

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JANUARY 31, 2022 – 7:00 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted.

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Eagle Scout – Matthew J. Briggs, Boy Scout Troop 40
4. Recognition
5. Announcements
6. Public Comment
7. Vote to Affirm Appointment of Town Counsel

7:15 p.m. TOWN MANAGER'S PRELIMINARY REPORT

7:30 p.m. PUBLIC HEARINGS

1. Application for a New All Alcoholic Beverages Common Victualler License – Limani, LLC located at 284 Main Street, Falmouth (10 minutes)
2. Application for a New All Alcoholic Beverages Common Victualler License – Woho, LLC d/b/a Provisions located at 87 Water Street, Units 1 and 2, Woods Hole (10 minutes)
3. 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, continued from December 6, 2021 and January 10, 2022 (15 minutes)
4. Wetlands/Dock Hearing – Daniel M. Solien – Installation of a light duty dock in the waters of Coonamessett Pond at 91 Atamansit Road, Hatchville (15 minutes)
5. Wetlands/Dock Hearing – George Psychojos – Construct a pier, ramp and float in the waters of Siders Pond at 94 Emmons Road, Falmouth (15 minutes)
6. Flow Neutral Bylaw – Evaluation of Request for Variance – Jeffrey and Donna Stearns – 156 Teaticket Highway, East Falmouth (parcel 39 14 026 000) (15 minutes)

8:50 p.m. BUSINESS

1. Discuss and Vote preference for potential Municipal Light Plant Board (10 minutes)
2. Vote Articles and Execute Warrant for April 2022 Annual Town Meeting (20 minutes)
3. Request for Variance to Sign Code – Chapter 184-30 (C) Special Events – St. Barnabas Church, 91 Main Street, Falmouth (10 minutes)
4. Discussion on distribution of County ARPA Funds (10 minutes)

9:40 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve application for a Change of Manager of an all Alcoholic Common Victualler License – Cape Cod Country Club, located at 48 Theater Drive, Hatchville

- b. Approve application for a Change of Address of a Wine and Malt Beverages License – New Golden Dynasty Restaurant, Inc., located at 13 Davis Straits, Unit #7, Falmouth

2. Administrative Orders

- a. Approve 2022 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission
- b. Approve Grant of License to Shanklin Family Real Estate Trust to maintain a stockade fence, gate and hedges encroaching onto the street layout of Central Avenue at 490 Central Avenue
- c. Vote to approve request to extend the term of the Edward Marks Building Committee until 12/31/24
- d. Approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from Unitarian Universalist Fellowship of Falmouth, 840 Sandwich Road
- e. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by David Moriarty re: Select Board meeting of January 15, 2022
- f. Authorize the Town Manager to transmit a letter of support of Marine Biological Laboratory (MBL) grant application for funds to repair the seawall in Waterfront Park in Woods Hole

3. Review and Vote to Approve Minutes of Meetings

- Public Session – December 20, 2021; January 3, 2022

9:45 p.m. **TOWN MANAGER'S SUPPLEMENTAL REPORT**

9:50 p.m. **SELECT BOARD MEMBERS' REPORTS**

10:00 p.m. **ADJOURN**

Douglas C. Brown, Chair
Select Board

OPEN SESSION

3. Proclamation – Eagle Scout – Matthew J. Briggs, Boy Scout Troop 40



PROCLAMATION

WHEREAS: Matthew J. Briggs of Boy Scout Troop 40 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Matthew J. Briggs met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

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

WHEREAS: Matthew J. Briggs is now an Eagle Scout with all its rank and privilege;

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

MATTHEW J. BRIGGS AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 31st day of January, 2022.

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

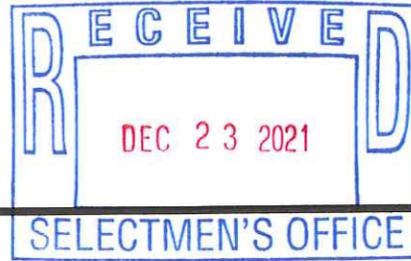
SELECT BOARD

Samuel H. Patterson

Boy Scout Troop 40

Lynn A Briggs
Troop Secretary
26 Comanche Drive
Falmouth, MA 02540

phone: (774) 836-8188
e-mail: lynnbdream2@gmail.com



BOY SCOUTS OF AMERICA

December 20, 2021

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

Dear Mr. Brown,

Matthew J Briggs of Boy Scout Troop 40 of Falmouth, Massachusetts, sponsored by Saint Barnabas Memorial Church, has progressed through the ranks of scouting, and has achieved the rank of Eagle Scout. Matthew is a good citizen and a credit to his community and nation.

Here is a statement from Matthew about his Eagle Project and what scouting has done for him:

“My eagle project was conducted on conservation land owned by the Town of Falmouth. My project consisted of mapping out a trail, clearing small trees and shrubbery, and moving brush to block existing paths to create a 1 mile-loop trail that now goes around an eroding sand pit instead of through it. My project was a great opportunity to show my knowledge and leadership skills while in a large group setting to give back to the community.

Scouting has taught me many things that I will remember for years and has allowed me to grow as an individual. I've spent the last 12 years learning and practicing the scout oath and laws in my everyday life. The biggest thing that scouting has done for me was creating a brotherhood amongst the other scouts. When I first joined back in 1st grade there was three other scouts my age and we became friends, but now are closer than ever. Now those same three scouts are working hard to achieve this tremendous rank. Camping in the woods, going on hikes, and doing service projects for my community has taught me that I am able to do whatever it is I put my mind to with the help of others and the right mind set.”

Please consider presenting a commendation from the town recognizing this fine individual, to be read at his Eagle Court of Honor Sunday, February 13, 2022, 12:30pm at The Navigator, East Falmouth, Massachusetts. He wishes to extend an invitation to attend the ceremony to you as well as your colleagues, Nancy R Taylor, Samuel H. Patterson, Megan English Braga and Onjale' Scott Price.

Thank you,

Lynn A Briggs, Troop 40, Boy Scouts of America

OPEN SESSION

7. Vote to Affirm Appointment of Town Counsel

Maura E. O'Keefe, Esq.
11 Winter St. #7, Franklin MA 02038

Education

New England Law | Boston, Boston MA

Juris Doctor, Cum Laude

Georgetown University, School of Foreign Service, Washington, D.C.

Bachelor of Science, Foreign Service

Memberships

- Admitted to the Massachusetts State, Federal District Court and First Circuit Court of Appeals Bars
- Massachusetts Municipal Lawyers Association, Executive Board Director and Chair, Amicus Committee

Relevant Work Experience

Assistant City Solicitor

2009 - present

City of Newton, City Hall, 1000 Commonwealth Ave., Newton MA

- Counsel to the Mayor, City Council, department heads, boards and commissions in all areas of municipal law with particular expertise in policy development, open meeting law, public records, ethics, appellate advocacy, free speech, gun control, licensing, code enforcement, employment discrimination, contracts, elections, tort liability and sovereign immunity
- Draft legislation and advise the City Council on proposed ordinances and charter revisions
- Conduct trainings with elected officials, department heads and all employees on the open meeting law, public records, conflict of interest, and use of social media
- Defend officials, departments and employees of the City in all phases of litigation and in all venues across the Commonwealth
- Supervise the administration of the public records response team, including responding to appeals to the Supervisor of Public Records Office

Office Manager

Street & Company, 72 Charles Street, Boston MA

2006 - 2008

- Managed the office of a busy Beacon Hill real estate brokerage and property maintenance company; provided administrative support for a cadre of real estate brokers by answering phones, assisting in the scheduling of appointments, maintaining a pleasant office environment and providing all manner of technical assistance with computers as needed; helped communicate issues between residents and management of the property maintenance division

Community Experience

Member, Governor's Alcohol Task Force

2017

- Examined legal and regulatory framework governing the alcohol beverage industry

Rosalin Acosta is the secretary of the Executive Office of Labor and Workforce Development.

Scott Bosworth is the undersecretary of the Massachusetts Department of Transportation.

Mike Kennealy is the secretary of the Executive Office of Housing and Economic Development.

MODERATOR

Rachel Lipson is director of the Project on Workforce at Harvard University.

Municipal Law Update

Jan. 31, 12-1 p.m., Zoom webinar – [Register](#)

Presented by the Massachusetts Municipal Lawyers Association

Municipal attorneys will bring attendees up to speed on important developments in municipal law as they relate to Massachusetts cities and towns, in areas such as land use and zoning, municipal finance and taxation, public governance, and other areas with significant developments.

PANELISTS

Donna M. Brewer is a partner at Miyares and Harrington LLP.

Maura O'Keefe is an assistant city solicitor for the city of Newton.

MODERATOR

Brandon H. Moss is a senior legal editor at Thomson Reuters and 2021-22 president of the Massachusetts Municipal Lawyers Association.

Overview of Draft Zoning Rules for MBTA Communities

Feb. 2, 9:30-10:30 a.m., Zoom webinar – [Register](#)

Presented by the Department of Housing and Community Development

Learn about draft guidance related to new requirements in Section 3A of Chapter 40A for "MBTA Communities" from the Department of Housing and Community Development. This new section in the Zoning Act is part of reforms also known as the "Housing Choices Bill" that was included in the Economic Development Bond Bill. This session will cover draft MBTA Communities Guidance, including requirements for compliance and technical assistance that will be available to help communities establish multi-family zoning districts. It will also cover how the 175 MBTA Communities can submit comments

TOWN MANAGER'S PRELIMINARY REPORT

January 31, 2022

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: January 28, 2022

JM Suso

PRELIMINARY

- I am asking the Board to affirm my appointment of Ms. Maura O'Keefe to the position of Town Counsel as successor to Frank Duffy. I am providing Ms. O'Keefe's resume to the Board under separate cover. Given Ms. O'Keefe's current residence in Franklin, I am also asking that you waive the residency requirement.
- The Board is taking up the latest request for a waiver under the Town's Flow Neutral Bylaw. As required, under separate cover in your packet you have the recommendation from Wastewater Superintendent Amy Lowell and the recommendation from Health Agent Scott McGann. As you will note, this is a mixed residential/commercial project proposal for which it is affirmed that sufficient sewer system capacity exists to accommodate. This request appears reasonable.
- The Board is asked to revisit your earlier vote (Saturday, January 15) to request a TM warrant article for the potential Town election to establish a Municipal Light Plant Board at an upcoming election later in 2022 (as opposed to awaiting the next annual municipal election in May, 2023). This specific topic was not on the Board's posted agenda for January 15 and only arose during the discussion with a FalmouthNet Board member. You have a memo from Town Clerk Michael Palmer on this matter in which Mr. Palmer strongly discourages a potential special election for this purpose. Be advised that you may determine to vote to move this forward as an April TM warrant article consistent with your

January 15 discussion and reserve the right to formalize your recommendation at your meeting later in February.

