewer Easement remains in front. **Special Permit 2020-03** on 1/25/2021 granted a 70,000 SF Apartment complex with 53 total units. 43 units will be Market and 10 will be Affordable or 19% Affordable. Site has Town Sewer. Developer will record a Regulatory Agreement & Declaration of Restrictive Covenants prior to occupancy.

VERIFIED BY	Appraisal - Site Visit, Assessor's Records, Broker
Sales History	No sales in the previous three years
Price / Acre	\$402,685/ acre
Price / Unit	\$22,642/ Unit

SALE 2



ADDRESS	26 Colony Place, Plymouth Massachusetts
Property Type	Vacant Land
Sale Price	\$1,550,000
Sale Date	3/19/2020
Confirmation	Plymouth Planner – Arms-Length
Grantor	Colony Place Development LLC
Grantee	PVG Plymouth LLC
Legal Reference	Plymouth County Registry of Deeds, Book 52496, Page 309
Property Rights	Fee Simple
Financing	Merrimack Valley Credit Union - \$9,450,000

SITE DETAILS			
Land Area	3.11 Acres	Zoning	MC – Mixed Commerce
Assessors ID	104-026-028		& APIOD

Comments: This site received ZBA approval for 69,377 SF - 101 unit 4-story Hotel with 3,250 SF attached Office Building. Site has Town Sewer and easements for Colony Place Development. . Deed carries a 5 Year Restriction for Hotel construction.

VERIFIED BY	Deed, Assessor's Records, Town Planner
Sales History	No sales in the previous three years
Price / Acre	\$498,392/ acre
Price / Unit	\$15,347/ Unit

SALE 3



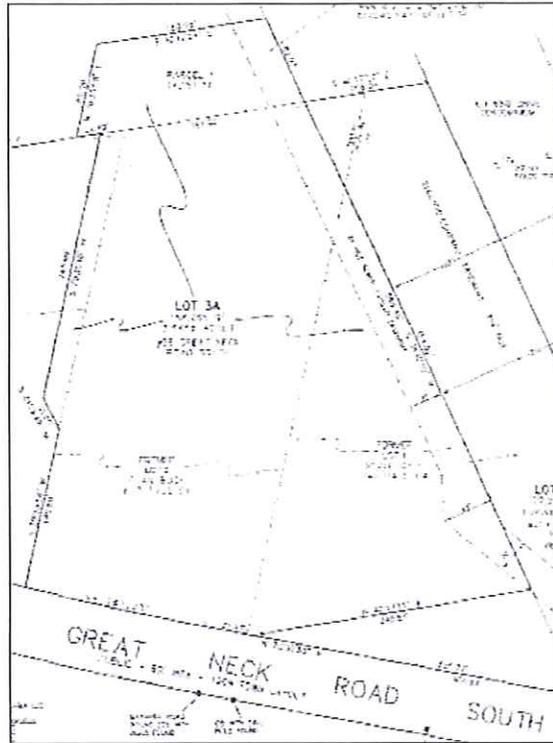
ADDRESS	881 Route 28, South Yarmouth, MA
Property Type	Land – Yarmouth Commons Apartments
Sale Price	\$2,530,000
Sale Date	3/7/2017
Grantor	John J. Hynes, Jr., Trustee of 881 Realty Trust
Grantee	DPI, LLC
Legal Reference	Barnstable County Registry of Deeds, Book 30336, Page 350 & Certificate #752
Financing	Seller - \$2,030,000 Verified w/Jack Hynes

SITE DETAILS			
Land Area	4.37 Acres/469' Frontage	Zoning	Business 2 – Hotel/Motel and Village Center Overlay Districts
Assessors ID	41-48		

Comments: This is the sale of the former *Cavalier Motor Lodge*. The broker noted the original sales price as agreed was about \$3,500,000 with a developer asking for approval for 180 apartment units with an affordable apartment complex. Negotiations with the Town of Yarmouth reduced the units to 120; however, the neighborhood on Bannister Avenue in the rear was prepared to litigate for a much lower density, thereby holding up the development for years. The developer settled with the neighborhood allowing the number of apartments to 69, the original number of units of the motel. The price was reduced to \$2,530,000 based on this lower density. The seller indicated he had received a price of \$5.50/SF to demolish and remove all buildings.

VERIFIED BY	Site Visit, Assessor's Records, Broker
Sales History	No sales in the previous three years
Price / Acre	\$578,947 / acre

SALE 4



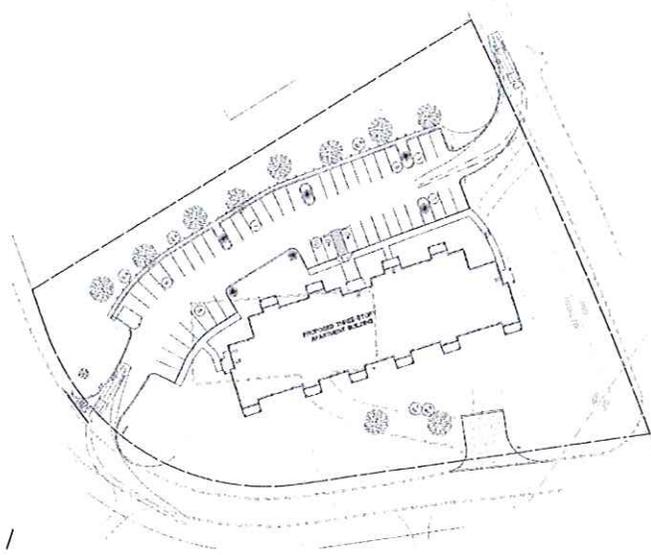
ADDRESS	58 (Lot 3A) Great Neck Road South, Mashpee, MA
Property Type	Land
Sale Price	\$1,850,000
Sale Date	3/22/2017
Grantor	GNRS-MA LLC
Grantee	Northbridge Mashpee Assisted Living, LLC
Legal Reference	Barnstable County Registry of Deeds, Book 30366, Page 96
Financing	Eastern Bank - \$17,500,000
Verified	Buff Chase, Seller

SITE DETAILS			
Land Area	3.645 Acres	Zoning	Commercial 1
Assessors ID	74-27		

Comments: A sale of a vacant parcel of land with frontage on Great Neck Road South in Mashpee. Prior non-monetary transfer of Lot 3A and other land on 3/22/2017 in Book 30366, Page 93. The site was developed with a 70 unit assisted living/memory care facility with 65,583 SF. Cape Cod Commission DRI Decision for 58-1 BR & 12- 2BR Apartments. A System Development charge for tie-in to existing wastewater treatment facility was about \$280,000. This cost is considered about 30% of a new system. Yearly operating costs are \$4.55/gallon for 7,000 gallons +/- or \$31,850/year.

VERIFIED BY	Site Visit, Assessor's Records. County Records
Sales History	See Comment
Price / Acre	\$507,545 / Acre

SALE 5



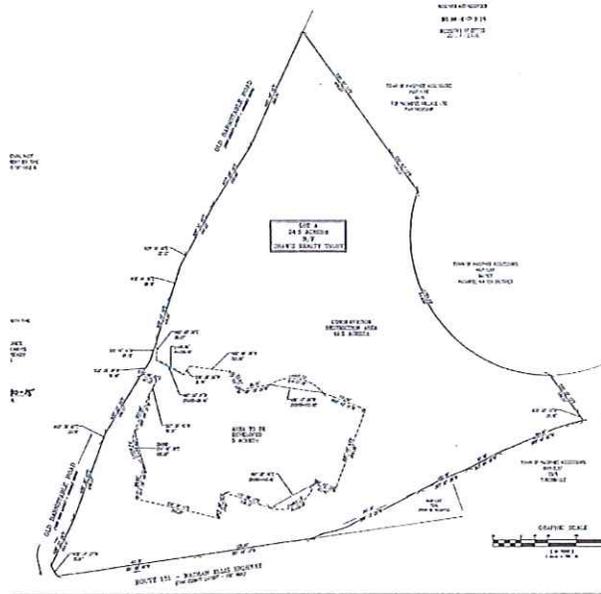
ADDRESS	206 Breed's Hill Road, Hyannis, MA
Property Type	Land
Sale Price	\$1,100,000
Sale Date	6/21/2019
Grantor	MSPCC Mass Society for Prevention of Cruelty to Children
Grantee	Molly MacGregor – Warehouse Corp. Hyannis Realty Trust
Legal Reference	Barnstable County Registry of Deeds, Book 32106, Page 217
Financing	No mortgage recorded at time of sale
Verified	Deed & broker

SITE DETAILS			
Land Area	98,580 SF or 2.26 Acres	Zoning	Industrial Ltd.
Assessors ID	314/25		

Comments: This is the sale of a former MSPCC office building that was demolished. Site is being redeveloped with a new 3-Story 29 Unit Apartment Building. The vacant parcel of land is a corner lot with 344' frontage on Independence Drive and 493' frontage on Breed's Hill Road. Site has a Fire District Easement along Breed's Hill road. Developer is Joe Keller of Hyannis, MA. The proposed 29 unit apartment building will consist of **39,312 SF**. Town granted **Three Variances** to allow Residential Use, 3 Stories, and 50' Screening from road.

VERIFIED BY	Site Visit, Assessor's Records, Deed, & Broker
Sales History	No sales in the previous three years
Price / Acre	\$11.16/SF or \$486,726/Acre

SALE 6



ADDRESS	462 Old Barnstable Road, Mashpee, MA
Property Type	Land
Sale Price	\$2,000,000 (Deed Restriction – No Supermarket)
Sale Date	6/26/2014
Grantor	Shaws Realty Trust
Grantee	Mashpee Senior Housing, LLC
Legal Reference	Barnstable County Registry of Deeds, Book 28227, Page 49
Financing	First Niagara Bank, NA - \$13,881,000
Verified	Deed

SITE DETAILS			
Land Area	24.5 Acres	Zoning	Commercial 2
Assessors ID	73-46	Frontage	103.2' curb cut

Comments: A sale of a vacant parcel of land with frontage on Old Barnstable Road & Route 151 in Mashpee. The site has a Cape Cod Commission DRI recorded in Book 28043 Page 1 on 3/20/2014. The Planning Board Special Permit is recorded in Book 28133 Page 208 on 5/9/2014. The site has a Conservation Restriction for 19.5 Acres recorded in Book 28925 Page 211 on 6/8/2015. The site was developed with a **“Bridges by EPOCH at Mashpee”**, a 54 unit assisted living/memory care facility in a 46,211 SF Y-shaped building on 5 Acres. A small 336 SF building houses the Amphodrome Plus wastewater treatment facility. **Site has 747 L/F of frontage along Route 151 encumbered by CR buffer of 150’.**

VERIFIED BY	Site Visit, Assessor’s Records. County Records
Sales History	5/30/2003 \$2,350,000
Price / Unit & Acre	\$81,633/Acre & \$400,000/ Acre w/5 acres developable

ANALYSIS AND CONCLUSION:

The following summarizes the six sales considered for the 6.61 Acres of site with the area designated SCRC. The primary focus of this analysis is to judge the value of a site large enough to accommodate a senior care facility and the necessary open space required by the Bylaw.

The six sales were adjusted upward 3% per year for improving market conditions. Sale #1 was also adjusted 10% upward for inferior zoning that requires affordable units and not all market rate units.

The Chart below summarizes the Sales Price, Lot size in Acres, and adjusted Price/Acre.

Sale #1 - \$1,200,000 – 2.98 Acres - \$459,564/Acre
Sale #2 - \$1,550,000 – 3.11 Acres - \$520,820/Acre
Sale #3 – \$2,530,000 – 4.37 Acres - \$657,105/Acre
Sale #4 – \$1,850,000 – 3.65 Acres - \$566,064/Acre
Sale #5 - \$1,100,000 – 2.26 Acres - \$519,580/Acre
Sale #6 - \$2,000,000 – 5.00 Acres - \$588,938/Acre

These six (6) sales yield a wide range of \$459,564/Acre to \$657,105/Acre. The Midpoint is \$543,442/Acre. These six commercial land sales demonstrate the relationship of lot size, price/Acre, and location. The upper end of the Sales Price/Acre is represented by Sales #3 & #6, which are the dated sales from 2014 & 2017. The lower end represented by Sale #1 that is the most recent and had an affordable component to it.

Sale # is the most current sale and had no permits in place for development at the time of sale. The developer obtained approvals after the sale. Thus, Sale #1 is given most weight & consideration.

I therefore conclude on \$459,564/Acre, rounded to \$460,000 as the indicated value for the SCRC land area of 6.61 Acres. See below for calculations.

\$460,000/Acre X 6.61 Acres = \$3,040,600, rounded to \$3,040,000

**THREE MILLION & FORTY THOUSAND DOLLARS
(\$3,040,000)**

THE SALES COMPARISON APPROACH (Continued)

As a Test of Reasonableness, the appraiser cites a land listing at the intersection of North Falmouth Highway and County Road, North Falmouth. This site is a smaller size site that benefits by being proximate to Route 151. It has had a prolonged marketing period as it was considered overpriced. The North Falmouth location is seasonal and is further away from Downtown Falmouth. It's current list price as summarized on the next page is \$1,195,000

LAND LISTING #1



ADDRESS	538 North Falmouth Highway, North Falmouth, MA
Property Type	Vacant Land
Listing Price	\$1,195,000
Listing Date	10/30/2020
Confirmation	Broker/Owner Lisa Kenny
Grantor	Paula King Trust
Grantee	N/A
Legal Reference	Barnstable County Registry of Deeds, Book 2092, Page 30
Property Rights	Fee Simple
Financing	N/A

SITE DETAILS	
Land Area	1.68 Acres
Location	Good
Zoning	Business 3
Improvements	None
Current Use	Vacant Land
NonRealtyItems	None
Economic Characteristics	N/A
Physical Description	<u>Site is a 1.68-acre commercial building lot located at 538 North Falmouth Highway, N. Falmouth, MA. The lot is in a Business 3 Zoning District. The lot was previously listed for \$2,200,000, \$1,500,000, and currently \$1,195,000. The site is a corner lot with 214' on Highway with guardrail & sidewalk. The site has 195' of road frontage on County Road at a traffic light & all utilities in place and no wetlands. Currently listed for \$1,195,000.</u>

RECONCILIATION AND FINAL VALUE

Summary of Indicated Values:

The Cost Approach:	\$ N/A
The Sales Comparison Approach:	\$3,040,000
The Income Approach:	N/A

The Cost Approach and Income Approach were not developed as they are not applicable to unimproved land.

The Sales Comparison Approach was developed with six sales of commercial land. All are or were developed with senior care or apartment complexes. The sales were adjusted for increasing market and affordable units. The Sales Comparison Approach was given all weight in this analysis.