- You will be considering 38 potential articles for the upcoming April Town Meeting warrant, including 6 articles received through the petition process.
- Saint Barnabas is seeking a routine variance to allow them to continue posting temporary signage for their annual seasonal events (e.g. strawberry festival, lobster Monday's, Easter and Christmas services, etc.). Given that the signage is temporary, it is not subject to Historical review. I recommend your support.
- The Board is asked to supplement your earlier vote on the County's proposed allocation of ARPA funds to municipalities – in this case, emphasizing that we are requesting that the County's \$41 Million in ARPA funding be redistributed to Cape Cod municipalities based upon population (as originally allocated by the federal government). I so recommend this re-emphasis.

SUPPLEMENTAL

- As requested at your recent Work Session, I attach a status summary "Recruitment Update" for selected Town positions.
- I joined the Finance Committee for their weekly meeting on Wednesday evening of this week as well as the EDIC for their presentation on alternatives for potential development of the Falmouth Depot property.
- As a reminder, the Sandwich Road Fire Station Building Committee is holding a public meeting to review design progress and accept public comments at 7PM on Thursday, February 3 in the Lawrence School Auditorium.
- The Select Board's next regular business meeting is set for Monday, February 14.

RECRUITMENT UPDATE – SELECTED POSITIONS AS OF 01/27/22

TOWN COUNSEL

Offer accepted; vote for Select Board to affirm appointment on 01/31/22.

BUILDING COMMISSIONER

There is a shortage of Certified Building Officials within the Commonwealth. Due to this, we have adjusted the recommended minimum requirements to include the following language: “State certification as a Building Commissioner “OR state certified Local Building Inspector with ability to obtain state certification as a Building Commissioner within 12 months from date of hire””.

We are also offering a one time \$5,000 hire on bonus for the successful applicant who shows proof of MA Certification of Building Commissioner upon hire or a one time \$5,000 bonus upon obtaining a MA certification as a Building Commissioner within 12 months of date of hire.

Following the reposting of the position with the \$5,000 bonus, we are in the process of scheduling interviews with 2 candidates.

IT DIRECTOR

Interviews in process: interviewed 3 candidates to date. In process of scheduling second round of interviews with 2 of the candidates.

TOWN PLANNER

Interviews in process: interviewed 2 candidates and both are being scheduled to come back for 2nd interview.

HOUSING COORDINATOR

In process of reviewing applications and will be scheduling interviews.

BEACH SUPERINTENDENT

Currently accepting applications. Interviews will be held in the coming weeks.

PUBLIC HEARINGS

1. Application for a New All Alcoholic Beverages Common Victualler License – Limani, LLC located at 284 Main Street, Falmouth

January 31, 2022



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Limani, LLC has applied for an All Alcoholic Common Victualler License to be located at 824 Main Street, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, January 31, 2022, at 7:30 p.m. on the above application.

Per order of the Select Board

LICENSING BOARD

Douglas C. Brown

Nancy R. Taylor

Samuel H. Patterson

Megan E. English Braga

Onjalé Scott Price

Publication date: Friday, January 21, 2022; Falmouth Enterprise

LICENSE APPLICATION REVIEW

Restaurant/Business: Limani, LLC

Address: 824 Main Street, Falmouth

License Type: All Alcoholic Common Victualler License

New or Transfer of License NEW

or

Change of License _____

- Police Background check - OK.
- Fire No issues
- Building _____
- Health _____
- Zoning No issues
- Planning No concerns
- DPW _____
- _____
- _____
- _____
- _____
- _____

NOTES:

NEW LICENSE

To apply for an alcoholic beverages retail license, you will need the following:

- ✓ \$200 Fee paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- Monetary Transmittal Form
- ✓ New Retail Application
- ✓ Manager Application
- ✓ Vote of the Entity
- ✓ Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - ✓ If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
- ✓ CORI Authorization Form Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ Proof of Citizenship for the proposed Manager of Record.
- ✓ Supporting Financial Records for all financing and or loans, including pledge documents, if applicable.
- ✓ Legal Right to Occupy, a lease or deed.
- ✓ Floor Plan
- ✓ Abutter's Notification
 - Advertisement
 - Additional information, if necessary, utilizing the formats provided and or any affidavits.
- ✓ Management Agreement, if applicable, requires the following:
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 11 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee: DBA:

Street Address: Zip Code:

Manager:

§12 Restaurant (i.e. restaurant, package store)
 Annual (Annual or Seasonal)
 All Alcoholic Beverages (i.e. Wines and Malts / All Alcohol)

Granted under Special Legislation? Yes No
 If Yes, Chapter
 of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

The restaurant and bar will be located on the first floor inside the Falmouth Inn. The purpose of the license is to serve alcohol and beer within a full-service restaurant and bar. The restaurant has three entrances and exits. The bar can seat 40 and the dining room seats 59 meeting the total occupancy of 99 customers. The dining room, bar, restrooms, and kitchen area is an estimated 4,230 square feet.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
 Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The restaurant and bar will be located on the first floor inside the Falmouth Inn. The purpose of the license is to serve alcohol and beer within a full service restaurant and bar.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

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

The restaurant and bar will be located on the first floor inside the Falmouth Inn. The purpose of the license is to serve alcohol and beer within a full service restaurant and bar. The restaurant has three entrances and exits. The bar can seat 40 and the dining room seats 59 meeting the total occupancy of 99 customers. The dining room, bar, restrooms, and kitchen area is an estimated 4,230 square feet.

Total Square Footage: Number of Entrances: Seating Capacity:

Number of Floors: Number of Exits: Occupancy Number:

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="Nov 2, 2021"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Nikolaos Papathanasiou"/>	<input type="text" value="7 Flintlocke Dr, Plymouth, MA, 02360"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="LLC Manager"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Simon Demertsidis"/>	<input type="text" value="2 Ellery St, South Boston, MA, 02127"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="LLC Manager"/>	<input type="text" value="50%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY
 Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name Roshan Patel

Landlord Phone 508-540-2500

Landlord Email falmouthinn@gmail.com

Landlord Address 824 Main St, Falmouth MA

Lease Beginning Date October 15, 2021

Rent per Month

Lease Ending Date October 15, 2024

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
2003	Present	Bar Manager	Boston LECO Corp	Lu Dilpidio

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

ENTITY VOTE

The Board of Directors or LLC Managers of Entity Name

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

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize Name of Person

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

"VOTED: To appoint Name of Liquor License Manager

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

A true copy attest

Corporate Officer / LLC Manager Signature

Simon Demertsidis
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

(Print Name)



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

RETAIL LICENSE APPLICATION – includes Common Victualler & Innholder Licenses

CHECK THE APPROPRIATE LICENSE

- Common Victualler Annual License
 Innholder Seasonal License

Required fields are outlined in red:

NAME OF APPLICANT: TITLE:

HOME ADDRESS:
Town: State: Zip code:

BUSINESS NAME

D/B/A if any:

BUSINESS ADDRESS:
Town: State: Zip code:

MAILING ADDRESS (if different):
Town: State: Zip code:

FEDERAL ID #: MANAGER OF RECORD:

EMAIL – *required*:

TELEPHONE – BUSINESS: HOME:

DAYS OF OPERATION:

HOURS OF OPERATION:

SEATING CAPACITY : 99

APPLICATION MUST BE SIGNED BY OWNER, MANAGER of RECORD, OR AUTHORIZED REPRESENTATIVE

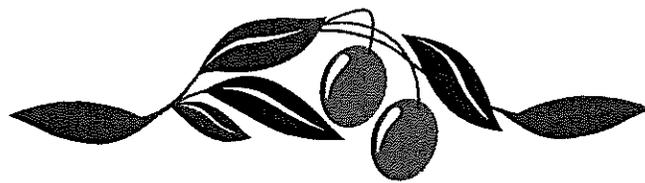
**DATE: Dec- 12/22/21



Signature: OWNER or MANAGER of RECORD

APPLICATION REQUIREMENTS :

- Food Service Establishment Permit – Health Department
- Business Structure Documents:
 - a. Copy of Articles of Organization (*if corporation*)
 - b. Copy of LLC Agreement (*if limited liability company*)
 - c. Copy of Partnership Agreement (*if partnership*)
 - d. Copy of Certificate of Doing Business (*if sole proprietorship*)
- Copy of lease or deed
- Copy of special zoning permits, *if any*
- Copy of Floor Plan
- Copy of Menu
- Attend a hearing before the Board of Selectmen at a time and date designated
- Upon approval of the application a Certificate of Doing Business from the Town Clerk's Office will be required



Appetizers

Served with grilled pita bread

Tzatziki	8	Loukaniko	14
<i>Cucumber, lemon, yogurt, dill</i>		<i>Greek sausage with seasoning</i>	
Tyrokafteri	8	Stuffed Mushrooms	16
<i>Féta cheese, roasted poblano pepper</i>		<i>Sausage, caramelized onions and seasonings</i>	
Melitzanasalata	8	Kalamari	17
<i>Eggplant dip with roasted garlic, lemon juice</i>		<i>Lightly battered and fried</i>	
Taramosalata	8	Oven Baked Chicken Wings	16
<i>Caviar, lemon juice, garlic</i>		<i>Buffalo, barbecue, teriyaki, sweet chile</i>	
Pikilia	19	Grilled Octopus	24
<i>Choice of 3 appetizer dips above</i>		<i>Marinated in oil and oregano</i>	
Saganaki	13	Dolmadakia	15
<i>Pan fried féta cheese/graviera</i>		<i>Homemade stuffed grape leaves</i>	