Good market data was readily available for analysis of the Sales Comparison Approach to value. As discussed above, I have given all weight to the Sales Comparison Approach.

Accordingly, the appraiser concludes that the "As Is" Market Value of 0 Nathan S. Ellis Highway, East Falmouth, MA is \$3,040,000, as of September 24, 2021.

THREE MILLION & FORTY THOUSAND DOLLARS

(\$3,040,000)

ADDENDA

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER

EDUCATIONAL BACKGROUND:

1971 -- Bridgewater State College (B.A./History)

APPRAISAL EDUCATION:

1972 -- Northeastern University, Fundamental Real Estate Appraisal

1973 -- Northeastern University, Advanced Real Estate Appraisal

1975 -- American Institute of Real Estate Appraisers, Course 1A

1976 -- Society of Real Estate Appraisers, (now the Appraisal Institute) -- R-2 Workshop
& Examination

1985 -- American Society of Appraisers, Code of Ethics Exam

<u>Date</u>	<u>Courses/Seminars</u>	<u>School/Organization</u>
1/22/88	Residential Land Development	SREA #51
6/9/89	Preview of New 2-4 Family Report	SREA, MBREA, AIREA
10/24/90	Case Study 2-4 Family Appraisal & FDIC Appraisal Guidelines & Appraising in a Downward Market	A.I.R.E.A.
6/13/91	Real Estate Law for the Real Estate Appraiser	The Appraisal Institute
11/8 through 11/23/91	Capitalization Theory & Techniques Part A, Course 1BA (6 days)	The Appraisal Institute
3/25/93	Industrial Valuation	The Appraisal Institute
9/27/93	The New Uniform Residential Appraisal Report (URAR)	The Appraisal Institute
9/28/93	Appraisal Reporting of Complex Residential Properties	The Appraisal Institute
5/3/94	Feasibility Analysis Highest & Best Use of Nonresidential Properties	The Appraisal Institute
2/22/96	Appraisal of Retail properties (7 hours)	The Appraisal Institute
4/24 & 4/25/96	I410 Standards of Professional Practice (15-hour course)	The Appraisal Institute
10/22/96	Subdivision Analysis (7 hours)	The Appraisal Institute
5/18/98	Appraisal Research, Technology & The Internet: Wired to Work (7.5 hours)	MA Board of R.E.Appraisers
9/24/98	USPAP Update Seminar (7.5 hours)	MA Board of R.E.Appraisers
12/1/98	Subdivision Planning for Appraisers Seminar (7.5 hours)	MA Board of R.E.Appraisers
3/18 & 3/19/99	Attacking & Defending an Appraisal in Litigation (15 hours)	MA Board of R.E.Appraisers
6/10/99	Twenty Common Appraisal Errors (3 hours)	MA Board of R.E.Appraisers

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

<u>Date</u>	<u>Courses/Seminars</u>	<u>School/Organization</u>
9/16/99	FHA's Homebuyer Protection Plan & The Appraisal Process (7 hours)	The Appraisal Institute
12/16/99	FHA's Appraiser Examination	U.S. Department of HUD
4/25/00	Cape Cod Land Bank Forum (3 hours)	MBREA
10/11/01	Real Estate Fraud & The Appraiser's Role (7.5 hour seminar)	MBREA
10/15/01	Supporting Capitalization Rates (7.5 hour seminar)	MBREA
2/5/02	Land Valuation (1-day seminar)	The Lincoln Institute of Land Policy
6/6/02	Real Estate Law & the Registry of Deeds (7.5 hours)	MBREA
7/14+7/28/04	Uniform Standards of Professional Appraisal Practice (USPAP) – (15 hours)	MBREA
12/15/04	Commercial Appraisal Problem Solving (7.5 hours)	MBREA
4/9/05	Appraisal Mini Workshop (7.5 hours)	MBREA
4/27/05	Apartment Appraisal Seminar 10220098 (7.5 hours)	MBREA
5/6/05	Fair Lending Seminar 10220022 (7.5 hours)	MBREA
3/3/07	12 Things Commercial Appraisers Should Know 10220119 (7.5 hours)	MBREA
11/5/07	EXPO 2007 – Commercial Program 10220157 (6.0 hours)	MBREA
1/23/08	USPAP Update Seminar – (V. 2008-09) (7 hours)	MBREA
4/9/08	Appraising in a Foreclosure Market (7 hours)	MBREA
5/22/08	Introduction to Commercial Appraisals (3.5 hours)	MBREA
10/27/10	USPAP Update Course – (V.2010-11) (7 hours)	MBREA
11/10/10	Appraising Easements 10220177 (7 hours)	MBREA
3/16/11	Income Property Appraisal Overview 10220167 (7 hours)	MBREA
3/27/11	The Nuts & Bolts of Green Building for Appraisers 10480077 (3 hours)	McKissock
4/18/11	Online Appraising Convenience Stores (7 hours)	Appraisal Institute
5/16/11	Online small Hotel/Motel Valuation (7 hours)	Appraisal Institute
6/9/11	Uniform Appraisal Dataset 10220206 (7 hours)	MBREA
12/9/11	USPAP Update Seminar – (V.2012-13) (7 hours)	MBREA
3/13/13	Appraising & Analyzing Retail Shopping Centers for Mortgage Underwriting 10480079 (7 hours)	McKissock
5/12/13	Appraising FHA Today 10480044 (7 hours)	McKissock
5/30/13	Online Forecasting Revenue (7 hours)	Appraisal Institute
3/25/14	USPAP Update Seminar – (V.2014-15) (7 hours)	McKissock

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

<u>Date</u>	<u>Courses/Seminars</u>	<u>School/Organization</u>
6/26/14	Restaurant Valuation Issues 10220237 (7 hours)	MBREA
11/11/14	Appraisal of Self Storage Facilities 10480137 (7hrs)	McKissock
4/4/15	Appraisal of Fast Food Facilities 10480145 (7hrs)	McKissock
2/8/16	USPAP Update Seminar-(V.2016-17) (7 hours)	McKissock
1/2/17	Appraisal of Land subject to Ground Leases 10480146 (7 hours)	McKissock
2/19/17	Appraisal of Industrial Incubators 10480151 (7hrs)	McKissock
4/27/17	Appraisal of Owner-Occupied Commercial Properties 10480150 (7hrs)	McKissock
1/15/18	USPAP Update Seminar (V.2018-19)(7 hours)	McKissock
4/4/18	Basic Hotel Appraising – Limited Service Hotels 630001 (7 hours)	McKissock
12/29/18	Advanced Hotel Appraising – Full Service Hotels 10480162 (7 Hours)	McKissock
3/7/19	Appraisal of Land Subject to Ground Leases 10480146 (7 Hours)	McKissock
11/2/20	USPAP Update Seminar (V.2020-2021)(7hrs)	McKissock
2/15/21	Sales Comparison: A Fresh Approach 1320031 (7hrs)	Hondros
3/7/21	Appraisal of Industrial & Flex Buildings 630057 (7hrs)	McKissock
3/28/21	Appraisal of Owner-Occupied Commercial Properties 10480150 (7hrs)	McKissock

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:

Date	Name of Organization	Designation
1985-2018	American Society of Appraisers	ASA (Former Sr. Member)
1/15/03	MA Board of Real Estate Appraisers	MRA

Prepared Residential and/or Commercial Appraisals for:

Bank of Canton, Canton, MA
 Boston Private Bank & Trust, Boston, MA
 Cambridge Mortgage Group, LLC, Hingham, MA
 Cape Cod Co-operative Bank, Yarmouthport, MA
 Cape Cod Five, Orleans, MA
 Chase Home Mortgage Corp., Approved Appraiser #10719
 City National Bank, Los Angeles, CA
 Citizens Mortgage Corp., Manchester, NH
 Citizens-Union Savings Bank, Fall River, MA
 Community Bank, Brockton, MA
 Dedham Institution For Savings, Dedham, MA

QUALIFICATIONS OF JOSEPH M. CLANCY, APPRAISER (cont'd)

Eastern Bank, Boston, MA
Edgartown National Bank, Edgartown, MA
First Citizens Federal Credit Union, New Bedford, MA
Florence Savings Bank, Florence, MA
Harbor One Credit Union, Brockton, MA
Holbrook Cooperative Bank, Holbrook, MA
Martha's Vineyard Savings Bank, Edgartown, MA
Salem Five Mortgage Corp., Plymouth, MA
Service Credit Union, Portsmouth, NH
Sovereign Bank, Cape Cod & Islands Region
Sun Trust Bank, Atlanta, GA
The Village Bank, Auburndale, MA
The Washington Trust Company, Westerly, RI
West Bank, W. Springfield, MA

Governmental Agencies:

Department of HUD, Boston, MA
F.D.I.C., E. Hartford, CT
MassHousing, Boston, MA
National Credit Union Administration, Braintree, MA

EXPERIENCE:

Full-time appraiser since 1972. Prepared narrative appraisal reports for various banks, towns, and individuals on residential and commercial properties.

EXPERT WITNESS:

Testified before the following tribunals:

- Commonwealth of Massachusetts Appellate Tax Board
- Barnstable County Family & Probate Court
- Barnstable County Superior Court
- Dukes County Family & Probate Court
- Dukes County Superior Court
- Suffolk County Family & Probate Court
- U. S. Bankruptcy Court, Boston, MA
- JAMS (Judicial Arbitration & Mediation Services)

OTHER:

- Town of Falmouth – The 300 Committee & Land Bank
- Town of Mashpee – Self-Help Appraisals
- Town of Bourne – Land Bank Committee & Board of Selectmen
- Town of Yarmouth – Land Bank Committee & Board of Selectmen
- Town of Chatham – Land Bank Committee
- Town of Barnstable – The Barnstable Community Preservation Committee

LICENSE:

Certified General Real Estate Appraiser, Commonwealth of Massachusetts; License #76, Serial #75706, expires 7/23/2023

CLANCY APPRAISAL CO., INC.
24 Spring Bars Road, Suite 3B
Falmouth, MA 02540
(508) 540-9515 – Fax (508) 540-6586
Email: info@clancyappraisal.net

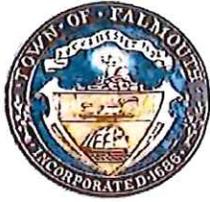
Fold, Then Detach Along All Perforations

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF PROFESSIONAL LICENSURE
BOARD OF
REAL ESTATE APPRAISERS
ISSUES THE FOLLOWING LICENSE CERT
GEN. REAL ESTATE APPRAISER

JOSEPH M CLANCY
457 CURRIER RD
E FALMOUTH, MA 02536-4208

Joseph M. Clancy
LICENSEE SIGNATURE

76	07/23/2023	75706
LICENSE NUMBER	EXPIRATION DATE	SERIAL NUMBER



Town of Falmouth
Planning Department
59 Town Hall Square, Falmouth, MA 02540

To: Julian Suso, Town Manager

From: Thomas Bott, Town Planner 
Jed Cornock, Assistant Town Planner

Date: November 22, 2021

RE: 0 Nathan Ellis Highway

At your request, the Planning Department reviewed the real estate appraisal for the subject property, dated September 24, 2021, prepared by Clancy Appraisal Co., Inc in order to provide reasonable options and alternatives for future development.

Overview

As the appraisal points out, the subject property currently consists of 4 individual parcels, totaling approximately 31.20 acres, located on the southeastern quadrant of the Route 28 and Route 151 intersection. The surrounding land uses include large areas of open space with some light industrial uses to the north, medium to large lot single family residential and golf courses to the east and south, and smaller lot single family residential with pockets of commercial and light industrial areas to the west.

Zoning Review

Dimensional Requirements/Restrictions

The subject property is located in the Agricultural AA (AGAA) zoning district and the Senior Care Retirement District (SCRD), which have the following dimensional requirements/restrictions:

- Minimum lot size: AGAA = 80,000 square feet; SCR D = 45,000 square feet
- Minimum frontage: AGAA = 150 feet; SCR D = 100 feet
- Minimum lot width: AGAA = 200 feet; SCR D = 150 feet
- Maximum lot coverage: AGAA & SCR D = 20% (structures), 40% (structures, paving, parking)

Permitted Uses

The following uses are currently permitted for the subject property (*please note, this is not an exhaustive list – it is provided for illustrative purposes only*):

Agricultural AA

- 1) One-family detached house,
- 2) Community Service Uses (cemetery, child day-care center, library, school, etc.),
- 3) Municipal Uses (beach, municipal recreation building, park or playground, etc.),
- 4) Other Principal Uses (agriculture, horticulture, floriculture, etc.),
- 5) Accessory Uses (home occupation, roadside stand, wireless communication facility, etc.),
- 6) Special Permit Uses (accessory apartment, airport or landing strip or pad, boat storage, commercial nursery, contractor yard, golf course, television or radio antenna, wind energy system, etc.).

Senior Care Retirement District

1) One-family detached dwelling, 2) Bank, 3) Medical clinic, medical and allied health office, 4) Professional office, 5) Public or nonprofit housing for seniors, subject to the requirements of 240-11.6D, 6) Restaurant, Class I or II, 7) Religious institution.

Development Constraints

Although the subject property has a number of positive attributes (close to a highway interchange, currently undeveloped, large amount of land, etc.), below are some development constraints worth noting:

Utility Easement

There is an existing utility easement that cuts through the two large parcels, creating potential issues as it relates to crossing the easement, the required setbacks from the easement, and navigating the associated restrictions while working with the utility company.

Frontage

Although there appears to be frontage along Route 151, the proximity to the Route 28 on/off ramps will likely necessitate coordination with MassDOT and could result in issues or complexity for constructing an entranceway to a new development. There appears to be frontage along Old County Road (town owned unbuilt roadway); however, it is unclear why the road was never built.

Topography

As noted in the appraisal, the subject property has numerous elevation changes that will likely make new development either challenging or expensive.

Senior Care Retirement District (SCRD) Limitations

The SCRD allows a Public or Nonprofit Housing for Seniors use by-right and a Senior Care Retirement Community by Special Permit. Both of these options for senior housing have restrictions that limit their potential at this subject property. Specifically, both the Public or Nonprofit Housing for Seniors use and the Senior Care Retirement Community use cannot have a density of greater than 6 units per acre [§240-11.6D(2) and §240-6.7C(3)] and the Senior Care Retirement Community [§240-6.7C(4)] needs to have a minimum total area of 15 acres. At 6 units per acre within the 6.6-acre SCRD, not considering setbacks, parking requirements, or lot coverage, the total future Public or Nonprofit Senior Housing and Senior Care Retirement Community would likely be capped at approximately 36 to 48 units (provided that a density bonus [§240-6.7C(12)] would be approved by the Planning Board). Currently, the Special Permit option is not feasible as the SCRD doesn't meet the 15-acre minimum.

Conclusions

Considering the allowed uses for both zoning districts and the associated regulations and restrictions, the location of the subject property, and the surrounding land uses, the Planning Department concludes that the highest and best uses for each zoning district would likely include:

Agricultural AA: 1) wireless communication facility, 2) contractor yard, or 3) commercial nursery

Senior Care Retirement District: 1) medical clinic, medical and allied health office, public or nonprofit housing for seniors, 3) professional office.

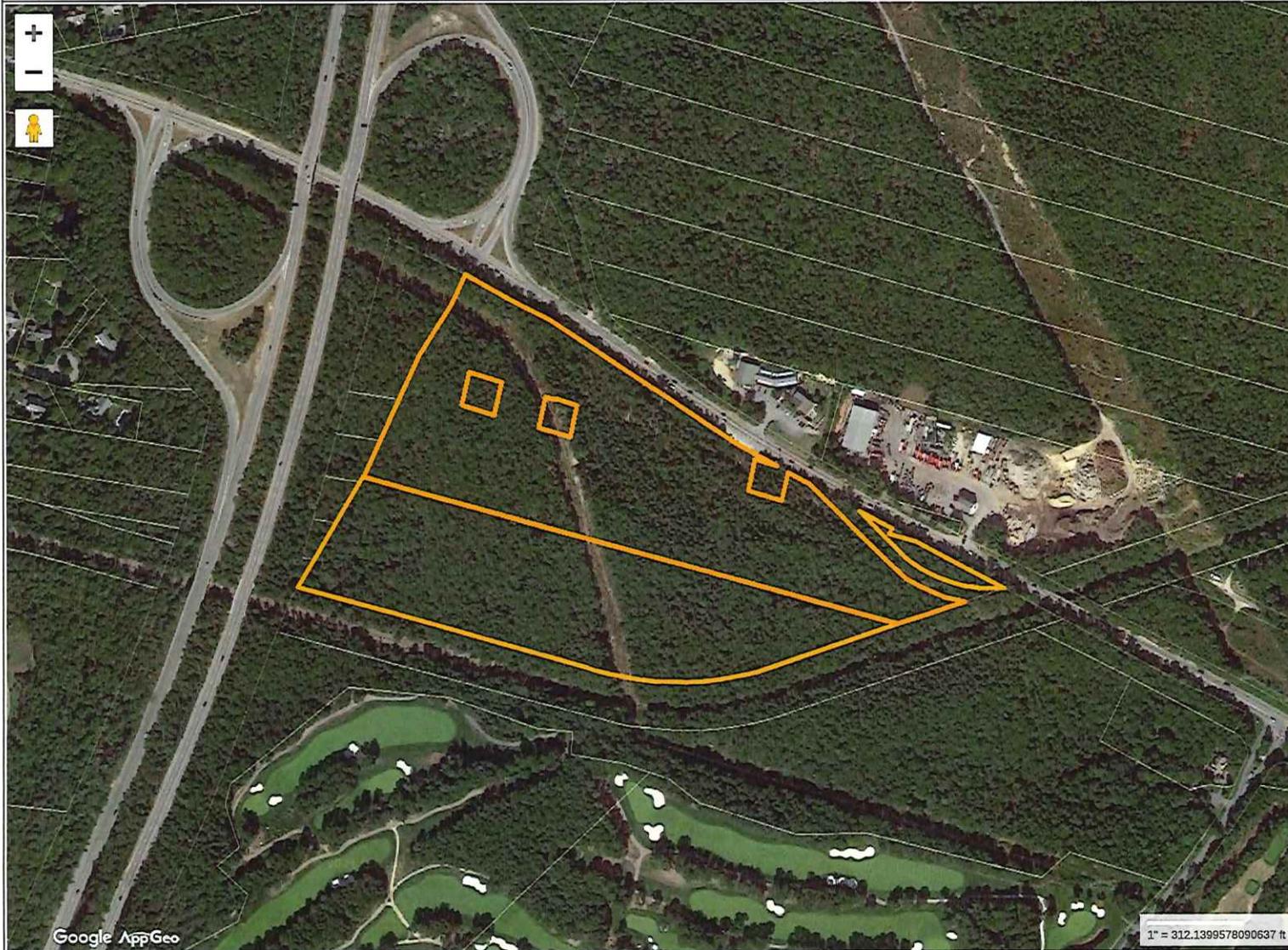
Although, medical office space is one of the possible outcomes for this site, that type of use is typically located close to complementary services (hospitals, pharmacies, etc.), which is not the case here. Moreover, the restrictions for both types of allowable senior housing on the subject property could make that use challenging. If the SCRD were to be expanded in the future, it would provide a better opportunity for senior housing at that location.

As noted in the appraisal, the town has the opportunity through the Right of First Refusal to purchase the subject property within 120 days of the accepted offer. Purchasing this property could prevent future development or provide the time for the creation of a future undetermined land use that would likely involve working with the Cape Cod Commission. Given the lots configuration and the various easements that cross it, along with its topography it would be a difficult site to develop under the existing zoning. It is also quite likely that the process of development would result in a considerable amount of earthmoving as well, whether it be creating a balanced site or removing material from the site. Removing material from the site would be a likely alternative for a future developer to try to defray some of the site development cost.

CC: Frank Duffy, Town Counsel
Peter Johnson Staub, Assistant Town Manager

Attachments: GIS Maps produced by Jed Cornock saved at T:\Projects\O Nathan Ellis Hwy

0 Nathan Ellis Hwy



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town of Falmouth, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

0 Nathan Ellis Hwy



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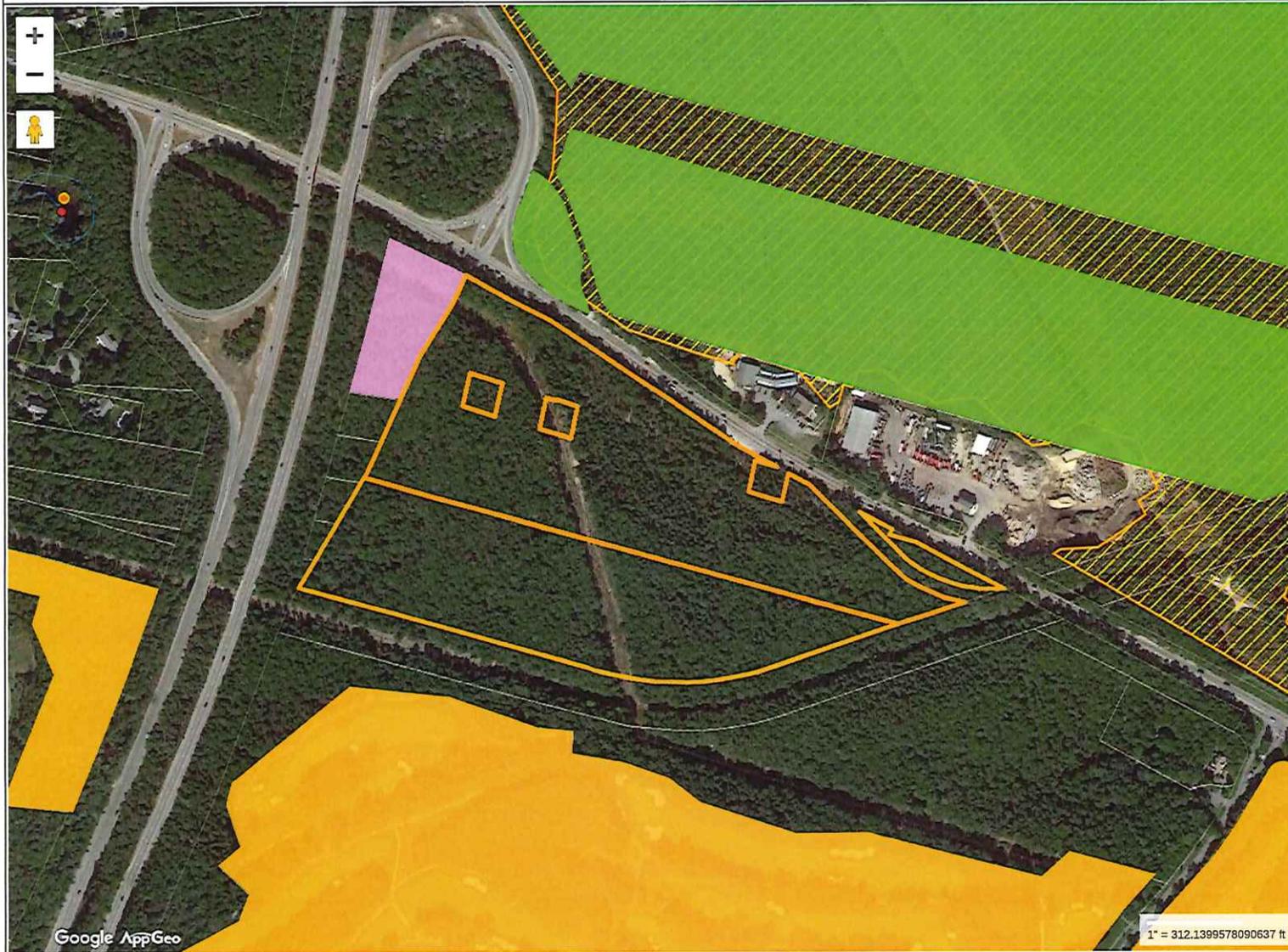
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Zoning

- AGA
- AGAA
- AGB
- B1
- B2
- B3
- BR
- CR
- LIA
- LIB
- LIC
- M
- PU
- RA
- RAA
- RB
- RC
- PU
- SCRD

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0 Nathan Ellis Hwy




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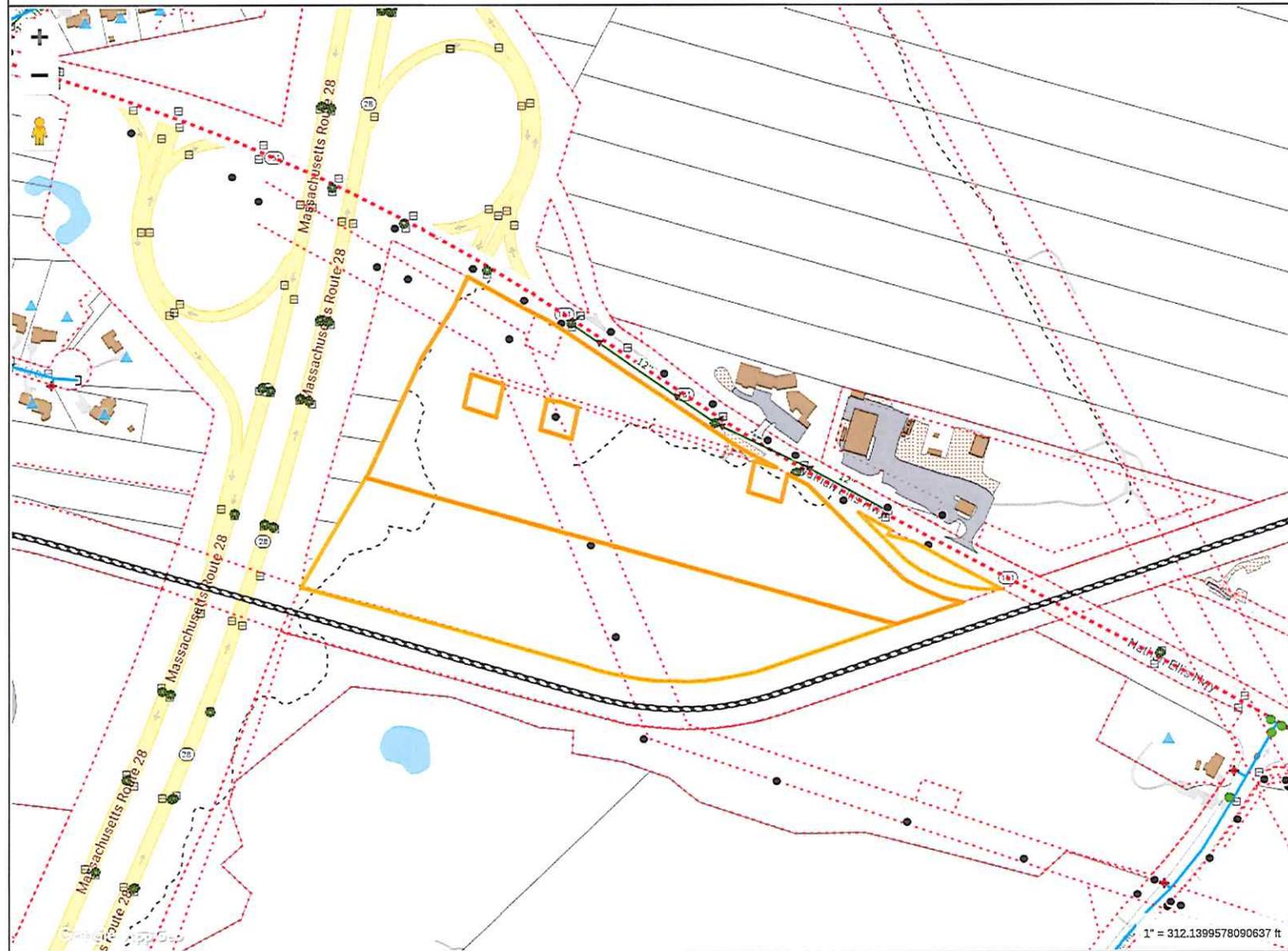
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- State DEP Wetlands**
- Shoreline
 - Hydrologic Connection
 - Mean Low Water Line
 - Wetland Limit
 - Closure Line
 - Reservoir (with PWSID)
 - Marsh/Bog
 - Wooded Marsh
 - Cranberry Bog
 - Salt Marsh
 - Tidal Flats
 - Beach/Dune
- Prime Farm Land Soils**
- ALL AREAS ARE PRIME FARMLAND
 - FARMLAND OF STATEWIDE IMPORTANCE
 - FARMLAND OF UNIQUE IMPORTANCE
- Water Resource Protection**
- Watershed
- Zone II Wellhead Protection Areas
 - Interim Wellhead Protection Area
- Surface Water Protection Zones
- ZONE A
 - ZONE B
 - ZONE C
- Open Space**
- FEDERAL
 - STATE
 - COUNTY
 - MUNICIPAL
 - PUBLIC NON-PROFIT
 - LAND TRUST
 - CONSERVATION ORGANIZATION
 - NON-PROFIT
 - PRIVATE
 - OTHER
 - UNKNOWN
- Natural Resource Protection**
- NHESP Certified Vernal Pools
 - NHESP Potential Vernal Pools
 - NHESP Priority Habitats of Rare Species
 - NHESP Estimated Habitats of Rare Wildlife
 - Areas of Critical Environmental Concern