Soups

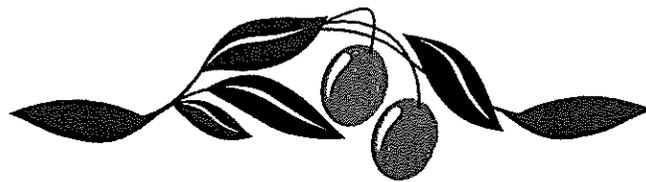
Avgolemono	8	Soup of the Day	7
<i>Lemon with chicken rice</i>			

Salads

Xoratiki (Village Salad)	17	Natalia's Salad	17
<i>Tomato, cucumber, féta cheese, onion, oregano</i>		<i>Beets, scallions, féta cheese, dill, olive oil</i>	
Caesar Salad	17	Irena's Salad	16
<i>Traditional favorite</i>		<i>Cabbage, carrot, olives, lemon, olive oil</i>	
Greek Salad	16		
<i>with féta cheese, olives</i>			

Choice of Chicken, Steak Tips, Shrimp, Gyro





Macedonia Specialties

Appetizers

Shrimp Sogonaki <i>Shrimp, féta cheese, spices</i>	20	Pikilia Sampler <i>Melitzanasalata, stuffed olives, féta cheese, sausage, Dolmodokia, served with pita</i>	22
Butternut Squash Purses <i>Phyllo stuffed with butternut squash. caramelized onions, féta cheese</i>	12	Mussels <i>White wine, lemon, garlic sauce</i>	17
Greek French Fries <i>with féta cheese, Greek dressing, oregano</i>	10	Spanakopita <i>Spinach pie with phyllo dough, féta cheese</i>	15

Entrees - Served with your choice of one side

Pastichio <i>Greek pasta, ground beef, greek cheese, cumin, besamel</i>	24	Giovetzi <i>Beef over Greek orzo with red sauce</i>	27
Mousaka <i>Fried eggplant, potato, ground beef, bechamel</i>	24	Soutzoukalia <i>Greek meatballs marinated, seasoned and baked</i>	21
Arnaki Kokkinisto <i>Braised lamb, over red sauce with lemon potato</i>	40	Octopus Stifado <i>Stew with carmelized onions, red wine sauce</i>	32

Meat Entrees

Served with your choice of two sides

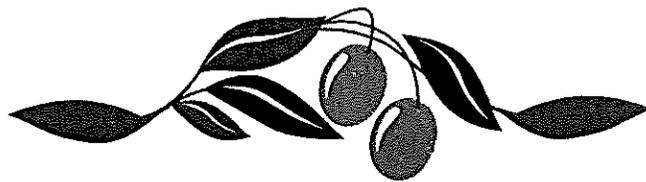
Pan-seared Pork Chops <i>with lemon, oregano</i>	25	10 oz. Rib Eye Steak <i>Baked, served with au jus sauce</i>	40
Lamb Chops <i>Char-broiled to your liking</i>	42		

Seafood Entrees

Served with your choice of one side

Grilled Red Snapper <i>Grilled, seasoned with lemon</i>	36	Grilled Swordfish Steak <i>Served with lemon capri sauce</i>	34
Pan-seared Scallops <i>in garlic wine sauce</i>	Mkt	Nikolas' Seafood Special <i>Shrimp, kalamari, swordfish, scallops served over creamy white sauce</i>	42
Baked Haddock <i>Baked with seasoned breadcrumbs</i>	40		





Burgers

Served with your choice of one side

Classic Burger	16
<i>Lettuce, tomato, American cheese</i>	
Bacon, Mushroom, Swiss Burger	19
<i>Lettuce, tomato</i>	
Breakfast Burger	19
<i>Egg, bacon, lettuce, tomato</i>	
Greek Burger	19
<i>Féta cheese, olives, lettuce, tomato Greek dressing</i>	

Kabobs

Served with rice pilaf, lemon potato

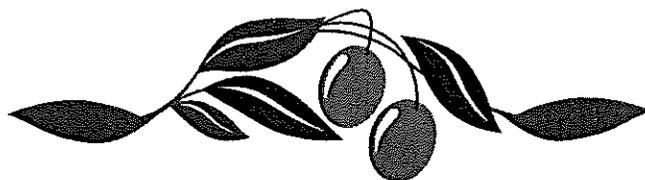
Shrimp	26
<i>on skewer on bed of rice</i>	
Chicken	24
<i>on skewer on bed of rice</i>	
Beef	26
<i>on skewer with peppers and onions</i>	
Pork	26
<i>on skewer with peppers and onions</i>	
Combo of any Two	30

Gyros

*Served with your choice of one side
and a small Greek or Caesar salad*

Traditional Greek Pork	16
<i>Salt, pepper, oregano, in pita bread</i>	
Lamb	19
<i>Roasted, in pita bread</i>	
Chicken	15
<i>Wrapped in pita, tomato, onion, french fries, tzatziki sauce</i>	





Pizzas

Margarita Pizza <i>Fresh tomato, basil, mozzarella cheese</i>	19
Greek Pizza <i>Féta cheese, tomato, olive oil, green peppers, oregano</i>	20
Simos Special Pizza <i>Sausage, pepperoni, bacon, ham</i>	23
Barbecue Chicken Pizza <i>with red onion</i>	20
Meatball Parmesan Pizza <i>with cheese, red sauce</i>	20
Shrimp Scampi Pizza <i>Garlic and oil base with shrimp, scallion, tomato</i>	23
Chicken Bacon Ranch Pizza <i>with ranch dressing, diced tomato</i>	22



Sides

Roasted Lemon Potato	Mashed Potato
Rice Pilaf	Red Sauce Orzo
French Fries	Vegetable of the Day
Onion Rings	



PUBLIC HEARINGS

2. Application for a New All Alcoholic Beverages Common Victualler License – Woho, LLC d/b/a Provisions located at 87 Water Street, Units 1 and 2, Woods Hole

LICENSE APPLICATION REVIEW

Restaurant/Business: Woho LLC, d/b/a Provisions

Address: 87 Water Street, Units 1 & 2, Woods Hole

License Type: All Alcoholic Common Victualler License

New or Transfer of License NEW

or

Change of License _____

Police

NO ISSUES - as long as background check OK

Fire

NO ISSUES

Building

Health

Zoning

OK

Planning

DPW

NOTES:



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Woho, LLC d/b/a Provisions has applied for an All Alcoholic Common Victualler License to be exercised at 87 Water Street, Unit 1 (five interior seats) and 87 Water Street, Unit 2, Woods Hole, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, January 31, 2022, at 7:30 p.m. on the above application.

Per order of the Select Board

LICENSING BOARD

Douglas C. Brown

Nancy R. Taylor

Samuel H. Patterson

Megan E. English Braga

Onjalé Scott Price

Publication date: Friday, January 21, 2022; Falmouth Enterprise

NEW LICENSE

To apply for an alcoholic beverages retail license, you will need the following:

- ✓• \$200 Fee paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- ✓• Monetary Transmittal Form
- ✓• New Retail Application
- ✓• Manager Application
- ✓• Vote of the Entity
- ✓• Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
- ✓• CORI Authorization Form Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓• Proof of Citizenship for the proposed Manager of Record.
- ✓• Supporting Financial Records for all financing and or loans, including pledge documents, if applicable.
- ✓• Legal Right to Occupy, a lease or deed.
- ✓• Floor Plan
- ✓• Abutter's Notification
- ✓• Advertisement
- ✓• Additional information, if necessary, utilizing the formats provided and or any affidavits.
 - Management Agreement, if applicable, requires the following: *n/a*
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 11 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter of the Acts of (year)

Type (i.e. restaurant, package store)

Class (Annual or Seasonal)

Category (i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

The following portions of the building and grounds: Second floor interior cafe & bar area (18 seats); second floor exterior roof seating (640 sq. ft. 28 seats); deck and stairs; first floor rear interior seating (5 seats); first floor rear patio & deck (16 seats). Site Plan & Floor Plan submitted.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The concept is to offer a menu that focuses on the farm and sea using locally sourced ingredients and tie into the local general store feel of the market. I will be offering a healthy and fresh small menu featuring breakfast and weekend brunch from 7-11 a.m./11-3 p.m. I will also offer a small dinner menu with the same concept including our scratch pizza, fresh salads and seasonal specialties.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

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

The following portion of the building and grounds at 87 Water Street, Falmouth (Woods Hole), MA 02543: Second floor cafe and bar area (18 seats) and access; second floor exterior roof seating (640 s.f., 28 seats), deck and stairs, rear first floor interior seating (5 seats), rear patio and first floor deck (16 seats). Site plan and Floor Plan submitted herewith.

Total Square Footage:	<input type="text" value="2309"/>	Number of Entrances:	<input type="text" value="5"/>	Seating Capacity:	<input type="text" value="67"/>
Number of Floors	<input type="text" value="2"/>	Number of Exits:	<input type="text" value="5"/>	Occupancy Number:	<input type="text" value="75"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address , MA 02543

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
2019	Present	Assistant Manager	Eel Pond Market LLC	Branch Parrish
2005	2018	General Manager	West Market Holding LLC	Branch Parrish
1999	2012	General Manager	CJP Inc.	Colleen Parrish/Owner
2002	2005	Assistant Manager	Branch Ventures LLC	Branch Parrish

D. PRIOR DISCIPLINARY ACTION

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

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

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

ADDITIONAL INFORMATION

Eel Pond Market LLC ("the Market"), lessee of 87 Water Street, Woods Hole, MA, from Eel Pond Realty LLC, operates the Woods Hole Market and Provisions. Grocery store. There has been a food market at the property for many decades. To help sustain the grocery store on the first floor, the Market proposes to lease portions of the building to WOHO, LLC for a restaurant.