1" = 312.1399578090637 ft

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

0 Nathan Ellis Hwy



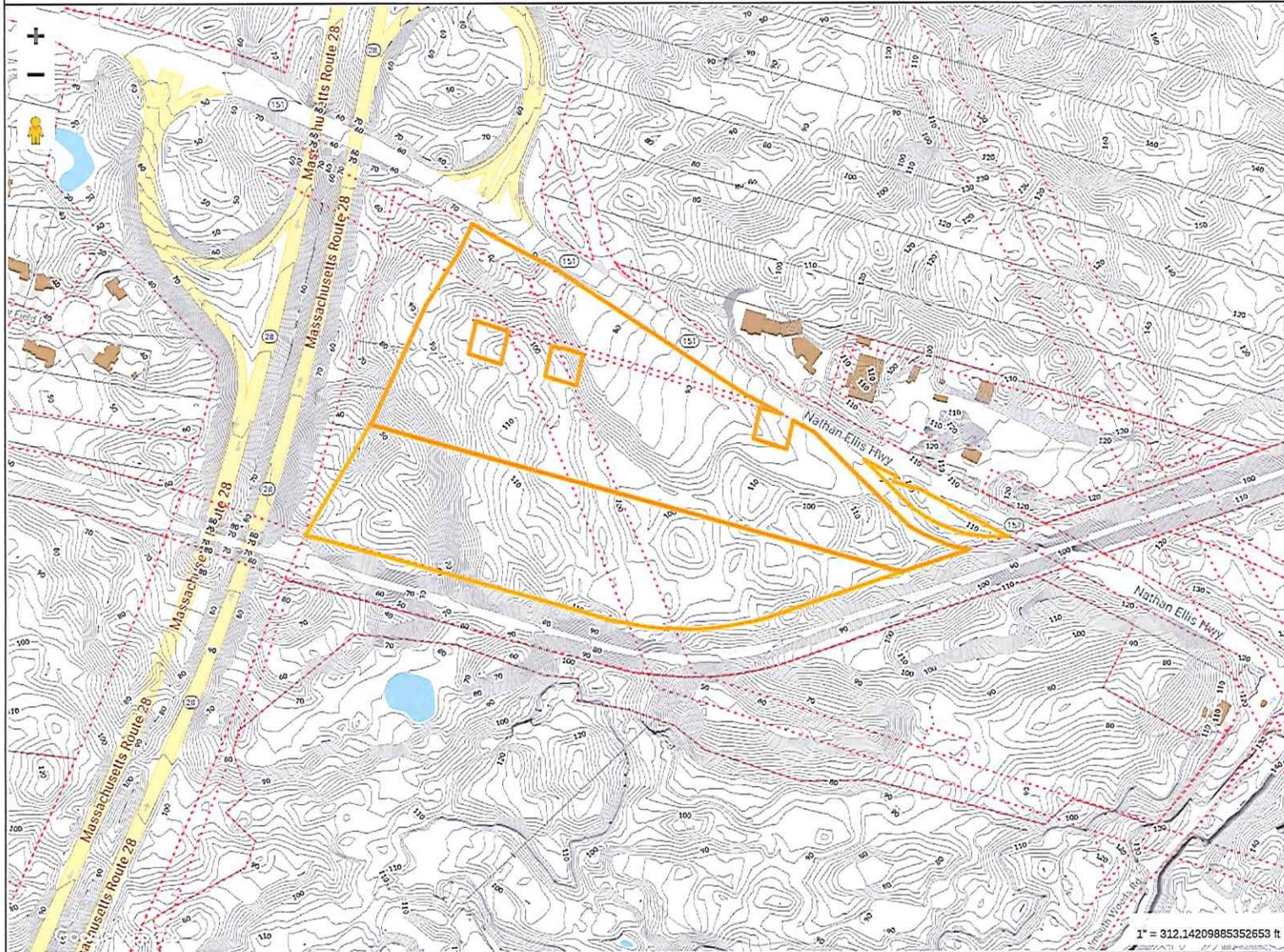
Drainage System		Water System	
	CB		ARV
	D-BOX; DI; LB; LC; LD		Blow Off
	DM; DMH		Coupling
	Leaching Pit		Gate Valve
	Manhole		Pipe End
	Sump		Reducer
	Outfalls		TRN
	All Other Types		Well
	Pipe		Hydrant
			Water Main
			Water Accounts

Sewer System	
	Active WW Account
	Inactive WW Account
	Air Release Manhole
	Boat Pump Out
	Check Valve
	Environment One Pump
	GV, Valve, Valve Pit
	Reducer
	Sewer Manhole
	Tee
	Wet Well
	By Pass
	Gravty
	Force Main
	Low Pressure Sewer

Parking	
	Asphalt
	Concrete
	Sand
	Cobblestone
	Blockpaver
	Dirt
	Gravel
	Unknown
	Other

1" = 312.1399578090637 ft

0 Nathan Ellis Hwy



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Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

BUSINESS

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

Town Committee Vacancies

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

Committee	Term Until
Agricultural Commission (1 position)	6/30/22
Board of Survey (2 positions)	6/30/24
Building Code Board of Appeals (1 position)	6/30/25
Cable Advisory Committee (3 positions)	6/30/23, 6/30/24
Cape Cod Commission (1 position)	4/24/24
Commission on Disabilities (4 positions)	6/30/22, 6/30/23, 6/30/24
Conservation Commission (2 alternate positions)	6/30/22, 6/30/23
Constable (1 position)	6/30/24
Council on Aging (1 position)	6/30/24
Cultural Council (3 positions)	6/30/22, 6/30/24
EDIC (2 positions) (1 industrial development experience and 1 affordable housing experience)	6/30/22, 6/30/24
Edward Marks Building Advisory Committee (1 position)	12/31/21
Energy Committee (2 positions)	6/30/23, 6/30/24
Historical Commission (1 position)	6/30/22
Human Services Committee (2 positions)	6/30/24
Steamship Authority Board of Governors (1 position) Deadline December 30	12/31/23
Taskforce on Sustainable Living for Falmouth's Workforce (7 – 9 members) Deadline December 20, 2021	5/1/23
Transportation Committee (1 position)	6/30/24
Veterans Council Committee (1 at-large position)	6/30/22

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

Cape Cod Commission (Falmouth representative) (3-year term)

One position

- Term ending 4/24/2024

One applicant

- Robert Mascali



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to the Select Board, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthma.gov.

Name: Robert P. Mascali

Address: 38 OX BOW ROAD Village: TEATICKET ZIP: 02536

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident XX (date: 4/1/2016) / Taxpayer _____ (date: _____)

Amount of time you are available to give: 10 HOURS PER WEEK

Town Committee, Board or Commission you are interested in serving on:

1. CAPE COD COMMISSION
2. COUNCIL ON AGING
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? YES

Relevant affiliation and work and personal experiences: I am an attorney in practice for over 45 years in the private, public and non profit sectors and have been involved in elder issues for the past 15 years and for many years had been involved in land use and zoning issues

Town offices held in Falmouth or elsewhere and dates of years served: Commission on Disabilities from 2017 to 2019, Falmouth Housing Authority from 2019 to present

Falmouth Cable TV Advisory Committee from 2019 to present

Briefly describe the particular skills you feel you will add to the committee or board: _____

see attached

You may attach a resume to this application.

List three (3) references:

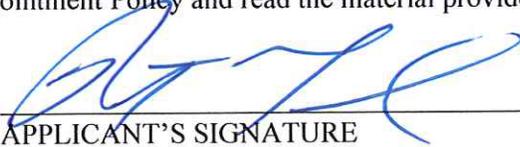
	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>SAM PATTERSON</u>	_____	_____
2.	<u>TROY CLARKSON</u>	_____	_____
3.	<u>BROOKS BARTLETT</u>	_____	_____

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

8/23/2021

DATE



APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

ROBERT P. MASCALI

38 Oxbow Road
Teaticket, MA 02536



EXPERIENCE

August 2017-Present
Managing Attorney
Bourget Law Group, LLC

North Falmouth, MA

- Provides legal advice and representation to individuals, families and financial institutions on issues dealing with special needs planning including special needs trusts, public benefits eligibility, accountings and regulatory issues
- Provides legal advice and representation to individuals and financial institutions on issues dealing with drafting documents, trusts and estate administration, Medicaid planning and Guardianship/Conservator matters
- Represents parties in real estate transactions and general business and corporate law
- Currently serves as Managing Attorney

August 2015-Present
Senior Consultant
The Center for Special Needs Trust Administration, Inc,

Clearwater, FL

- Advises senior staff on legal and regulatory issues as they pertain to special needs trusts and the administration of special needs trusts
- Responsible for community outreach and business development
- Authors monthly letter to clients and community partners
- Publishes regular articles of interest in national and state publications
- Active presence as organizational representative at trade shows, seminars and similar community and national events
- Liaison to various state and local bar organizations to maintain business position and develop new business relationships
- Assists in developing long term strategy for improving website presence, new products/services and product/service branding

October 2012-Present
Member/of counsel
Pierro Law Group, LLC

Latham, NY

- Chair, Special Needs Planning Practice Area (2012-2015)
- Provides legal advice and representation to individuals, families and financial institutions on issues dealing with special needs planning including special needs trusts, public benefits eligibility, accountings and regulatory issues
- Provides legal advice and representation to individuals and financial institutions on issues dealing with trusts and estate administration, Medicaid planning and Guardianship matters
- Currently serves as of counsel (2015-Present)

October 2009 to October 2012

Of Counsel

Roemer Wallens Gold & Mineaux, LLP

Albany, NY

- Provided legal advice and representation to not for profit organizations and individuals and families on issues of guardianship, estate planning, supplemental needs trusts and real property.
- Engaged in real estate, environmental, land use, general business and corporate law.

April 2009-October 2012

Counsel NYSARC Trust Services

Delmar, NY

- Provided specific legal advice to NYSARC Trust Services on supplemental needs trust and related estate planning and governmental benefit issues
- Responsible for developing policy and position statements on the various different trusts operated by NYSARC Trust Services
- Reviewed and commented on proposed changes to federal and New York State statutes and regulations dealing with guardianship and supplemental needs trusts
- Responsible for developing and providing community outreach and training on supplemental needs trusts and guardianship matters
- Regularly met with Boards of Directors of member agencies on legal and regulatory issues.

Associate General Counsel

NYSARC, Inc.

Delmar, NY

- Provided senior executive staff with general legal advice on such matters as guardianship, health care decisions, nonprofit governance, contracts, preferred source and related issues under the NYS Finance Law, leases, litigation, regulatory matters, low interest rate financing and issues affecting real property.
- Served as a Staff Member on the NYSARC Statewide Guardianship Committee
- Regularly met with Boards of Directors of member agencies on legal and regulatory issues

May 1997-April 2008

Managing Attorney/Deputy Counsel

NYS Office of Mental Retardation and Developmental Disabilities

Albany, NY

- Supervised day to day activities of Office of Counsel, including seventeen staff attorneys and a support staff of five. Also responsible for overview of the Office of Regulatory Affairs Unit consisting of five employees.
- Developed strategy and advised executive level personnel on various legal problems, regulatory issues and on issues dealing with programmatic initiatives.
- Interacted with Contract Management Unit on issues dealing with preferred source, competitive bidding, procurement lobbying and miscellaneous matters under the NYS Finance Law
- Represented the agency in private negotiations and public meetings; overseeing special legal and policy projects on an "as needed" basis
- Responsible for all legal issues pertaining to the Institute for Basic Research in Developmental Disabilities (IBR), including those related to intellectual property and human subject research.
- Responsible for all legal issues pertaining to the Dormitory Authority of the State of New York.
- Responsible for legal and regulatory review of all Requests for Proposals and Requests for Qualifications or similar documents submitted to the agency.
- Served as head of Legal Administration Bureau; as such:
 - Served the function of house counsel to the agency and handled matters of a general legal nature including: guardianship, regulatory affairs, contract review, corporate documentation and governance (not-for-profit sector), real property and housing, zoning, environmental, trusts and estates (including supplemental needs trusts), freedom of information requests, intellectual property, employment issues (including reasonable accommodation and disability discrimination matters) and was involved in the review and drafting of legislation
 - Assisted and advised in the implementation of various policy matters including lobbying procurement guidelines, guardianship, personal and financial planning and housing opportunities for individuals with disabilities, their parents, families and advocates
 - Had supervisory responsibility for interaction with the NYS Department of Law in the representation of OMRDD in guardianship matters, human rights discrimination, Medicaid recovery filings, personal injury and property damage claims and litigation involving OMRDD
 - Developed and implemented grant application and internal control protocols and reviews for Office of Counsel.
 - Provided legal advice with respect to all transactions involving the disposition of State-owned real property, mortgages and related instruments and all aspects of bond financing and economic development through the Dormitory Authority of the State of New York
 - Had Regular interaction with various Boards of Directors of voluntary, nonprofit providers certified by the State of New York.
 - Developed core training module for members of the Boards of Directors of voluntary nonprofit providers certified by the State of New York and a system to evaluate and track the success of same.
 - Reviewed business plans submitted by voluntary nonprofit providers for possible new markets and services

October 1995-May 1997

Partner

Pirro, Collier, Cohen and Halpern

White Plains, NY

- Engaged in real estate, environmental, land use and general business and corporate law

- Interacted on a regular basis with local, county and regional economic development organizations in connection with large scale developments and possible financing, tax and other development incentives
- Managed land use review of proposed large scale developments including supermarkets, retail shopping malls, golf courses, residential and commercial sites.

October 1993-October 1995

Partner

Gioffre Gioffre and Mascali, PC

Port Chester, NY

- General practice engaged in real estate, zoning and land use law and advising in matters dealing with estates, trusts and wills and corporate matters

October 1981-October 1993

Partner

Cohen, Jason and Mascali

Scarsdale, NY

- Founding partner of general practice firm engaged primarily in real estate, land use, trusts and estates and business and corporate law
- Responsible, as managing partner, for day to day business affairs of the partnership including accounts payable and receivable and escrow account reconciliation

EDUCATION

St. John's University School of Law

- Juris Doctor
Queens, NY
- Director of Research - Criminal Law Institute

St. John's University

Bachelor of Arts - History

Queens, NY

Graduated Summa cum Laude

MISCELLANEOUS

- Admitted to practice in New York and Massachusetts
- Member Town of Falmouth Commission on Disabilities (2016-2019)
- Member of the Falmouth Housing Authority (2019-2025)
- Member Town of Falmouth Cable TV Advisory Committee
- Member Town of Falmouth Rotary Club(2016-present) President and Board member (2016-2109)
- Assistant District Governor Rotary District 7950 (July 1, 2019-June 30, 2022)
- Member Woods Hole Golf Club
- Recipient of New York State Bar Association President's Award for Pro Bono Service-2014
- Recipient of the Albany Law School Award for Pro Bono Service-2014
- Member NYS Bar Association Elder Law Section Executive Committee (2009-present)
Co-chair of Special Needs Planning Committee and Ethics Committees
- Member NYS Bar Association Trusts and Estates Section (2009-present)
- Member of National Academy of Elder Law Attorneys (NAELA) (2010-present)

Council on Aging (9-member committee) (3-year terms)

One position

- 1 position with a term until 6/30/2024

One applicant

- Jamie MacDonald

Please note: Robert Mascali listed the Council on Aging as his second choice.



**TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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Name: Jamie MacDonald
 Address: 244 OLD MAIN Village: N.F. ZIP: 02556

Mailing Address: SAME Village: N.F. ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident (date: 1986) Taxpayer (date: 86)

Amount of time you are available to give: as needed

Town Committee, Board or Commission you are interested in serving on:

1. Council on Aging
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? YES

Relevant affiliation and work and personal experiences: _____

Town offices held in Falmouth or elsewhere and dates of years served: _____

Town meeting member, School Committee

Briefly describe the particular skills you feel you will add to the committee or board: _____

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Jill Bishop</u>	<u>Director</u>	_____
2.	<u>Jim Viana</u>	<u>Chair</u>	_____
3.	_____	_____	_____

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

10/5/21
DATE

[Signature]
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Historical Commission (7-member committee; 5 full members and 2 alternates) (3-year terms)

One full member position

- 1 position with a term until 6/30/2022

One applicant

- Tamsen George (currently an alternate member)



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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Name: TAMSEN E GEORGE

Address: 57 WOODLAND TRAIL Village: TEATICKET ZIP: 02536

Mailing Address: SAME Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 16 yrs (date: 2005) / Taxpayer 16 yrs (date: 2005)

Amount of time you are available to give: ALL NECESSARY MEETINGS AND PROJECTS

Town Committee, Board or Commission you are interested in serving on:

1. HISTORICAL COMMISSION
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? YES

Relevant affiliation and work and personal experiences PRESENTLY SERVE AS ALTERNATE.

FORMER MEMBER: HISTORIC DISTRICTS COMMISSION 2013-2018

Town offices held in Falmouth or elsewhere and dates of years served: _____

HISTORIC DISTRICTS - 2013-2018, HISTORICAL COMMISSION - 2020-21

Briefly describe the particular skills you feel you will add to the committee or board: _____

KNOWLEDGE OF FALMOUTH HISTORY, RESTORATION OF ANTIQUE
HOUSES, SERVICE ON FAL. HISTORICAL SOCIETY BOARD OF
DIRECTORS - 12 years

You may attach a resume to this application.

List three (3) references:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
1. <u>ED HADDAD</u>	<u>HEAD -</u> <u>HISTORICAL COMM.</u>	<u>[REDACTED]</u>
2. <u>DAN SHEARER</u>	<u>TOWN MEETING MEMBER</u> <u>VARIOUS TOWN COMMUNITIES</u>	<u>[REDACTED]</u>
3. <u>KAY MORSE</u>	<u>PAST MEMBER, FAL</u> <u>HISTORICAL SOCIETY</u> <u>BOARD OF DIRECTORS</u>	<u>[REDACTED]</u>

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

11-17-21
DATE

Ramon E. George
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

TAMSEN EVANS GEORGE

57 Woodland Trail, East Falmouth, MA 02536

PROFESSIONAL EXPERIENCE

1999 – 2004 EXECUTIVE DIRECTOR

Shirley-Eustis House Association, 33 Shirley St., Roxbury, MA 02119

Administration, programming, property management for historic (1747) house museum. Coordination of site improvement landscape project. Re-construction of 1806 carriage house moved to property. Restoration project with cupola and balustrade. Establishment of orchard and perennial gardens. Introduction of two seasonal concert series and collaborative events with neighboring organizations. Developed web site. Other duties included grant writing, fundraising, publications and curatorial activities.

1995-98 HEAD OF PUBLIC PROGRAMS

Museum of Fine Arts, 465 Huntington Ave., Boston, MA 02116

Development and promotion of adult programs in the Museum including lectures, courses, concerts, performances, gallery talks, and adult group tours. Oversee functions of public programs section, including publications, two information centers, box office, and media services.

1992-95 MANAGER, SCHOOLS AND COMMUNITIES DEPARTMENT

Massachusetts Cultural Council, 10 St. James St., Boston, MA 02115

Management of department for state arts council including administration of direct grant processes awarding more than \$1 million for education programs and statewide indirect grant programs through 335 local cultural councils. Production of arts in education leadership conference and Cultural Resources Directory. Coordination of statewide task force to establish Massachusetts standards in arts education.

1990-92 ADMINISTRATOR OF COMMUNITY PROJECTS

Cambridge Arts Council, 57 Inman St., Cambridge, MA 02139

Responsible for community-oriented projects including production of arts education project with NEA funding, two outdoor craft festivals with over 75 vendors each, Arts Access Guide to cultural facilities for use by persons with disabilities, and the Cambridge Community Chorus, International Fair, River Festival and five multi-cultural forums per year.

1982-90 EXECUTIVE DIRECTOR

Young Audiences of Massachusetts, Inc. One Kendall Sq., Cambridge, MA 02139

Directed the operations of a state chapter of a national non-profit organization in arts education. Managed \$450,000 budget and restricted gift funds. Doubled size of organization and staff. Increased sale of programs from 600 in 1982 to 1,600 in 1989. Generated media materials, brochure, newsletters. Fundraising included direct mail, corporate and foundation proposals and special events.

1981-82 DIRECTOR OF PUBLIC RELATIONS AND PUBLICATIONS

Dana Hall School, 45 Dana Rd., Wellesley, MA 02181

Produced publications and news media as support for recruitment and development efforts. Created and edited two magazines, two newsletters and 8-10 smaller pieces, including selection of authors and articles. Wrote articles and press releases.

1977-81 DONOR RESEARCH/ARCHIVIST
Dana Hall School, 45 Dana Rd., Wellesley, MA 02181

Established a research office for \$8.5 million capital fund drive. Researched and compiled background information, genealogical and foundation connections of alumnae. Organized, restored and preserved school's collection of memorabilia, photographs and clothing. Produced slide show for alumnae functions and 1981 Centennial Memorabilia Show, including planning, acquisition and display of objects, and design of exhibition.

EXHIBITS

2020	"Why Not: Falmouth Women Getting the Vote" & "Cash, Credit or Eels"
2019	"Bare Necessities"
2018	"Whalers Come Home"
2017	"Harvest the Land"
2010	"Greasy Luck: The Story of Falmouth Whaling"
2009	"Katharine Lee Bates: Rise and Follow Thy Dream"
2003	"Mapping Roxbury: Land and Sea" – exhibit of maps on Roxbury
2002	"Madam Eustis's Tea Party" – women's costume in 1850-60s
2001	"Boston's Developing Shore" – maps showing land mass development
2000	"Sacred to the Memory of G. Washington"- Washington as an icon
1981	"From Bustles to Blue Jeans" –100 years of women's costume (Dana Hall Centennial exhibit)

LECTURES/TALKS (Samples)

"Governor William Shirley" - Town of Shirley 250th Celebration,
"The Housekeeper's Tales" - Gore Place, Waltham
"William Shirley: Lawyer, Governor and Colonial Warrior" - Society of Colonial Wars, Boston.

PROFESSIONAL AFFILIATION/COMMUNITY SERVICE

2020 - 2021	Alternate, Falmouth Historical Commission
2013 - 2018	Member, Falmouth Historic Districts Commission
2016 - 2022	Board of Directors, Falmouth Historical Society, Falmouth, MA President, 2016 – 2021 (also 2011-2013)
2008 - 2012	Martin House Farm Committee, Swansea, MA, NSCDA, (Chair, 2010)
2006 - 2013	Board of Directors, Falmouth Historical Society, Falmouth, MA President, 2011-13; Secretary 2007-11. Massachusetts Leadership Group, Amer. Assoc. State and Local History
2006 - 2009	Board of Governors, Historic Winslow House, Marshfield, MA
2005	Committee, Highfield Theater Restoration Project
2003	Co-Chair: Administration, Facilities & Services Prof. Affinity Group, New England Museum Association
2002-04	Board of Directors, Bay State Historical League (Vice President '03)
2001-ongoing	Founder/director, Colonial Loyalist Alliance of Massachusetts
2001- 05	Field Reviewer, operating support proposals Institute of Museum and Library Services
1997	Member, Review Panel, Event & Residency Program Massachusetts Cultural Council

- 1994-95 Member, Arts Curriculum Frameworks Committee
Massachusetts Department of Education
- 1992 Recognition for contributions to the field
Massachusetts Alliance for Arts Education
- 1989-91 Vice President, Eastern Region
Consortium of Local Arts Agencies of Massachusetts
- 1988-93 Membership, Board of Directors (Vice President - 90/91)
Massachusetts Alliance for Arts Education

MEMBERSHIPS

American Association for State and Local History
National Society of Colonial Dames, Massachusetts
New England Historic and Genealogical Society
Society of Mayflower Descendants
Shirley-Eustis House Association
Historic Winslow House, Marshfield
Falmouth Historical Society

EDUCATION

Connecticut College, BA, Art History
Diploma, Dana Hall School

Institute in Non-Profit Administration, Radcliffe College, 1985
Resources for Non-Profits, Associated Grantmakers, 1982
Major Donor Research and Prospect Management, CASE, 1981
Identification and Restoration of Costume, Pine Manor College, 1980

PERSONAL INTEREST: Restoration of 18th century houses

AUTHOR: Biography, Allegiance: The Life and Times of William Eustis (1752 – 1825)
Published 2021.

Veterans Council Committee (9-member committee) (1-year terms)

One at-large position

- 1 position with a term until 6/30/2022

One applicant

- Paula T. Smith



TOWN OF FALMOUTH

**BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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Name: Paula T. Smith

Address: 14 North Hill Drive Village: North Falmouth, MA ZIP: 02556

Mailing Address: 14 North Hill Drive Village: North Falmouth, MA ZIP: 02556 Telephone: [REDACTED]

Email: [REDACTED]

How long have you been a Resident: 29 years (dates:*) / Taxpayer: 18 years (dates:**)

* 1972-1996 and 2016-2021 (Resided at 59 School Street, Woods Hole; 44 Cachalot Lane, Falmouth; 48 Harris Hill Road, East Falmouth; 14 North Hill Drive, North Falmouth)

**Income tax and residence tax 1983-1996 and 2016-2021

Amount of time you are available to give: flexible schedule; up to 15 hrs / week

Town Committee, Board or Commission you are interested in serving on:

1. Town of Falmouth Veterans Council

Seeking: (X) Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No. However, I am familiar with the Council's operations, services and current members.

Relevant affiliation and work and personal experiences:

Falmouth Resident; Army Combat Veteran and Army Retired Service Member (20 years); Served in myriad leadership roles at the operational and strategic levels in various Department of Defense and civilian employment positions; Attained Doctorate in a medical profession and an undergraduate degree in Communications; formal education and professional certificates in Non-profit Management, Process Improvement (Lean Six Sigma Black Belt) and Project Management; Passionate about enabling the successful reintegration of veterans into our community; Current affiliations include Cape and Island Veteran Outreach Center (Honorary Board Member), Retired Army Medical Specialist Corps Association (RAMSCA, member), Center for Resilient Families, University of Minnesota (Advisory Board member, Military representative); Honored to join the Veterans Council to continue serving our valued military veterans and support the work of our community's veteran initiatives.

Town offices held in Falmouth or elsewhere and dates of years served: N/A

Briefly describe the particular skills you feel you will add to the committee or board:

I enjoy being part of great teams just like the Veterans Council. During my 24 years of leadership experience and 20 years as an active duty service member, I worked closely with countless amazing professionals to drive government, commercial and non-profit projects, enhance organizational effectiveness and leverage resources with integrity, energy and positivity. I am particularly proud to be one of the founding staff members of the Department of the Army's Veteran outreach effort, Soldier for Life (SFL), wherein I facilitated collaboration activities across more than 42,000 civilian, for-profit and not-for-profit veteran organizations. The SFL program successfully resourced veterans in education, employment and health as they left formal military service and reintegrated back into their communities. My experiences honed my skills in program development, community outreach and project management--skills with which I hope to assist the Veterans Council team initiatives. I also look forward to utilizing my communication skills to promote the services of our organization, navigate challenges and enable productive program growth.

You may attach a resume to this application. (Attached)

List three (3) references:

<u>Name</u>	<u>Title</u>	<u>Phone</u>
1. Troy Clarkson	CFO, City of Brockton	(508) 232-1244
2. Don Lincoln	Director of Veterans' Services-Falmouth	(774) 29-6657
3. Pamela Rothstein	Director of Lifelong Learning, Falmouth Jewish Congregation	(508) 241-2215

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Select Board's Appointment Policy and read the material provided.

October 25, 2021
DATE



APPLICANT'S SIGNATURE

PAULA T. SMITH

VETERANS COUNCIL MEMBER

A proud Army veteran and Falmouth community member with over 24 years of experience driving government, commercial and non-profit initiatives with exceptional integrity. A results-focused professional with demonstrated success in strategic planning, enhancing organizational effectiveness and improving processes. Spearheads program transformations and forms robust teams through leadership, mentorship and inclusion. Innovatively leverages inter- and intra-organizational resources to develop productive partnerships and establish stakeholder investment. Special certifications in Project Management, Lean Six Sigma and Nonprofit Management.

PROFESSIONAL EXPERIENCE

Founder and CEO, True Cape, LLC
Falmouth, Massachusetts

November 2020- Present

Employs extensive career experience and education to optimize program development and management activities. Assists organizations in creating policies, streamlining communications processes and improving personnel management. Delivers customized technical and content writing services to small and large government and non-government, for-profit and not-for-profit organizations. Ensures organizational literature appropriately and effectively communicates intended messages to diverse audiences.

Director, Rehabilitation and Neurodiagnostic Services
Cape Cod Healthcare, Falmouth Hospital, Falmouth, Massachusetts

October 2016 - September 2020

Delivered executive-level strategies for staffing, operations and compliance management. Created a department-wide team culture across eleven disparate services. Transformed reactive operational culture into one driven by proactive process improvement.

HIGHLIGHTS

- Established robust departmental policies, procedures and training programs related to employee safety, security and performance in compliance with national accrediting agency and industry standards
- Provided guidance to internal and external stakeholders for resolving issues involving risk analysis, project development, contingency planning and regulatory compliance
- Cooperated with staff to create and implement process improvement projects that improved productivity, accountability and customer recovery within eleven different hospital services
- Collaborated with employee Union representatives and staff members to establish guidelines and comprehensive training for 50 employees to repurpose their skill sets and meet emergent healthcare demands

Health Director
Soldier for Life Program, Department of the Army, Arlington, Virginia

August 2012- October 2016

Spearheaded the inaugural Department of the Army Veteran outreach effort under the Army Chief of Staff. Facilitated connection and collaboration activities across 42,000 national, regional and local government and civilian, for-profit and not-for-profit Veteran, Military and Family Service Organizations. Inspired agencies and individuals to direct efforts and resources towards support of organizational mission.

HIGHLIGHTS

- Leveraged networks and collaborated with leadership influencers to streamline service delivery that resulted in a 4-year, \$260M reduction in Army Unemployment Compensation for Ex-Service Members (UCX)
- Delivered consultative feedback to government stakeholders in Veteran health, health care and to twelve inter- and intra-agency strategic policy, special task force and advisory groups

Director, Department of Surgery
Winn Army Community Hospital, Fort Stewart, Georgia

August 2008- August 2012

Energized ten distinct services accessible to over 30,000 patrons. Initiated and improved business systems and operations across the department and within services to ensure administrative and operational compliance with federal, state and local laws and industry regulations. Special focuses on program development, planning and staff training.

HIGHLIGHTS

- Provided project development expertise as a contributing member of several executive-level strategic working groups governed by the Office of the Army Surgeon General, the installation and the community hospital
- Transformed the Department into a business-oriented team; optimized service capabilities through inter-and intra-departmental process-improvement projects
- Enhanced the organization's public-private relationship through outreach activities in the local network resulting in unprecedented collaborative efforts to improve customer satisfaction and meet patient needs

ADDITIONAL EXPERIENCE

Director of Rehabilitation December 2008- December 2009
Deployed Army Combat Brigade (Iraq)

Assistant Director of Rehabilitation Services August 2006 – August 2008
Moncrief Army Community Hospital (South Carolina)

Commander August 2004 – August 2006
United States Army Fitness Training Company (South Carolina)

Director and Deputy Director of Physical Therapy Services July 1998- August 2004
Blanchfield Army Community Hospital (Kentucky)
121st General Hospital (Korea), Irwin Army Community Hospital (Kansas)

EDUCATION

University of St. Augustine
Doctorate, Physical Therapy

Baylor University
Masters, Physical Therapy

University of Iowa
Bachelor of Arts, Communications

Syracuse University
Project Management Certificate

Harvard School of Public Health
Healthcare Project Management Certificate

Georgetown University
Nonprofit Management Certification

Academy of Health Sciences
Basic Healthcare Administration Certificate

Lean Six Sigma
Black Belt Certification

COMMUNITY INVOLVEMENT & SPECIAL RECOGNITION

- Cape and Islands Veteran Outreach Center, current Honorary Board Member
- Center for Resilient Families, University of Minnesota, current Advisory Board Member
- Special awards for distinguished contributions in combat, medicine, professionalism, and leadership:
Bronze Star Medal, Order of Military Medical Merit Award, The Army Surgeon General's Distinguished Military Occupational Specialty Proficiency Award and The Iron Major Award

BUSINESS

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

ARPA FUNDING/FEDERAL GRANTS

Summary to Select Board 12/20/2021

- The Town of Falmouth has been granted \$3,243,993 in federal ARPA funding. Of this amount, to date the Select Board has approved the allocation of \$1.7 Million for the design of wastewater treatment upgrades and \$325,000 for the purpose of pandemic first responder one-time bonus payments. Funds remaining at present = \$1,218,993. These two purposes are as specifically authorized by the ARPA guidelines. We understand that the Town has until 2024 to fully commit these grant dollars.
- As a parallel, Barnstable County has been granted **\$41 Million** in ARPA funding – apparently attributable to the relative populations of the various Towns on the Cape. The Cape Cod Municipal Management Association has transmitted a letter to the Barnstable County Commissioners and the Assembly of Delegates urging them to resolve any lingering disagreement at the County level and act affirmatively to reasonably and fairly disburse a significant portion of this enormous grant amount to benefit the residents of the respective Towns.
- A federal infrastructure bill was recently signed by President Biden. The Town is working with the Massachusetts Municipal Association (MMA) in monitoring the availability of these potential federal funds for qualified projects – this process is still underway and Falmouth is prepared to proceed appropriately as soon as critical details are clarified. The standard protocol for the delivery of federal grant funding to municipalities in the Commonwealth involves the requirement to work through State agencies who are characteristically tasked with being the pass-through entity for local governments. We are very familiar with this process.
- Staff members have been closely watching for the availability of supplemental Coastal Zone Management (CZM) grant funding through the Commonwealth. I have been advised that there is no current CZM grant opportunity at this time. Jennifer Lincoln reminds me that both CZM and MVP (grant sources which have been forthcoming to Falmouth in the past) usually announce their grant opportunities in the spring.

BUSINESS

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

BUSINESS

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

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, DECEMBER 6, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

1. Call to Order by Chair Brown at 7pm.
2. Pledge of Allegiance
3. Recognition
Grace Rogers

Patterson read the proclamation in the packet as a motion. **Second English Braga. Vote: Yes-5. No-0.**

Ms. Rogers' son, Jim Rogers, thanked the Select Board, the Town is very special to their family.

Scott Price recognized those who made the Christmas Parade a success. Taylor noted that the stroll was the most successful she's experienced in Falmouth. English Braga noted the success of closing down Main Street for the festivities.

4. Announcements
Chair Brown noted the public comment period for Mayflower Wind is ending soon. Send comments to the Select Board or MEPA@mass.gov and indicate it is regarding Mayflower Wind. May also send to the Secretary of Energy, 100 Cambridge St., Suite 900, Boston, MA attention: MEPA office.
5. Public Comment

Mark Finneran, Grand Ave., regarding disposition of the wind turbines. He suggested when the RFP is put out to do it to take down the mast but leave the post, which is about 262 feet high. If we put a flag on top of that we would have the second tallest flag in the U.S.

Rosemary Dreger Carey, Precinct 5, asked the Select Board where they stand on the multipurpose machine gun range and what is next. The last discussion was in July.

SUMMARY OF ACTIONS

1. Licenses
 - a. Approve application for a Change of Officers of an All Alcohol Club License – Cape Verdean Club of Falmouth, Inc., located at 126 Sandwich Road, Teaticket
Scott Price motion approval. Second Patterson. Vote: Yes-5. No-0.
 - b. Approve application for a Change of Manager of a Wine & Malt Package Store License – MPG Corp. d/b/a Rapid Refill, located at 435 Palmer Avenue, Falmouth
Taylor motion approval. Second Scott Price. Vote: Yes-5. No-0.
 - c. Approve application for a Change of Manager of a Wine & Malt Package Store License – OSJL Spirits, LLC d/b/a Ocean State Job Lot, located at 50 Teaticket Highway, Falmouth
English Braga motion approval pending CORI check is clear. Second Patterson. Vote: Yes-5. No-0.
2. Administrative Orders
 - a. Vote to authorize Town Manager to execute Participation Agreements related to opioid litigation upon recommendation of national consortium counsel

English Braga reminded public this is a nationwide lawsuit, we are part of it but do not control what happens in it because there are so many individuals. The goal is to see if there can be any

reconciling of funds to communities for expenses towns paid out related to the opioid epidemic. Hope it includes family, school district, and the Town.

Taylor motion the Select Board of the Town of Falmouth, MA hereby appoints Julian M. Suso, Town Manager, to execute, sign, seal, and deliver to the Town's counsel of the national Opioid Litigation Consortium such settlement Participation Agreement and other incidental documents as recommended by said counsel to enable the Town to participate in settlements with defendant manufacturers and distributors of opioids. Second Patterson. Vote: Yes-5. No-0.

- b. Approve Allocation of America Recovery Plan Act (ARPA) funds for design of wastewater treatment plant upgrades and pandemic first responder bonuses

Patterson asked what the remainder of money will be used for and Suso reported that it would be addressed by the Select Board, have several years to expend funds.

Jennifer Mullen, Finance Director, said looking at major projects in waste water and water main projects for use of the remainder of the ARPA funding. \$1.7 million for design of the waste water treatment plant upgrades, mainly upgrade the system to take up the next wastewater project. It is a \$21 million project. The plan is to start the engineering, already in the intended use plan, going to Town Meeting to request \$21 million with a debt exclusion in April/May. Construction to begin in a year or so. The actual construction will not be bid out until approval of the borrowing. The \$1.7 will cover design and have it ready for permitting.

English Braga motion that the Select Board authorize allocation of \$1.7 million in ARPA grant funds for the design of Wastewater Treatment Upgrades and up to \$325,000 for Pandemic First-Responder Bonus pay for public safety officers subject to collective bargaining. Second Taylor. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

1. FY2022 Tax Classification Hearing

Chair Brown read the hearing notice.

Tricia Favulli, Director of Assessing reported the growth of 16% of single family homes sales and assessments. Commercial property changed. Board of Assessors met and reviewed all the classifications today. Asked the Select Board to make a choice of: 1. Split Tax Rate. 2. Small Business exemption. 3. Open Space Discount, assessed as unbuildable. 4. Residential Exemption; up to 35% of primary domicile. This year it is hard to determine how many people are residing here, many are calling it their primary home, but it is actually secondary.

Brown asked why \$711,000? Favulli said that is the calculation that goes into the actual value; the Town cannot set their own number.

English Braga noted Falmouth's problem has not been the tax rate, our problem is the lack of affordable housing. They are two separate conversations. Our tax rate has been reasonable compared to other communities on Cape Cod.

Favulli said the tax rate is coming down 45 cents. There is assistance for those who qualify, including senior exemptions, Widow/widower exemption, blind exemption, veteran benefits, deferral program. There are options out there for some folks who are house poor. We do not send that out with tax bills, English Braga suggested sending that information out with the tax bills. Favulli will check to see if they can do that.

Ms. Mullen said there are strict limitations on what can be put in the tax bill now, we may not be able to.

Patterson noted the problem of building affordable housing, has she looked at this problem? He would like to hear her perspective on how to shift the burden to make it more affordable for young people coming along. Favulli said it is hard when you do not have commercial tax rate to shift over to gain the residential exemption. That will stunt commercial growth.

Mullen said they bill taxpayers what they bill the taxpayers. When talking about shifting the rate, only shifting the taxes. Residential exemption is \$100,000, look at the amount that would be saved and is it worth it to shift the burden.

Taylor motion to close hearing. Second Patterson. Vote: Yes-5. No-0.

Taylor motion that the Town of Falmouth continues to tax all classes at the same rate by adopting a factor of "1" and to reject the residential, commercial, and open space exemption. Second Scott Price. Vote: Yes-5. No-0.

2. Wetlands/Dock Hearing – Nina’s Marina Realty Trust – Install new vinyl sheet pile bulkhead adjacent to and landward of existing licensed timber bulkheads, and removal of existing tongue and groove timber sheathing, located at 306 Scranton Avenue, in the waters of Falmouth Inner Harbor

English Braga read hearing notice.

Patterson motion to continue to 1/10/22 at the request of applicant. Second English Braga. Vote: Yes-5. No-0.

BUSINESS

1. Sandwich Road Fire Station design update

Building Committee

George Rogers, Co Chair; Chris Simmler, Co Chair

Simmler made PowerPoint presentation. They have interviewed the designer, Context, which was selected in October. Great building committee with fire and construction knowledge. The Fire Department met with the architect and reviewed space study, looking at the building lasting 50+ years. Rogers noted they were conservative in their design. They will go in front of the Select Board to give another update in January and they will invite neighbors to come in January at a public forum. Their goal is to bring this to Town Meeting in April 2022.

They want to make sure abutters have an opportunity to comment at an open public forum. They will send invites to immediate people and publicize for others. They are not taking solar into account, but they will bring this up. They will be challenged with material prices.

Mullen said they are going through design phase, they will have their best estimate by February 2022, they want to make sure all gets printed in the warrant to make sure everyone has all the information when warrant booklets are sent out. The Select Board can review it at the end of February.

The Select Board would like to seriously consider three bays, not just two with future option of three bays.

2. Report – Waterways Committee

Jeff Thomas, Chair, yearly report via PowerPoint. Last year found 32 waterways that could/need/future need to dredge. They started tackling that priority list this year. Waquoit Bay Embayment Dredging Project, Eel River West Area Inlet Study; Megansett harbor dredging, and a couple other projects. Costs of dredging are increasing, so they have asked for increase from \$100,000 to \$350,000, and Town Meeting approved. Spring inlet dredging done on the south coast of Town, expect the same in 2022 with addition of Eel River approach. They have a ten-year comprehensive permit, the Town can get the engineering done for a ten-year period. Great Pond embayment has not been dredged in a while. At low tide it is almost not navigable; they put that in this permit, they are targeting it for 2022, between Labor Day and 1/14/23. It is not a big dredge.

Waquoit Bay Embayment Dredging is maintenance dredging.

Working group established, Gregg Fraser, yacht club, member of committee, and they will determine the spoils and how to get rid of it. 11-13k yards. They cannot use the dredge to pump it into a beach. This is the only deep draft exit and entrance into the area. Busiest channel in Town with exception of the harbor.

Planning to be completed by January 2024. They will get about \$1 million, a State grant may be possible but it needs to be shovel ready and that will not be the case until about September 2022. If spoils are not

found, they can work out with Webner on what to do with the material. Bourne is putting similar material into huge bags, but that is very expensive.

Eel River West

Reviewed satellite photo, this area has changed for many years and issue with end of spit on Washburn Island, landowners are losing land. Channel is dredged every couple years and fills in every 3-4 months. What is the right solution? They are doing a feasibility assessment to know if there is anything that can be done to stop the sand from doing what it is doing in that area. This will be done mid- 2022, Applied Coastal is the company contracted for it and managed the Sampson Island, Cotuit project. Reviewed the timeline. They are ahead of schedule. Hoping to take about 150 feet off the island to open up the channel.

Megansett Harbor

Working with Bourne on this, it's near the border, homeowners developed an association and the Megansett and Squeteague Association operating as a nonprofit, raised money for engineering and permitting the two areas. They are ahead of the committee, starting with Woods Hole Group for Engineering piece; the association is doing fieldwork for the wetland surveys.

Boat Ramp Parking Initiative

Complaints received regarding parking. They looked at the boat landings and parking. There are eight in Town. Green Pond Landing is chaotic, there is not a lot that can be done to improve that lot.