The proposed restaurant will be substantially separated from the Market operation, with some overlap with the Market's deli operation. The restaurant will serve breakfast and dinner, with service at tables and the bar. The restaurant will have 18 seats inside on the second floor; 28 seats on the covered second floor deck, five seats in the rear of the first floor, and 16 seats on the patio along Eel Pond, a total of 67 seats. When the restaurant is closed for food service mid-day, all the seating will be available to store customers except for the inside second floor seats. When the restaurant is open for dining, only the first-floor interior seats and the patio seating will be available to store customers. The retail market does not have a liquor license, and alcoholic beverages will not be served from the deli or by store workers, but trained restaurant staff may take orders from and serve store customers who have taken seats. The areas to be licensed are highlighted on the plans submitted as part of this application

On May 24, 2021, the State Architectural Access Board ("AAB") issued a decision allowing the restaurant as proposed without requiring elevator access to the second floor. The Conclusions and Order of the AAB decision requires (A) that an automatic door opener be installed at the front entrance; (B) that signage, useful to the visually impaired be conspicuously posted, directing patrons to the accessible route to the patio; (C) that pertinent information regarding the facility's accessibility features and seating be posted on the Petitioner's website; (D) that two of the interior water view restaurant seats on the first floor be made accessible; and (E) that at least one seat on the second floor meet the requirements of 521 CMR § 35.3-35.6.

On August 25, 2021, the Planning Board issued a Site Plan Review decision authorizing the proposed restaurant. The Falmouth Zoning Board of Appeals granted a special permit allowing the proposed restaurant and the existing grocery store to operate in the building. The Board of Selectmen issued a variance under the Town's Flow Neutral By-law, Code Section 180-51 et seq, to allow the increase in design flow for the proposed uses.

Copies of the foregoing decisions are submitted with this application for a liquor license. The applicant will comply with the AAB Order and all the local permits.

Petitions and letters supporting the proposed restaurant signed by about 850 persons were submitted to the Planning Board. The sustainability of the Market is important to the Woods Hole community. Staying open year-round has been a financial challenge, such that the store has closed for portions of the off-season. The lack of parking immediately adjacent to the store is a problem for many customers buying groceries; adjacent parking will not be as important for the restaurant customers. Competition with larger markets and delivery services has increased. Insurance costs, including flood insurance, have significantly increased. Hiring grocery store staff has become more difficult and expensive, even in the summer. There needs to be greater revenue from the building operations, and the proposed restaurant, with a liquor license, will contribute to that.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

ARCHITECTURAL ACCESS BOARD
Docket No. V21-025

In re)
)
Woods Hole Market & Provisions)
87 Water Street)
Woods Hole)
_____)

AMENDED DECISION¹

Procedural History

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

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

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

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

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

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

Applicable Laws & Regulations

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

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

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

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

Exhibits

The following documentation was entered into evidence:

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

Factual Findings

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

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

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

Discussion

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

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

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

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

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

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

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

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

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

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

Analysis

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

Conclusion and Order

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

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

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

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

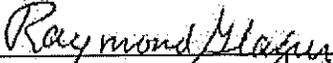
- to *EXPEDITE* this decision of the Board, therefore, bypassing the Board's approval of the decision prior to it being sent out to all parties concerned.
- these variances and these findings apply only with respect to the market and restaurant uses described herein and shown on the referenced plan.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

A true copy attest, dated: May 24, 2021

ARCHITECTURAL ACCESS BOARD

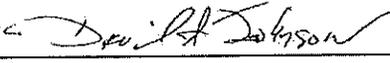
By:

Dawn Guarriello, Chair (Not Present)



Raymond Glazier, Executive Office of Elder
Affairs Designee

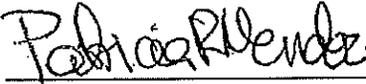
Andrew Bedar, Member (Not Present)



David Johnson, Member



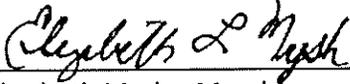
Ana Julian, Member



Patricia Mendez, Vice Chair



Jeffrey Dougan, Massachusetts Office on
Disability Designee



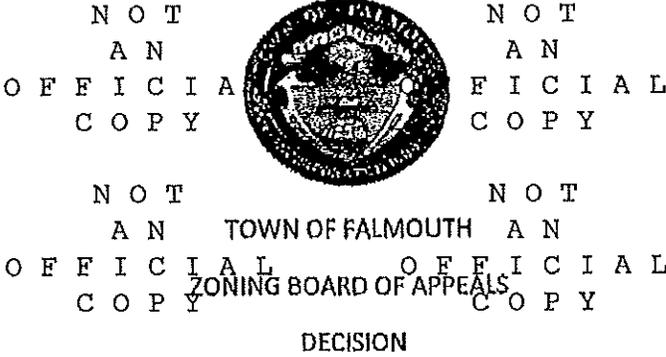
Elizabeth Myska, Member



Meaghan O'Brien, Member

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

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



CASE NO: 059-21

APPLICANT/OWNER: Eel Pond Realty, LLC, 87 Water Street, Woods Hole, Massachusetts

SUBJECT PROPERTY: 87 Water Street, Woods Hole, Massachusetts

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

DEED/CERTIFICATE: Book 25136, Page 326

SUMMARY: Special Permit Granted with Conditions

PROCEDURAL HISTORY

1. On July 15, 2021, an application was filed with the Zoning Board of Appeals, requesting a Special Permit to add a new walkway and steps to the rear, increase lot coverage by structures, and add a restaurant, without providing off-street parking, at 87 Water Street, Woods Hole, Massachusetts (the "Premises").
2. Notice was given, as required by M.G.L. Chapter 40 A, Section 9, including notices mailed to all persons deemed to be affected thereby, as they appear on the tax list.
3. The previous Zoning Board of Appeals cases for the Premises:
 - Permit #13-11 was granted in 2011 to construct a second floor addition over the existing deck area, creating additional office space, and add handicap ramp and deck for access to the market and second level. Premises was limited to a single one-bedroom residential unit, on the second floor.
 - Administrative Approval #27-14 was issued in 2014 (noting that the previous Special Permit expired without proposed changes being implemented), and granted permission for an exterior

stairway on the southerly side of the building, resulting in lot coverage of 73.6%. The building comprised a market, an apartment, and office space.

4. The advertised public hearing was opened on September 9, 2021. Voting Board members present included Terrence J. Hurrie, Edwin P. Zylinski, Robert B. Dugan, James T. Morse, and Gerald C. Potamls.
5. Mr. Morse filed a "Disclosure of Appearance of Conflict of Interest, as required by G.L. c. 268A §23(b)(3)", stating that the conflict was not of such type that barred his sitting on the case, and that he could act on the application fairly and impartially. The attorney for the Applicant expressed no objection to Mr. Morse's participation.
6. Robert H. Ament, Ament Klauer LLP, 39 Town Hall Square, Falmouth, MA, appeared before the Board on the application.
7. The public hearing was closed on September 9, 2021 following motion made by Mr. Potamls, seconded by Mr. Morse, and unanimously voted. A draft Decision was requested for review on October 7, 2021. Minutes of the hearing(s) are on file with the Zoning Board of Appeals.
8. The following documents and Information are on file in the office of the Zoning Board of Appeals at Town Hall, as set forth below:

Letters/E-mails/Information from Applicant/Representative(s)

- Robert H. Ament, attorney for Applicants, filed an application for a special permit, filing fee, supporting documentation and plans; application was filed with the Town Clerks office on July 15, 2021
- Owner Authorization letter dated July 6, 2021
- Section 240-113.2 Performance Requirements
- Architectural Access Board, Amended decision dated May 24, 2021
- Email dated July 29, 2021 from Attorney Ament

Letters/Referrals/E-mails from Town Departments

- Referral dated July 19, 2021 from the Water Department – no comment
- Referral dated July 20, 2021 from the Assessor's – no comment
- Referral dated July 19, 2021 from the Planning Department – *An application for Site Plan Review has been submitted to the Planning Board. It will most likely be on the August 10th PB agenda.*
- Referral dated July 27, 2021 from the Engineering Department, signed by Scott Schluter, PE with standard comments [copy of Planning Board referral attached]
- Referral dated August 16, 2021 from Conservation, signed by Conservation Agent - *The proposed deck does not appear to meet Falmouth Wetlands Regulations performance standards listed at FWR 10.18(7)(e)(1). This activity does not appear to be allowed under the Falmouth Wetlands Regulations and would require the filing of a Notice of Intent with the Falmouth Conservation Commission. FWR 10.18(7)(e)(1) – "For those resources listed in 10.18(5)(a)(1) and (2), any expansion or addition of impervious surfaces (e.g. expansion of primary structure such as a house; addition of accessory structures) in Zone A must not move closer to the resource area than the present primary structure, or no closer than 25 feet from the resource, whichever is*

furthest from the resource area. For those resources listed in 10.18(5)(a)(3) and (4), expansion or addition of impervious surfaces (e.g. expansion of primary structure such as a house; addition of accessory structures) in Zone A must not move closer to the resource area than the present primary structure. For all resources listed in FWR 10.18(5)(a), accessory structures in Zone A located closer to the resource than the primary structure may be modified, but the amount of impervious surface or pervious surface that cannot support vegetation in this area must not be increased."

- Email dated July 20, 2021 from ZBA Staff to Attorney Ament
- Special Permit No's 13-11 and 27-14; submitted to file by ZBA Staff
- Email dated September 9, 2021 from Amy Lowell, Wastewater Superintendent
- "Disclosure of Appearance of Conflict of Interest, as required by G.L. c. 268A §23(b)(3)", signed by James T. Morse, dated 8-26-2021
- September 29, 2021 letter from Julian M. Suso, reporting the wastewater variance approval

Letters/E-mails from Abutters/Interested Parties

- Email dated July 22, 2021 from DJ Fairbanks, 62 Penzance Road, Woods Hole (support)
- Email dated July 21, 2021 from William Shimer, 55 Windhover Way, Woods Hole (support)
- Email dated July 23, 2021 from Josie Greene and Glenn Asch, 55 Millfield Street, Woods Hole (support)
- Email dated July 24, 2021 from Barbara Gifford Shimer, 57 Windhover Way, Woods Hole (support)
- Email dated July 26, 2021 from Sally Currier and Saul Pannell, 129 Penzance Road, Woods Hole (support)
- Email dated July 26, 2021 from Michal and Cynthia George, 191 Penzance Road, Woods Hole (support)
- Email dated July 29, 2021 from Hambleton Lord, 28 Qulssett Harbor Road, Woods Hole (support)
- Email dated August 3, 2021 from Paul Speer, 20 Grouse Street, Falmouth (support)
- Email dated August 8, 2021 from Richard Pierce, 74 Penzance Road, Woods Hole (support)
- Letter dated August 24, 2021 from Michael J, and Lynda M. Connolly, 87 Gunning Point Road, Woods Hole (support)
- Letter dated August 6, 2021 from William Roslansky, RA, 26 Albatross Street, Woods Hole (support)
- Letter dated August 18, 2021 from Erik Gura, 10 Middle Street, Woods Hole (support)
- Signed Petitions, not dated, 848 signatures; submitted by Attorney Ament, September 9, 2021

Plans submitted by Applicant/Applicant's Representative

- "Plan of Existing Structures, prepared for Eel Pond Realty LLC, for Lot 0, #87 Water Street, in Woods Hole, Falmouth, MA", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, dated June 18, 2021
- "Plan of Proposed Deck, prepared for Eel Pond Realty LLC, for Lot 0, #87 Water Street, in Woods Hole, Falmouth, MA", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, rev. dated August 25, 2021

- "Furnishing Plans, Woods Hole Market, 87 Water St., Woods Hole, MA", sheet A-1, "Elevations", sheet A-2, and "Floor Plans Back Egress", sheet A-3, prepared by William F. Roslansky, 26 Albatross Street, Woods Hole, MA, rev. dated 8/23/210 (sic)

Hearing:

The Notice of Hearing and referrals were read into the record.

The Minutes of the hearing are available in the Town Clerk's office, and are part of this record.

DECISION:

Findings:

The Zoning Board of Appeals carefully considered the facts and evidence submitted for the hearing, and made the following findings:

1. The subject site is located at 87 Water Street, Woods Hole, Massachusetts (the "Premises"), and comprises 3,200 square feet, in the Business 1 zoning district, flood hazard zones AE 12 and AE 14, and within 100 feet of a wetland area.
2. The Premises has 43.72 feet of street frontage on Water Street (west side).
3. The Applicant applied under Section(s) 240-3 C., 240-18.1, 240-51. D., and 240-107.B: of the Code of Falmouth, to add a new walkway and steps to the rear, increase lot coverage by structures, and add a restaurant, without providing off street parking, at 87 Water Street, Woods Hole, Massachusetts (the "Premises").
4. The existing building is sited 0 feet from Water Street (west), and 2.7 feet from the north side lot line, 6 feet from the east (rear) (seawall), and steps are sited 0 feet from the south side lot line.
5. The proposal includes a proposed 12.5-foot long, by 4-foot wide deck, to be constructed over existing concrete steps, at the easterly side of the first floor of the building, with steps exiting toward the north side. This deck with steps will be sited 12 feet from the northerly lot line, and 11 feet from the southerly lot line.
8. The lot coverage by structures is currently 74.3 %; and is proposed to increase to 76.2%. The By-Law limit is 70%; the Premises is pre-existing, nonconforming.
9. The lot coverage by structures/pavement is proposed to increase to 80.2%; and lot coverage by structures/paving/pavers is reported as 95.7%, where total lot coverage is limited to 90%. In the present circumstance, the Board recognizes that the lot is small, and that the building is existing, and therefore total lot coverage incorporates virtually the entire lot. The additional coverage reported is related to the improved access.
10. There is no existing off-street parking on the Premises, and none is proposed, due to lack of space. The Applicant stated that there is public on-street parking, parking at the Steamship Authority, and parking at proximate lots/businesses. Public transportation is available, and foot traffic is common in the area. A waiver is requested from the parking requirement.

11. The Applicant stated that he leases 4 parking spaces per year through the Woods Hole Business Association, at the Steamship Authority. He stated that employees are required to park elsewhere, or walk.
12. The Premises houses the only market in Woods Hole. The owners seek to turn the upper level of the store into a restaurant, serving breakfast and dinner. The restaurant does not intend to serve lunch.
13. The proposal includes bar stools inside on the second floor, with 28 seats on the outside roof deck. Eighteen interior seats are designated for the restaurant; all other seats will be shared. Total seats within the Premises will be reduced from the existing 69 'courtesy' seats, to a total of 67.
14. The Applicant states that there will be no increase in deliveries to the Premises for the restaurant, as they will utilize the existing deliveries.
15. The Applicant reported that he placed bike racks in the shared loading zone, due to the lack of bike racks on Water Street. The bike racks are reportedly removed in the winter.
16. The space originally intended for the apartment is used as deli prep and storage space; there is no existing or proposed apartment.
17. The owner issued a letter in 2014, stating no intent to use permit 13-11 for the addition that had been approved.
18. The Applicant submitted 18 letters of support, with approximately 848 signatures in support of the proposal. There was no opposition expressed.
19. The Applicant intends to pursue a liquor license from the Select Board.
20. The Wastewater Superintendent issued a letter dated September 9, 2021, advising that there exists sufficient capacity within the wastewater system, to support a variance to be issued by the Select Board. The Select Board issued the requested variance, by letter dated September 29, 2021.
21. The Planning Board issued a Site Plan Review Decision, dated August 25, 2021. The Planning Board has required compliance with the Town's Soil Erosion and Sediment Control Standard Conditions, and has accepted being the permitting authority for the proposal.
22. The Conservation Commission issued a referral, dated August 19, 2021, referencing a further encroachment. The Applicant revised their submission, such that there is not a further encroachment.
23. The Engineering department notes that Water Street is a public right-of-way, and that stormwater must not be directed off the Premises.

In addition to the above findings, the Board found that the proposal will be in harmony with the general purpose and intent of the By-Law, and does include consideration, as set forth in Section 240-216 of the Code of Falmouth.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals, being of the opinion aforesaid, and acting under the provisions of the Code of Falmouth, voted unanimously, following a motion made by Mr. Morse, and seconded by Mr. Dugan, to grant a Special Permit, under Section(s) 240-3 C, 240-18.1, 240-51. D., and 240-107.B. of the Code of Falmouth, to add a new walkway and steps to the rear (east side) of the structure, increase lot coverage by structures, and add a restaurant, without providing

off street parking, at 87 Water Street, Woods Hole, Massachusetts (the "Premises"). This Special Permit shall be subject to the following conditions:

Conditions:

1. The construction shall be substantially as shown on the plans submitted to, and reviewed by the Board, as follows:
 - "Plan of Proposed Deck, prepared for Eel Pond Realty LLC, for Lot 0, #87 Water Street, in Woods Hole, Falmouth, MA", prepared by Holmes and McGrath, Inc., 205 Worcester Court, Suite A4, Falmouth, MA, rev. dated August 25, 2021
 - "Furnishing Plans, Woods Hole Market, 87 Water St., Woods Hole, MA", sheet A-1, "Elevations", sheet A-2, and "Floor Plans Back Egress", sheet A-3, prepared by William F. Roslansky, 26 Albatross Street, Woods Hole, MA, rev. dated 8/23/210 (sic)
2. The Premises is approved for multi-use as a market/deli and restaurant. The restaurant is approved for breakfast and dinner.
3. The Applicant is required to submit an approved plan to the Wastewater division to demonstrate how kitchen fat, oil and grease will be kept from the municipal sewer system, prior to a required sign off on a building permit. Board of Health approval will also be required.
4. The construction shall comply with the Engineering requirements, including:
 - A. No stormwater runoff may be directed off the Premises. The proposed work shall not cause erosion or runoff into the adjacent Town or abutting properties.
 - B. The project shall comply with the Town's "Soil Erosion & Sediment Control Standard Conditions", as provided on the Town's Engineering Division web page, with the Planning Board replacing the Engineering Division as the permit granting authority (per the August 25, 2021 Planning Board Site Plan Review Decision).
 - C. Construction vehicles and materials shall be maintained within the Premises, to the extent possible. If the street will be blocked or impeded during demolition or construction, the contractor shall notify police. Any required detail shall be at the Applicant's expense.
5. The Applicant shall comply with any requirements of the Select Board, Planning Board, Conservation Commission, and any other committee or department having jurisdiction over the proposal.
6. The Applicant shall contact the Select Board to determine if a license is necessary/gain approval for the placement of the bike rack in the loading zone; or the Applicant may place the bike rack elsewhere.
7. The Applicant shall continue to lease the four parking spaces from the Steamship Authority. The Applicant is otherwise granted a waiver from compliance with parking requirements, due to the unique existing circumstances in Woods Hole.
8. There shall not be an apartment within the Premises, as shown on the plan.

9. The Applicant shall comply with the requirements of the May 24, 2021 Amended Decision of the Architectural Access Board, including:

- A. That an automatic door opener be installed at the front entrance,
- B. That signage, useful to the visually impaired be conspicuously posted, directing patrons to the accessible route to the patio,
- C. That pertinent information regarding the facility's accessibility features and seating be posted on the Petitioner's website.
- D. Two of the interior water view restaurant seats on the first floor be made accessible
- E. At least one seat on the second floor shall meet the requirements of 521 CMR § 35.3-35.6

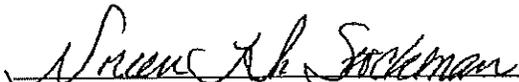
10. Hours of construction are limited to 7 a.m. through 7 p.m., Monday – Friday, and 8 a.m. through 4 p.m. on Saturdays. There shall be no construction on Sundays or holidays, absent an emergency.