Whites Landing

Unpaved, chaotic, only parking lot in Town where someone can leave their vehicle and trailer overnight. Heavily used in the summer.

Waquoit Bay Landing

State attempting to redesign the ramp, project is permitted and would give ability to make changes on the parking.

West Falmouth Harbor Landing

Unpaved lot, next to the bike path, issues include bike path people use it, limited trailer capability, can only mark it by signage. Close to conservation area.

West Falmouth Harbor Boat Ramp redesign, it is shallow, old. Holmes and McGrath did the engineering.

Wild Harbor bulkhead, hard concrete, small harbor, boats have hard time getting to top of bulkhead. They are looking to put in stairs, pilings; similar to the work done at the West Falmouth dock.

3. Report – Solid Waste Advisory Committee

Alan Robinson, Chair, Amy Roth, Vice Chair present. Robinson acknowledged Linda Davis and Mark Finneran, Ruth Brasier; Linda and Mark rolling off the committee July 1, 2022. They have worked a long time and made tremendous difference. Staff have been helpful to them and the facility.

Robinson made a PowerPoint presentation. The committee advises, encouraging/working with the community, and operates the Waste Management Facility's Swap Shop. In April a Recycling and Solid Waste Management Coordinator position: Mary Bunker Ryther. Mandatory recycling bylaw, they took this on December 2020. Regulations for mandatory recycling are expected by the summer 2022. Made short-term improvements to the Waste Management Facility.

English Braga asked about collaboration with the schools in recycling. Robinson said they were making progress and then Covid 19 hit.

Made a proposal to pursue a State grant, met with representatives, but decided to defer indefinitely. They did their own survey of curbside recycling and got the data without needing a grant.

Forging partnership with DPW. Quarterly meeting with DPW staff and the committee. They work with the Beach Committee regarding recyclables at the beaches. This cannot be expected because of the wrong things getting in them.

In 2022, doing pilot program where residents will not need waste management facility stickers or pay a fee to use the Swap Shop.

Challenges include reducing trash tonnage. Solid Waste disposal is increasing. Reduce by standardized carts.

They need to replace two committee members and expand the number Swap Shop volunteers.

Requests: The DPW continue to build on growing outreach to the community; shipping container to be placed that would be safe and accessible. Coordinator position, twenty hours per week is not enough. Would like the DPW and budgeting departments look at short and long term improvements for the facility.

Retaining wall for tipping area needs to be addressed, there are areas that are falling apart.

Working with the Falmouth Service Center, which is going to call a meeting to have second hand shops together and having more things being used/reused instead of going to a landfill.

They question whether they may have a social media presence where they can message the community directly regarding proper recycling and what goes on at the swap shop.

They would like to see the community remove food waste from all trash, new initiative needed to do something, and when the time comes, they are hopeful the Select Board will support Falmouth taking a leadership role.

The Town provides DPW with financial and policy support.

Establish an ad hoc or permanent Town communications committee to improve overall town government messaging to the community.

Recommendations to the Community, visit the Swap Shop and sign up to volunteer.

Suso will have the DPW analyze the issue of going on social media and get back to the Select Board.

4. Report – Water Quality Management Committee

Eric Turkington made a PowerPoint presentation. They develop and experiment with and try out alternatives to sewerage and have been successful.

Innovative Alternative nitrogen reducing septic systems, add ons to septic not connected to a sewer. Members have worked with the Barnstable County Responsible Management working group, drafted proposed updated bylaw for installations in Buzzards Bay estuaries-if you live within 300 feet of certain water bodies, the State might want/require you to put an approved IA system in the ground, discussed with MA DEP General Use approval for promising technologies. The more they look at the lack of progress, the more they realize that the DEP has been dragging their feet. Two systems that are out there that get the nitrogen down to a level that will be effective, but neither has general approval.

Ponds are a whole different story compared to estuaries. Maybe you would need to at some point in the future. Chair Brown asked about including ponds in requirement; Steve Rafferty explained that ponds have more phosphorus issues.

They have been putting together advocates on Zoom meetings with DEP people.

Little Pond Sewer Service Area, a system in place that will reduce the nitrogen inputs in Little Pond by 88%. S Mast has gone out there, been working on their baseline from years ago, so they need another baseline. In the Fall they took sampling and will have a 2021 baseline.

Mill Pond Restoration Project

Permitted and constructed detention pond recommended by S Mast; collects water before it gets into Mill Pond and DPW assisted. Put in pilot project in bog channels; modular permeable reactive barrier; the water flows through the bags, nitrogen gets caught up in wood chips, and the pond will improve. East Falmouth Village Association has been their partner.

Permeable Reactive Barriers (PRB)

Monitored the PRB demonstration Project installed near Great Pond. Results show almost complete nitrogen removal.

Ken Foreman said that the issue is adding emulsified vegetable oil that provides the carbon source to fuel the denitrification. One-year and two-year doses were used, they want to see how much to add for minimum amount of effectiveness; two-year is showing quite well, but in process.

Bourne Pond Inlet Widening

Design, State, and Federal permitting for inlet widening are completed, project combined with Menauhant road/beach, and construction initiation projected for 2022.

Eel River Shellfish Demo Project

WQMC and MES partnered with local oyster growers for a second year. They will measure how much nitrogen they take out when they take out their shellfish. Experiment was 3 half-acre sites, all selling their oysters again, estimate about 180 kilograms of nitrogen each year, the equivalent of sewerage of 40 homes.

Cape Cod and Islands Water Protection fund awards \$4.75 million towards Falmouth \$20 million; 25% of the improvement plan will be returned to the Town for this project and all future projects.

WQMC and the Wastewater Superintendent recommendation on future treated wastewater discharge options:

Amy Lowell, Wastewater Superintendent, made a PowerPoint presentation and provided background. Most of the Town is not connected to the sewer system. The current wastewater facility is limited to 750,000 gallons of ground water discharge.

Priority estuaries for future sewerage projects were reviewed, all coastal ponds are affected by nutrient loading primarily from septic systems. The five ponds on southern bottom of the chart she showed are all south coast embayments: Little Pond, Great Pond, Green Pond, Bourne Pond, and Waquoit Bay. Next step in planning is Great Pond.

Short-term needs include sewerage the southern watershed to Great Pond; Teaticket area 150,000 gallons per day; Acapesket estimated wastewater flow 210,000 gallons per day, existing sewer redevelopment area estimated flow 140,000 gallons per day.

Mid-term needs include Fisherman's Cove, Seacoast Shores, Seapit, Antler shores, and Oyster pond. Estimated flow 340,000 gallons per day.

Long-term needs contingency for Great Pond and other watersheds as needed; estimated flow 190,000 gallons per day.

Turkington noted this is a 40-year issue. The wastewater discharged into the ground is pretty clean, down to 3 milligrams of nitrogen per liter; less than 1/3 the EPA requirement for drinking water. For the last 3 years he has advised the Town Manager and Select Board. By the end of 2022 have to tell the state where we want to sewer next and where to put the discharge. Potential future treated effluent discharge sites were reviewed, they will look at the Allen Parcel, Augusta Parcel, open sand beds 14 and 15, outfalls in Buzzards Bay or Vineyard Sound. There is no good site for this, pros and cons for each one of them.

Chair Brown asked when we do the upgrade, will another be needed later. Lowell said this will cover the next phase of sewerage.

Lowell said a working group of the WQMC called the Great Pond Targeted Working Group has been meeting over the last year working towards discharge site selection. In October 2020, the Select Board authorized \$350,000 from the Air Force Center for Academic Excellence funds for a targeted watershed management plan.

The Allen parcel was reviewed, North of Carriage Shop Rd. The Town owned site and municipal use is allowed. This site could take 1.6 million gallons of wastewater flow. Phosphorus limited mobility, over 50 years sequestration capacity; it will be 50 years before first contact with water. The land sites would be a short approval process.

English Braga asked how much the phosphorus would decrease to over the 50 years. Lowell said they calculated the absorption. That is the beginning of the detection.

Patterson asked what happens to the phosphorus after it is detected. Lowell said that soil cannot accommodate any more, once you reach saturation there is no more removal.

Scott Price asked if you could add vegetation to remove the phosphorus from the ground? Lowell said there are a variety of ways to remove phosphorus if it had to be done.

Disadvantages are that it is 4 miles from the treatment plant. Upgradient of several freshwater systems, the site is undeveloped woodlands, and near some residences. Estimated cost for first phase of sewerage is \$29.5 million.

Augusta Parcel:

Purchased by the Town for wastewater use, capacity is 1,030,000 gallons per day, not upgradient from freshwater systems, ideal soils, short permitting process, potential recreational fields.

Disadvantage; need lift station and 4 mile force line. Some nitrogen returns to great pond. Cost is about \$27.4 million.

Sand Beds 14 and 15:

Sketch view reviewed, these are on eastern portion of this site, additional area on that site is available. Would not need lift station, less land disturbance, additional capacity of 500,000 gallons per day. This is a short term solution. Capacity determination was based on additional tests there. Upgradient from freshwater bodies. Did phosphorus evaluation, study confirmed more than 100 years of sequestration capacity from discharge to nearest water body. Cost \$1.4 million.

English Braga asked what costs are included in the \$1.4 million. Lowell said they would expand the beds.

Outfalls:

Vineyard Sound or Buzzards Bay

All coastal ponds are nitrogen limited; should we be looking at other options than discharging on land. State owned water bodies. Eliminates nitrogen concern. Cost of an outfall is unknown. One of the biggest factors is the length of the outfall. The longer you go out from shore, the more expensive it is. Outfalls have a lengthy permitting process. Developed a list of permits needed, what would work, and the timeframe. They are 2-7 miles from an existing wastewater plan.

Turkington said they do not know enough about the outfalls, and that is part of their three-part recommendation.

The committee recommends the following:

1. Designate existing open sand beds 14 and 15 as the treated effluent discharge site for the projected ESRA/TASA flows in the short term contingent on the MEP report results for Herring Brook;
2. Consider outfall options in Buzzards Bay and Vineyard Sound, along with land based options at the Allen and Augusta parcels for projected mid-term and long-term wastewater flows;
3. That the Select Board allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of outfall alternatives.

Benefits of these is they utilize Town infrastructure, gives time to evaluation outfall options, does not commit the Town to a new land site, and short term cost savings.

Lowell said next steps are to go to April 2022 Town Meeting asking for funding for upgrades at the wastewater treatment facility, additional ocean outfall evaluation funds for modeling and putting together sewer easements. December 2022 working towards submitting targeted watershed management plan to the State, April 2023 Town Meeting asking for design and disposal site funding, April 2024 asking for collection and short-term effluent site.

Patterson asked if use outfall, bypassing recharging of our aquifer; what percentage of bypassing that would be. For discharging planning for 4 million gallons, it would be about 5% of the discharge.

Chair Brown said the original recommendation was deep well injection along Route 151, any more consideration of that? Turkington said it was proposed by Ray Jack, the State was concerned unless it was reduced to 1 part per millimeter; no one is able to do that.

English Braga recommends putting the request on for the next meeting.

Mark Finneran said if decided to do ocean outfall, would that allow us to recategorize these two properties so they could be used for affordable housing or are they forever restricted for Town use. English Braga noted that they are for municipal use.

5. Wastewater Planning Update - Discharge Site Evaluation
6. Interview, vote and appoint committee members – Beach Committee
 - a. Nancy Quigg
 - b. Edward Schmitt
 - c. Derek Pratt

Taylor motion to appoint Nancy Quigg, Edward Schmitt, and Derek Pratt each to a term ending 6/30/24. Second Patterson. Yes-5. No-0.

Nancy Quigg said they have been very collaborative, working hard.

7. Discussion on Right of First Refusal on 31.7-acre property on Route 151

Johnson-Staub reviewed the parcels via PowerPoint presentation. Zoned Agricultural A, there is a small section of senior citizen retirement district. A section nearby is owned by the Town for open space. The topography has some challenges, elevation challenges. No structures in the utility right of way.

Suso said Town Counsel reaching out to the Seller's representative regarding first right of refusal with suggestion that if the Select Board wants to consider it, there be a discussion at the April 2022 Town Meeting and he learned today there is a willingness to discuss that with the Select Board.

Scott Price asked if we move forward to purchase and to Town meeting in April, if Town Meeting votes no, does the property immediately go back to the market to the person who has an offer now. Johnson-Staub that the current purchase offer would be in play again. Both parties need permission from the other to proceed. The seller would need to extend the 120 day and they need the Town to agree to extend the timeline to close on that sale within one year.

Scott Price asked if that area could be hooked to sewer? There are no plans for sewerage out in that area. If the Town purchases the land, what is the reasonable time for RFP to solicit for development? Suso noted months. Johnson-Staub said that if either private developer or the Town pursued a 40B comprehensive permit, then you do not need to change the zoning and do not need a Town Meeting vote because the combination of the 40B exemptions from zoning and Falmouth Affordable Housing Funds if they are the only funds used. There are a number of challenges staff identified for this parcel for affordable housing; nitrogen sensitive area and not near sewer, traffic and noise, pollution and environmental justice because of the noise and concerns on whether this is a good location for affordable housing, also distance of services.

Patterson noted properties in North Falmouth have the same noise issues. Johnson-Staub is identifying issues and concerns for additional study.

Chair Brown asked if there is an opportunity for train service in North Falmouth and possibility of a train line staying in service. Suso said there is no information on that at this time, but can be part of the overall analysis if the Select Board wants to proceed. Chair Brown thinks rail use is the best use of this property. The Planning Board would want it to be purchased and open space to protect the aquifer. English Braga is not interested in buying it unless it was something that could be used for affordable housing. Chair Brown said rail will be rerouted through Sandwich to the base and best information he has gotten is that likely train service will not take place. Chair Brown is less inclined to purchase it as Town owned and listen to Mr. Galasso's idea.

Scott Price would like the Town to purchase it for affordable housing, give Town Meeting the options and let them decide if we want to purchase the property. Taylor agreed.

Patterson said there is no reason a passenger station could not be located on that site.

Mark Finneran said that part rezoned for elderly housing, how can it not be equally adequate for affordable housing. He asked the Purchase price and was told it is about \$3 million.

Mike Galasso signed P&S and triggered the first right of refusal, this is the first he has heard about extending the P&S. He would do affordable housing, there are a lot of challenges, and he assembled a team that knows how to put this kind of project together. This would be a good learning tool for FHS students. Show students that there are some solutions to climate change. He has letters of interest for finance folks he has worked with before, they are ready to move forward. There is a drastic need for affordable housing, out a year or two if the Town purchases it. Their first step is to meet with the neighbors and community. It will take about a year to be in front of the ZBA with a plan for the site. Little Pond took five years to develop, the need is now. This property has been marketed for 10-15 years.