11. This permit shall not take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days has elapsed, after the decision had been filed in the office of the Town Clerk with no appeal being filed, or an appeal has been filed within such time, is recorded in Barnstable Registry of Deeds. (Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit, and that any construction performed under the permit may be ordered undone.)

12. Any deviation, no matter how minor, from the approval issued by this Board, shall be submitted to the Board for approval, prior to implementation of said change. The Zoning Administrator may make a determination as to whether the changes are minor in nature, and can be approved administratively, or whether they will require a hearing for an amendment. Changes made prior to an approval may be subject to a full hearing, and are at risk that the Zoning Board of Appeals may deny the request.

13. This special permit shall lapse three years from the date on which this decision is filed in the Town Clerk's office, if a substantial use of the Special Permit has not sooner commenced, except for good cause shown, as determined by the Zoning Board of Appeals.

True Copy Attest:


Noreen H. Stockman, Zoning Administrator

RECEIVED
OCT 8, 2021 PM 12:17
TOWN CLERK

Date Filed With Town



Town of Falmouth

OFFICIAL OFFICIAL
COPY MICHAEL PALMER COPY
TOWN CLERK

59 Town Hill Square, Falmouth, Massachusetts 02540
A (508) 495-7353 Fax (508) 457-2511

OFFICIAL OFFICIAL
COPY COPY

CERTIFICATION OF NO APPEAL

I, Michael Palmer, Town Clerk of the Town of Falmouth, hereby certify that the Board of Appeals vote was filed in this office on October 8, 2021 and that no Notice of Appeal on this vote was received during the twenty days (20) next after such receipt and recording of said vote.

Michael Palmer
Town Clerk



Date: November 1, 2021

RE: Eel Pond Realty, 87 Water St.

DRAFT

2022

License Alcoholic Beverages

Fee: 1750

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

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

To Be Drunk On the Premises

To Who, LLC d/b/a Provisions
Colleen J. Parrish, Manager

87 Water Street, Units 1 and 2, Woods Hole MA 02543

On the following described premises:

The following portions of the building and grounds: Second floor interior cafe & bar area (18 seats); second floor exterior roof seating (640 sq. ft. 28 seats); deck and stairs; first floor rear interior seating (5 seats); first floor rear patio & deck (16 seats). Site Plan & Floor Plan submitted.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities.

This license is valid from the 1st day of February 2022 until the 31st day of December 2022, unless earlier suspended, cancelled or revoked.

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

Monday - Saturday 8:00 am to 12 midnight; Sunday 10:00 am to midnight

1. Restaurant is substantially separated from the market. During all hours alcohol will be served & orders taken by trained, alcohol safety certified (TIPS) restaurant staff only-not deli or store workers.
2. Compliance with the decisions of AAB #V21-025 listed on back of license required.
3. BUILDING MUST BE SO INSULATED THAT ALL INDOOR ENTERTAINMENT, MUSICAL OR OTHERWISE, WILL NOT BE HEARD OUTSIDE THE BUILDING. Outdoor non-amplified acoustic music hours 10:00 am-9:00 pm.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 31st day of January 2022

Licensing Board

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

LICENSE CONDITIONS PER ARCHITECTURAL ACCESS BOARD

Docket No. V021-25

The Applicant shall comply with the requirements of the May 24, 2021 Amended Decision of the Architectural Access Board, including:

- A. That an automatic door opener be installed at the front entrance,**
- B. That signage, useful to the visually impaired be conspicuously posted, directing patrons to the accessible route to the patio,**
- C. That pertinent information regarding the facility's accessibility features and seating be posted on the Petitioner's website.**
- D. Two of the interior water view restaurant seats on the first floor be made accessible**
- E. At least one seat on the second floor shall meet the requirements of 521 CMR § 35.3-35.6**

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

January 21, 2022

VIA HAND DELIVERY

Phyllis Downey, Administrative Assistant
Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application for Liquor License and Common Victualler License – WOHO, LLC,
87 Water Street, Woods Hole, MA 02543

Dear Ms. Downey:

Following up on your correspondence and our discussion yesterday, I am herewith filing a revised Common Victuallers License Application for WOHO, LLC. The hours of operation have been revised to state 7:00 AM to midnight, all seven days of the week, to afford the maximum flexibility. The actual hours of operation will be somewhat less, based significantly on the availability of staffing.

In addition, and as we also discussed, please accept this letter as a request on behalf of the Applicant, WOHO, LLC, to be allowed extended liquor hours, so that the proposed license will allow service of alcoholic beverages as early as 8:00 AM (10:00 AM on Sundays) and as late as midnight.

Also submitted herewith are local and state applications for entertainment licenses. Enclosed is a check for \$10.00 payable to the Town, the local entertainment permit filing fee.

A check to the Town for the \$30.00 background check is enclosed as well.

Very truly yours,



Robert H. Ament

RHA/gmb

Enclosures

cc: Colleen J. Parrish, Manager
WOHO, LLC



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

APPLICATION – COMMON VICTUALLER

NAME OF ESTABLISHMENT: Woho, LLC

DBA, if any Provisions

BUSINESS ADDRESS: 87 Water Street ^{Unit 2} Woods Hole, MA 02543

MAILING ADDRESS: same
(if different)

NAME OF APPLICANT: Colleen J. Parrish

HOME ADDRESS: 341 Woods Hole Road, Woods Hole, MA 02543

FID# [REDACTED]

MANAGER: Colleen J. Parrish EMAIL: (required) [REDACTED]

DAYS OF OPERATION 7 days/week* HOURS OF OPERATION 7 AM - 12 PM (midnight)
*may be reduced if limited by staffing problems

PARKING PLAN NONE (see Special Permit 059-21)

TELEPHONE: (BUS.) 508-540-4799 (HOME) [REDACTED]

SEATING CAPACITY: 67 OCCUPANCY # 75

12-30-21
DATE

Colleen J. Parrish
OWNER / MANAGER / AUTHORIZED AGENT

Colleen J. Parrish, Manager
Woho, LLC

FEES:
\$60.00 - Common Victualler
\$10.00 - Filing Fee

BOARD OF SELECTMEN

Note: Entertainment license applications were received with the liquor license application. However, they were not listed on the agenda. The entertainment license applications will have to be placed on the next agenda (2/14/22).



Town of Falmouth

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

ENTERTAINMENT LICENSE APPLICATION

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

NAME OF ESTABLISHMENT Provisions

ADDRESS 87 Water Street, Unit 2, Woods Hole, MA 02543

NAME OF OWNER/MANAGER WOHO, LLC - Colleen Parrish, Manager

TELEPHONE # [redacted] EMAIL [redacted]

NARRATIVE DESCRIBING ENTERTAINMENT: (1) two musicians (e.g. guitar and vocalist) without amplification; (2) recorded background music

**LOCATION OF ENTERTAINMENT second floor dining, deck and inside cafe area on second floor of 87 Water Street, Woods Hole

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

DAYS OF OPERATION, check all that apply: MON x TUE x WED x THR x FRI x SAT x

Hours entertainment is offered: 10 a.m. to midnight (not after 9:00 PM outdoors)

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

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT:

- 1. DANCING By Patrons Y/N N Other Dancing Y/N N
2. MUSIC Recorded Y/N Y Live Y/N Y No. of Musicians 2 Amplification Y/N N (not for live musician)
Type of Instruments recorded: background music; live: guitar and vocalist, for example

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

DATE Jan. 21, 2022

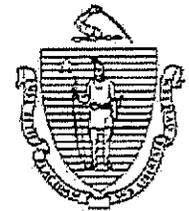
WOHO, LLC by Colleen Parrish, Manager
x by Robert H. Ament, Attorney, Authorized Agent

Town Fees:
FILING FEE: \$10.00
PERMIT FEE: \$100.00

BOARD OF SELECTMEN

State Fee, \$ 50.00
 Municipal Fee, \$ 75.00

THE COMMONWEALTH OF MASSACHUSETTS
Town OF Falmouth



LICENSE

For
 PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Provisions in or on the property at No. 87 Water Street, Falmouth (Woods Hole), MA 02543 (address)

The Licensee or Authorized representative, WOHO, LLC, by Colleen Parrish, Manager in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
Annual	<u>1 PM - MIDNIGHT*</u>	(1) recorded background music in resturant (2) two musicians (live, e.g. guitar and vocalist) without amplification
		*NOT after 9:00 PM outdoors

Hon. _____ Mayor/ Chairman of Board of Selectman, Falmouth (City or Town)

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

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

Do not write in this box

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

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

PUBLIC HEARINGS

3. 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, continued from December 6, 2021 and January 10, 2022



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 6, 2021 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Nina's Marina Realty Trust; owner, McKim Trustees, Melissa & William A., for permission to install new vinyl sheet pile bulkhead adjacent to and directly landward of the existing licensed timber bulkheads. The existing tongue and grooved timber sheathing shall be removed after the vinyl sheeting is installed. Location is 306 Scranton Avenue, Falmouth, MA. Area affected is Falmouth Inner Harbor. 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, November 19, 2021 and Friday, November 26, 2021; Falmouth Enterprise.

Diane Davidson

From: Jeffrey Johnson <jjohnson@holmesandmcgrath.com>
Sent: Thursday, January 6, 2022 11:32 AM
To: Diane Davidson
Cc: Michael McGrath; Nathan Goshgarian; bbinc3620550@yahoo.com
Subject: Request for Continuance - 306 Scranton Ave - Nina's Marina
Attachments: Letter to Concom 12-22-2021 Amended Order Letter - McKim.pdf; 87-1-27M REV 12-20-2021 SET SH1-3.pdf

Diane,

The project methodology has been revised that precipitated another filing with Conservation. The Conservation Commission hearing for this revision is scheduled for next Wednesday January 12.

The Select Board hearing is scheduled for Monday January 10. A copy of the cover letter to Conservation and revised plans are attached.

Please accept this email and enclosures as a request to continue the Select Board hearing for this project to Monday January 31 and please accept the attached letter and plans as part of a revised project description for the Select Board review.

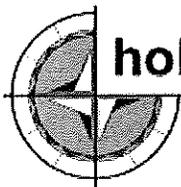
We will submit hard copies of the plans after we receive approval from Conservation.

Please reply if you have any questions or need more information.

Sincerely,

Jeffrey L. Johnson
Professional Wetland Permitting Consultant

holmes and mcgrath, inc.
civil engineers and land surveyors
205 worcester court, suite A4
falmouth, ma 02540
office 508-548-3564
mobile 508-737-0953
jjohnson@holmesandmcgrath.com



holmes and mcgrath, inc.

civil engineers and land surveyors
205 worcester court · suite a4 · falmouth, ma · 02540
508-548-3564 · 800-874-7373 · fax 508-548-9672
jjohnson@holmesandmcgrath.com



holmes and mcgrath, inc.

civil engineers and land surveyors

205 worcester court • suite a4 • falmouth, ma • 02540

508-548-3564 • 800-874-7373 • fax 508-548-9672

ngoshgarian@holmesandmcgrath.com

December 22, 2021

Falmouth Conservation Commission
Falmouth Town Hall
59 Town Hall Square
Falmouth MA, 02540

Request for Amended Order of Conditions
For Order of Conditions issued to Nina's Marina Realty Trust
#306 Scranton Ave, Falmouth, MA
DEP File Number **25-4611**
Our Job Number 220035

To Ms. Jennifer Lincoln,

This is a request to amend Order of Conditions DEP **25-4611** for the property located at #306 Scranton Avenue in Falmouth.

The original Order of Conditions approved the repair of a bulkhead. The repair involved driving vinyl sheathing behind existing groove timber sheathing and leaving the timber in place. These details are shown on our originally submitted plan dated 01-29-2021. In September 2021, an Amended Order of Conditions was issued to update the proposed vinyl sheathing and to modify the proposed methodology. The methodology described removing all of the existing timber sheathing after the installation of the proposed vinyl sheathing. The contractor has informed us that it is not possible to pull, cut or remove the existing timber sheathing after the proposed wall is in place, without significant damage to the new wall.

The plan has been revised again to modify the proposed construction methodology. The approved plan shows excavation landward of the existing bulkhead down to the MLW line. The intent was to expose, inspect and potentially replace any existing tie rods.

The approved excavation extends just below the tie rods to approximately mean low water. The tie rods are connected to the existing pilings through the lower wale beam. The proposed revision alters Section B-B and Section C-C on the plan to sawcut and remove only that portion of the existing timber wall above the lower wale. The removal of the upper portion of the timber wall will take place after the soil on the landward side has been removed to expose the tie rods, but

before the vinyl sheeting is installed. The lower wale will remain in place, along with that portion of the existing timber wall below the lower wale and will act as a guide to install the vinyl sheeting. This method prevents material from entering the harbor, allows the removal of the timber above MLW so the vinyl is visible and unmarked.

Areas landward of the existing wall will be excavated down in manageable sections to mean low water to expose the and inspect the tie rods. The existing timber sheathing will be cut along the top of the bottom wale, leaving the lower portion of the timber wall attached to the pilings by the bottom wale. Individual tie rods will be removed and replaced, if necessary, as the work progresses.

There is an existing concrete retaining wall separating the upper and lower areas that runs perpendicular to the water from the bulkhead landward. An 8-foot-long portion of this wall closest to the bulkhead will need to be removed to facilitate the installation of the proposed vinyl bulkhead. The wall will be replaced in kind after the bulkhead construction is complete. A note has been added to the plan to indicate its removal and replacement.

A note has also been added to the plan

Please accept this letter and enclosures as a request to amend Order of Conditions DEP 25-4611. A check to cover the filing fee for this request is also enclosed.

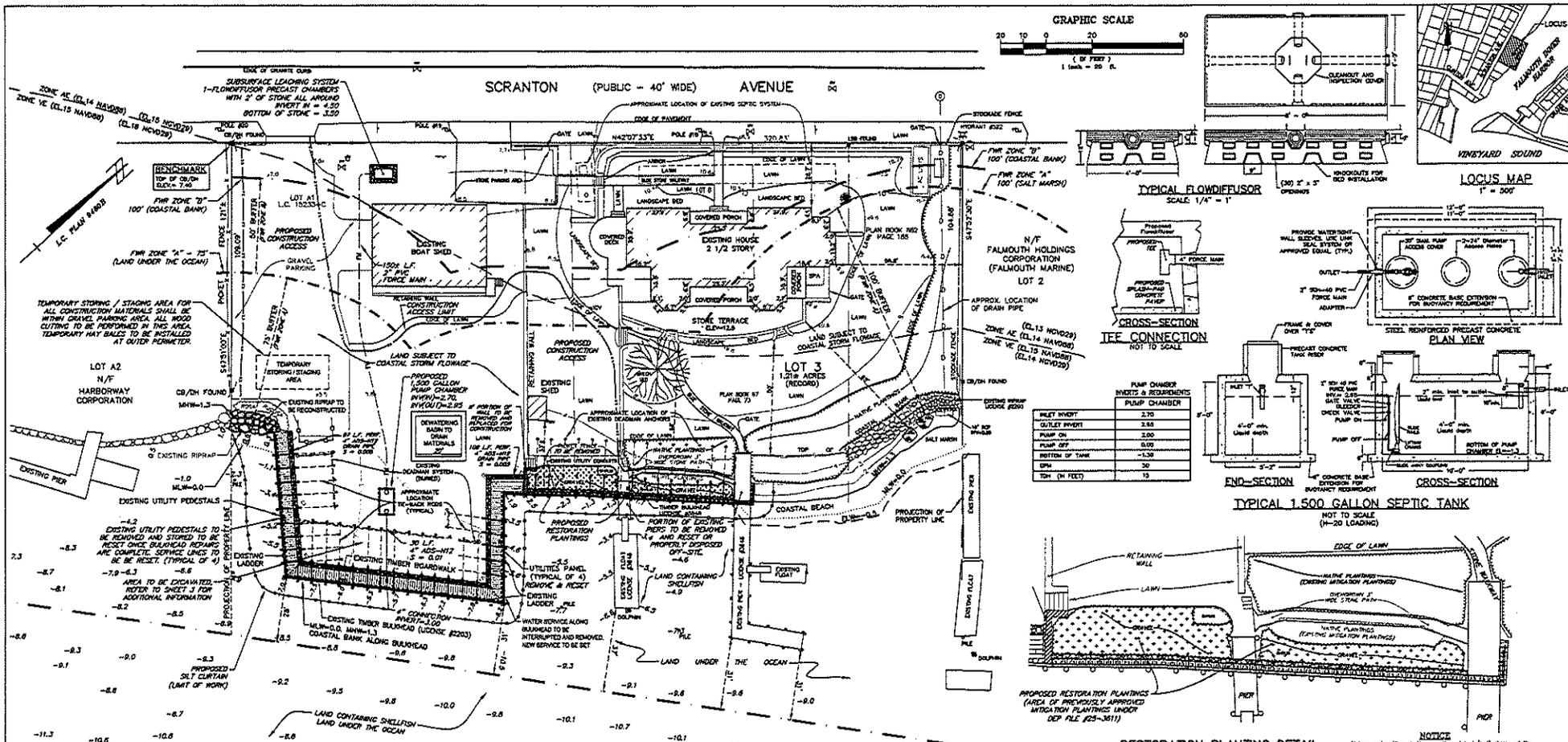
Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Holmes and McGrath Inc.

Jeffrey L. Johnson

Cc: client and DEP Lakeville



EXISTING UTILITIES NOTE:

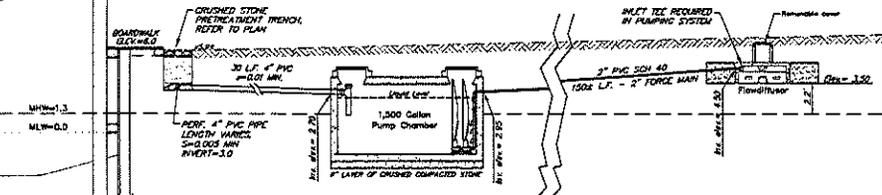
THE LOCATIONS AND ELEVATIONS SHOWN ON THIS SET OF PLAN OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. UNDERGROUND UTILITIES SHOWN ARE FROM FIELD OBSERVATIONS AND RECORD INFORMATION AND ARE NOT WARRANTED TO BE EXACT, NOR IS IT WARRANTED THAT ALL UNDERGROUND PIPES OR STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL ARRANGE FOR DIS-SAFE (1-888-244-7233) AND A PRIVATE UTILITY MARKING COMPANY TO MARK UTILITIES ON ALL THE SITES. THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ANY CROSSINGS OF PROPOSED UTILITIES AND EXISTING UTILITIES.

NOTES

- HOUSE NUMBER: # 306
- ASSESSOR'S NUMBER: 47C 06 008 003
- ZONING DISTRICT: M
OVERLAY DISTRICT: COASTAL POND OVERLAY
- FLOOD HAZARD ZONES: VE (SL 15), AE (EL. 14)
- BENCHMARK: SEE PLAN
- TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND INSTRUMENT SURVEY.
- ELEVATIONS SHOWN ABOVE MEAN HIGH WATER ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988. (NAVD88)
ELEVATIONS SHOWN BELOW MEAN HIGH WATER ARE BASED ON MEAN LOW WATER DATUM (MLWD).
- REFERENCE: L.C. PLAN 15233C
- WIND EXPOSURE CATEGORY: C
- LOT IS LOCATED IN A WIND BORNE DEBRIS REGION.