English Braga asked if the Town does not exercise the option and the property goes back on the market, the next time it has a buyer, it will trigger the Town's right of first refusal. Galasso would ask for an extension to close if the Town does not purchase it.

Scott Price believes this is an excellent opportunity to purchase the property and put out an RFP, that will increase the timeline. English Braga noted \$3 million to purchase property, but maybe they will not have to spend the money but will get a certain number of units.

Galasso will make combo of single family homes for first time homebuyers, new branch for the north Falmouth library; it needs a new home.

Scott Price asked if there is a benefit with Town purchasing it or developer purchasing it. Chair Brown noted they could get more units, the Town can shape what goes there more than a private developer. The Town would have more say in what is developed.

Johnson-Staub noted if the Town buys it, the Town has more control. If Galasso goes forward, could be the percentage of affordable units could be increased.

Scott Price and Chair Brown like Galasso's business plan, noted he may have issues with Planning Board. Scott Price wants to make sure we are not giving up the opportunity to capitalize. 40Bs can just put in the bare minimum, potentially missing opportunity to make most of the property. Galasso noted the Select Board will have additional opportunities to look at this.

Suso said if the Select Board needs more time, they could carry this to another meeting.

Jordan Frye, Precinct 1, asked about the process. Chair Brown explained the Town was offered first refusal on the purchase of the property. If the Select Board chooses to exercise that, it goes to Town meeting. Frye thinks it would be cool if the community could weigh in on this decision, everyone is aligned to have affordable housing and cool for the townspeople to come up with a plan and decide if they want Galasso or the Town to do this.

English Braga does not want to vote on whether to exercise the option tonight, she would like to think about it and may need more information including numbers; how many units with Galasso's plan, what is the total the Town could develop and how far apart those tracks would be.

Johnson-Staub said it makes sense that you would want that information to make this decision, but it has to do with wastewater, how much is too much? Any housing project there will contribute negatively to an area that is already impaired.

Mark Finneran said Falmouth Housing Corp. passed on this, what about purchasing it, dividing it into multiple parcels, and offer those to be developed? Chair Brown doubts there would be interest with the challenges on the property. What percentage is undevelopable? That could be open space left.

Galasso said a 2007 plan was 175 units, took more land than he thinks they want to take up. He would like to keep it more compact. It is a tough site to develop. The number of affordable units depends on the financing. Galasso wants to make a village there, a nice place for people to live.

Suso noted based on planning analysis they have any mixed use commercial would require a zoning change.

Galasso said 40B allows up to 20% of gross square footage to be commercial. The Cape Cod Commission wants the plans, but has no jurisdiction over the project.

The Select Board discussed what information and questions they may have; they will forward questions to Town Manager.

Suso said it is not likely that railroad will be extended there.

8. Vote to set Special Town Meeting related to purchase of 31.7-acre property (as needed)
9. Determination of conditions to license encroachments at Bucatino's Restaurant, Rt. 151, North Falmouth

The license lasts at the discretion of the Select Board.

Suso said Town Engineer had some suggested conditions.

Johnson-Staub noted two conditions: moving 1 handicap parking to the south side and allow the applicant to have parking on their land. Include provision the applicant responsible for architectural board and ADA requirements.

English Braga asked the first two are ADA requirements that the applicant has agreed to and then second is issue of the handicap spot and that is what the applicant could not agree to.

Atty. Christopher Lebherz, representing Bucatino. In improving the property, site plan identified encroachments, suggested they go to the Select Board to license the encroachments. No problems with the ADA requirements and architect believes those requirements have been met. Building more parking is a big job, building a considerable number of spaces could be upwards of \$250,000.

English Braga agreed to the first condition. Second condition regarding moving the handicap parking spot to the south side. The applicant is willing to do that.

Don Devaney said 2 parking spaces on south side on lot the building occupies, one handicap space in the large parking lot across the street. All ADA requirements are taken care of by the Building Commissioner, the Town Engineer is not the Building Commissioner. They could fit all three on the south side.

Pitch of the ramp, Devaney said in the Building Commissioners purview, the architect stamped it and said it meets the ADA requirements.

Patterson motion issue license under condition the third handicap parking space be added on the south side of the road. Second Taylor. Yes-5. No-0.

10. Announce April 2022 Town Meeting schedule
Patterson motion approval. Second English Braga. Vote: Yes-5. No-0.
11. Presentation on proposed Sustainability Director position for Town of Falmouth – Falmouth Climate Action Network (FalCAN), Rosemary Dreger Carey

Dreger Carey asking support for warrant article to create a sustainability director position at the April 2022 meeting and ask it be submitted as a Select Board petition. A dedicated experienced professional will allow Falmouth to fully integrate and drive sustainability agenda through the Town's strategic planning, policies, and implementation.

Reviewed steps taken to address sustainability in Falmouth.

They looked at 7 other Towns in MA that have this position. An effective Director would have responsibilities in energy efficiency and energy resiliency; coastal resiliency; policy and bylaws; grant application and management; and community education and engagement. This is a good investment, central leadership, better collaboration, follow through on Coastal Resiliency recommendations, leverage of federal and state funding, financial returns can be as high as 8-12x the director's salary.

Recommend the director report to the Town Manager, start date fiscal year 2023, salary range of \$80-110,000 full time. Salaries in the private sector for this position are much higher.

Asking for the Select Board to call for the creation of this position, budget up to \$120,000 yearly in 2023 budget, immediately begin a formal process to determine how the position will integrate into the Town's structure. Provided a draft of the petition article.

Suso advised the Select Board that the 2023 budget process began in September and is complete. He will have it to them before Christmas, presented the first meeting of January, to the Finance Committee no later than January 15, 2022. In order to substitute full time staff positions, the Select Board will need to adjust your goals, resources are not limited. If the Select Board's priorities have changed since adopting the strategic plan in August 2021, his budget does not reflect that. There are tens of thousands of dollars for the Coastal Resiliency Committee to engage a consultant for some of the analysis looking now. He advocates the Select Board consider expending the funds on a third party analysis for a future year, but not fiscal year 2023.

Patterson feels this position is right on where they have not placed enough priority on this type of position. We need this kind of leadership. Patterson noted these risks are real risks and he challenges Suso to figure out how to bring someone like this on board and help plan into the future.

Scott Price noted since there are the funds that need to be expended, should do some consulting work and will take some time to look at what they should be focusing on. When the sustainability director presented, in the first year she found enough grant money to sustain her position for over a year.

Chair Brown noted the Coastal Resiliency Action Committee had this idea in their report, professional to help to implement this into their process. He would like to adopt this position. We are not participating in the low lying road study the Cape Cod Commission is doing. The return on the investment is important. Availability of time to participate and do the work. He likes idea of using some of the funding, is urgent, the budget is prepared well in advance.

English Braga said the Finance Committee goes over the budget well, better chance of it being successful with full vetting by the Select Board. This is late for the budget process which begins in the summer.

English Braga motion to allocate funds to engage a consultant to help with the next stage of crafting a sustainability/coastal resiliency director. Second Patterson. Vote: Yes-5. No-0.

12. Discuss and Vote 2022 Select Board meeting calendar

Schedule in the packet.

Chair Brown feels may need extra meetings here and there. Start spreading out planning, may need to put in some Saturdays.

MMA Annual Meeting 1/21/22 and 1/22/22.

Scott Price will miss the 1/31/22 meeting. Taylor may participate remotely.

English Braga motion to adopt the meeting calendar for 2022 as laid out. Second Taylor. Vote: Yes-5. No-0.

13. Annual License Renewals

ALL ALCOHOL RESTAURANT
Bear in Boots Burger Bar, 285 Main Street
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street
The Cape Club, 125 Falmouth Woods Road

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

ALL ALCOHOL PACKAGE STORE
John's Liquors, 729 Main Street

ALL ALCOHOL CLUB

Falmouth Elks Lodge, 140 Palmer Avenue
Falmouth Yacht Club, 290 Clinton Avenue
Portuguese American Assn. of Falmouth, Inc., 55 Ashumet Road

English Braga abstained from the Portuguese American Association of Falmouth votes.

ALL ALCOHOL INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

WINE AND MALT RESTAURANT

Bangkok Thai Cuisine, 291 Main Street
Steve's Pizzeria, 374 Main Street

FARMER BREWERY

Bad Martha's, 876 East Falmouth Highway

WINE & MALT PACKAGE STORE

Ocean State Job Lot, 50 Teaticket Highway

COMMON VICTUALLER

Bad Martha's, 876 East Falmouth Highway
Patterson noted complaints about noise. English Braga would like to invite them and Shipwrecked to a meeting to discuss the complaints received.

Bear in Boots Burger Bar, 285 Main Street
Coonamessett Farm, 277 Hatchville Road
Dunkin Donuts, 634 Holly Park Road
Dunkin Donuts, 363 East Falmouth Highway
Dunkin Donuts, 1184 Sandwich Road
Dunkin Donuts, 4 Sandwich Road
Dunkin Donuts, 614 Main Street
East Falmouth Subway, LLC, 236 Teaticket Highway
Eat Your Heart Out Café, 587 Main Street
Falmouth Elks Lodge, 140 Palmer Avenue
Falmouth Holiday Inn, 291 Jones Road
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street
Moonakis Café, 460 Waquoit Highway

Prime Time House of Pizza, 743 County Road
Steve's Pizzeria, 374 Main Street
Supreme Pizza, 147 Teaticket Highway
The Cape Club, 125 Falmouth Woods Road

ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Coonamessett Farm, 277 Hatchville Road
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street
Portuguese American Assn. of Falmouth, Inc., 55 Ashumet Road
The Cape Club, 125 Falmouth Woods Road

SUNDAY ENTERTAINMENT

Bad Martha's, 876 East Falmouth Highway
Coonamessett Farm, 277 Hatchville Road
Falmouth Yacht Club, 290 Clinton Avenue
Grumpy's Pub, 29 Locust Street
La Cucina sul Mare, 237 Main Street
The Cape Club, 125 Falmouth Woods Road

INNHOLDER

Falmouth Holiday Inn, 291 Jones Road

AUTOMATIC AMUSEMENT DEVICES

Falmouth Elks Lodge, 140 Palmer Avenue
Grumpy's Pub, 29 Locust Street

CLASS II USED CARS

Costa's Auto Body, 222 Carriage Shop Road
Falmouth Auto Works, Inc., 151 Worcester Court
Falmouth Motorcar, Inc., 716 Teaticket Highway
Savon Hatem, 561 Thomas Landers Road

VEHICLE FOR HIRE

AA Taxi, 90 Boxberry Hill Road
Falmouth Taxi, 424 East Falmouth Highway

English Braga motion approval. Second Patterson.
Vote: Yes-05. No-0.

14. Review and Vote to Approve Minutes of Meetings:

Public Session
November 22, 2021

Patterson motion approval. Second Scott Price. Vote: Yes-4. No-0. Abstain-1 (English Braga)

15. Individual Select Board Members' Reports

Patterson:
Attended the Falmouth Housing Corporation lottery for second set of 10 work force housing units on Gifford Rd.

Enjoyed the Christmas parade.

Chair Brown:

Assembly of Delegates voted to adopt ordinance process for using ARPA funds of \$41 million, still at odds of County Commissioner and they are grant funds.

Taylor:

She would like to review the Charter Review Recommendations more time.
Affirmative Action Committee is struggling, they may revise their mission statement and asking the Select Board for help on that.

Council on Aging the issue of concession stand came up, that continues to be a rub for them given it was agreed on the siting of the Senior Center and that Su Moran and Doug Jones were part of that and it would be removed. Johnson-Staub said there were several meetings and no consensus at those meetings and it was derailed due to covid 19.

16. Town Manager's Report

The Select Board's next meeting is 12/20/21.

Building Commissioner hiring is in process, still interviewing candidates.

English Braga motion adjourn. Second Taylor. Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

BUSINESS

9. Town Manager's Report (5 minutes)

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

JMSuso

DATE: December 17, 2021

- The Board will meet in an unusually early executive session to begin at **5:30PM** on Monday, December 20. This is to act upon a collective bargaining matter with Police Sergeants, to be followed by more extensive discussions on both Mayflower Wind and EverSource initiatives to construct electric cables at separate locations in Falmouth. The earlier start is to allow sufficient time for the anticipated expanded discussions on the Mayflower Wind and EverSource matters. Frank Duffy, Peter McConarty and Ms. Audrey Kiernan who is working with us on behalf of the consultant BCK Law will be in attendance at this executive session.
- Under Administrative Orders, we are requesting Board authorization to file for an available grant to assist in underwriting the cost of the Town's approved purchase of recycling totes. This is a substantial grant opportunity as funding is available in an amount in excess of \$300,000.
- I am asking the Board to affirm the continued appointment of Frank Duffy as Town Counsel, which with Frank's concurrence, will continue on a month-to-month basis until his successor begins work in the coming calendar quarter. The Town Counsel search process is well underway and will extend into January.
- Following your three scheduled public hearings on docks, we will be presenting a staff update on Mayflower Wind.
- Representatives from EverSource will provide a brief status update on their earlier presentation to the Board regarding the proposed electric cable installation to provide further support to Martha's Vineyard.
- A continuing discussion on the offered Right of First Refusal on the 31 acre parcel off Route 151 is scheduled as the Board determined at your past meeting. Frank Duffy and Acting Town Planner Jed Cornock will join us for this discussion. As a reminder, we have asked the seller to delay this process to allow a discussion and deliberation at the April, 2022 Town Meeting – should the Board determine to take the next step in potentially exercising this Right of First Refusal.

- You will be considering appointments to vacancies on multiple Town Committees.
- I have been asked to provide an update on federal ARPA funding and on potential Coastal Zone Management (CZM) grant opportunities. There is a summary information piece on this in your Board packet.
- Your remaining annual license renewals are scheduled as well.
- I was pleased to attend a virtual meeting of the Davis Straits Working Group on Thursday evening, December 16. Much progress continues to be made by the Planning Board in this cutting-edge initiative.
- The Board's next meeting is Monday, January 3 for the specific purpose of presenting the proposed FY2023 Operating Budget to you.
- Select Board's next regular business meeting is set for Monday, January 10 which, as per the Town Charter, will include the Board's consideration of adoption of the FY2023 Operating Budget and transmittal to the Finance Committee to initiate this annual deliberation process.
- There has been a suggestion for a Select Board meeting to review and discuss various items on Saturday morning, January 15. Perhaps we can confirm availability on this date with members of the Board on Monday evening.
- As a reminder, Town Hall and Town administrative offices will be closed on Friday, December 24 for the Christmas Holiday and on Friday, December 31 for the New Year's Day Holiday.
- Merry Christmas and Happy New Year to all!