BUOYANCY CALCULATIONS

STRUCTURE	STRUCTURE WEIGHT (LBS)	BALLAST WEIGHT (LBS)	OVERBURDEN SOIL (LBS)	DEAD WEIGHT FORCE (LBS) †	BUOYANCY FORCE (LBS)
1,500 SEPTIC TANK	21,588 lbs	1,363 lbs	21,475 lbs	+45,427 lbs	-36,904 lbs



RESTORATION PLANTING NOTES

TOTAL AREA OF PROPOSED RESTORATION PLANTINGS (PREVIOUSLY APPROVED MITIGATION PLANTINGS)

600± S.F.

- SHRUB PLANTINGS SHALL CONSIST OF A MIXTURE OF THE FOLLOWING SPECIES:
A) BAYBERRY (*Myrica pennsylvanica*)
B) BEADY PLUM (*Prunus maritima*)
- PLANTINGS SHALL BE A MINIMUM OF 3 GALLON SIZE AND SPACED A MAXIMUM OF 3 FT ON CENTER.
- ALL RESTORATION PLANTINGS SHALL BE WATERED, MAINTAINED AND ALLOWED TO GROW TO THEIR FULL AND NATURAL HEIGHT AS A NATURALLY VEGETATED BUFFER. NO CUTTING OR PRUNING OF MITIGATION PLANTS SHALL BE PERFORMED WITHOUT FIRST OBTAINING PERMISSION FROM THE CONSERVATION COMMISSION.
- ANY RESTORATION PLANTINGS THAT DO NOT SURVIVE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE SHALL BE REPLACED IN KIND.

NOTICE
Unless and until such time as the original (and) copies of the responsible Professional Engineer, or Professional Land Surveyor's stamp is on this plan, the information contained herein and on this plan does not guarantee the accuracy of the information shown hereon.

DATE	DESCRIPTION	Drawn	Checked
12/20/21	ADD LABEL FOR RETAINING WALL TO BE REMOVED	MMH	MMH
08/12/21	CHANGED PROPOSED SHEETING	MMH	MMH
07/01/21	ADD PUMP CHAMBER, SUBSURFACE DRAINAGE, LAC	MMH	MMH
01/28/21	ADD RESTORATION PLANTING DETAIL	TMS	MMH

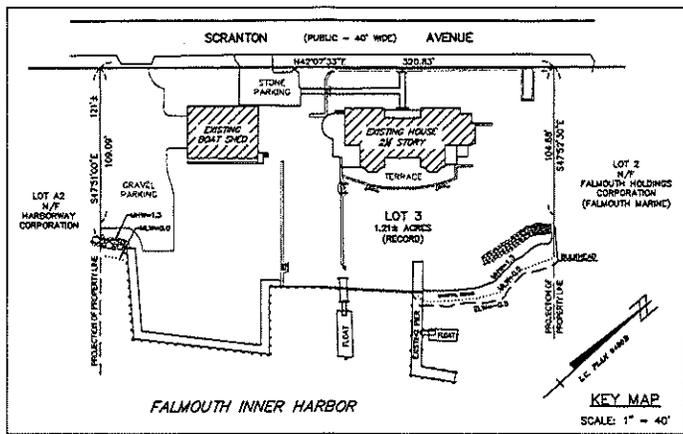
REVISIONS

SITE PLAN OF BULKHEAD REPAIRS PREPARED FOR NINA'S MARINA REALTY TRUST FOR LOT 3, 4306 SCRANTON AVENUE IN FALMOUTH HEIGHTS FALMOUTH, MA

SCALE: 1" = 20' DATE: DECEMBER 18, 2020

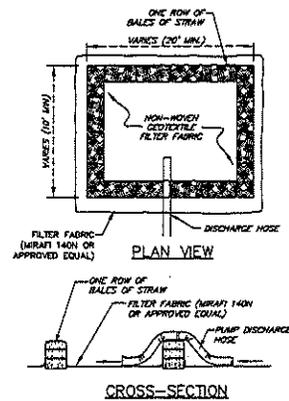
holmes and mcgrath, inc.
Civil Engineers and Land Surveyors
250 Waterfront Court, Suite 24, Falmouth, MA 02540
508-548-0800 www.holmesandmcgrath.com

DRAWN: CML, JLF, LAC CHECKED: [Signature]
JOB NO: 2200335 DWG. NO: BT-1274 SHEET 1 OF 3



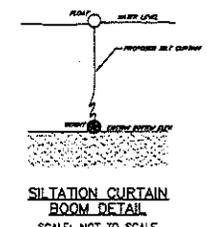
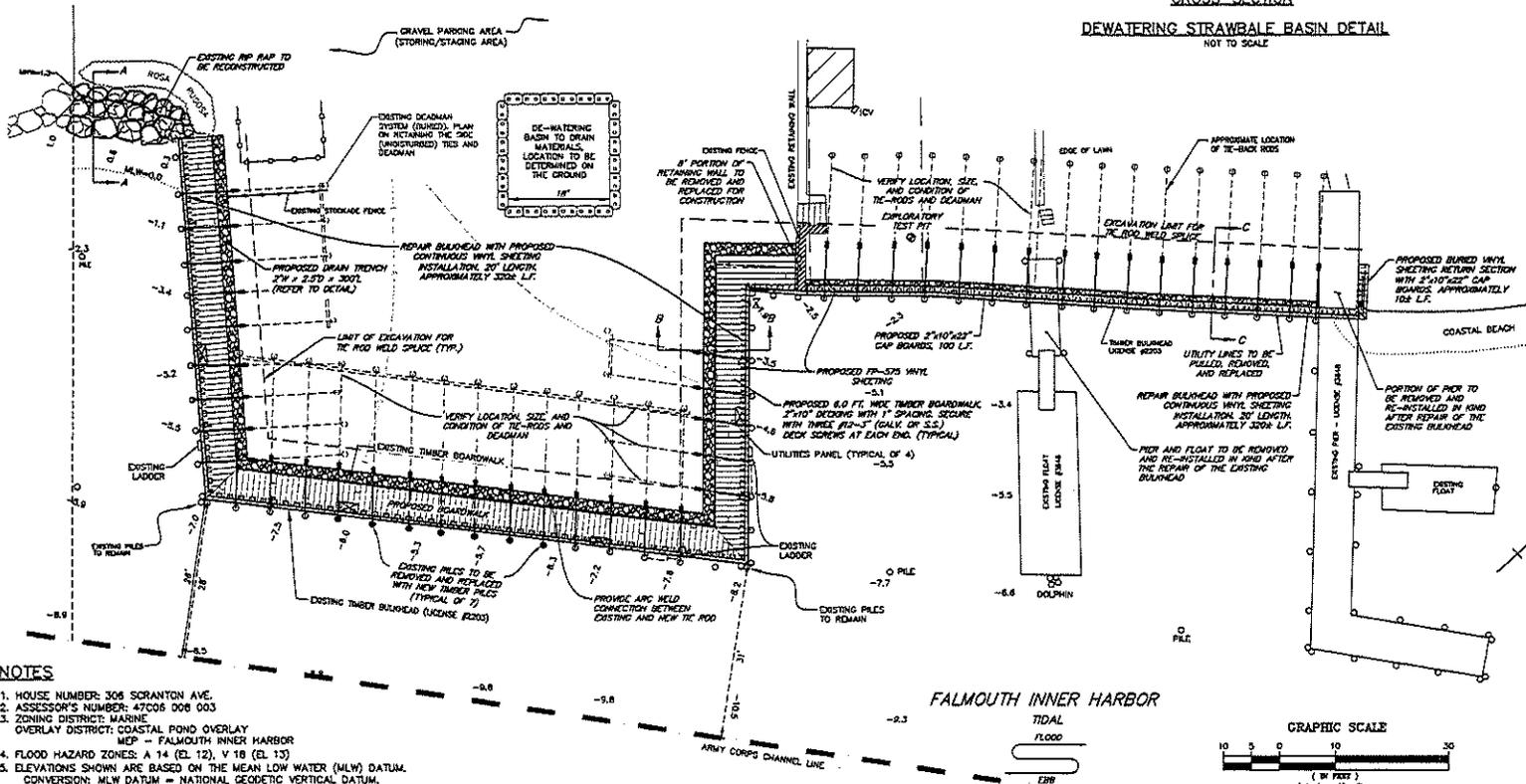
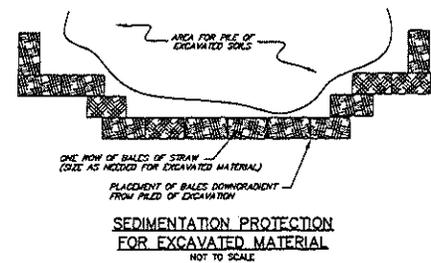
DEWATERING BASIN NOTES:

- 1) IN THE EVENT THAT CONSTRUCTION REQUIRES THE DEWATERING OF GROUNDWATER, THE DEWATERING BASIN SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAIL.
- 2) THE CONTRACTOR SHALL PROVIDE ALL LABOR TOOLS, EQUIPMENT AND PUMPS NECESSARY TO PUMP THE WATER INTO THE DEWATERING BASIN.
- 3) THE CONTRACTOR SHALL BE ALLOWED TO RELOCATE THE BASIN ACCORDINGLY, IN GRASS AREAS, DUE TO SPECIFIC SITE CONSTRAINTS AND PHASING STAGES OF THE PROJECT.
- 4) ALL EXCAVATED MATERIALS NOT USED AS BACK FILL SHALL BE REMOVED FROM THE SITE AND SHALL NOT BE PILED WITHIN THE DEWATERING BASIN.
- 5) NUMBER OF STRAW BALES MAY VARY DEPENDING ON SITE CONDITIONS AND BASIN ARRANGEMENT.
- 6) THE DEWATERING BASIN SHOULD BE SIZED TO PREVENT DISCHARGE WATER FROM OVERTOPPING THE BASIN.
 - A) THE CONTRACTOR SHALL CONTROL THE FLOW RATE OF THE DEWATERING PUMP/S TO PREVENT OVERTOPPING THE DEWATERING BASIN.
 - B) THE CONTRACTOR MAY IMPLEMENT THE USE OF MULTIPLE BASINS IF REQUIRED TO CONTROL THE STANDING WATER LEVEL FOR WORKING CONDITIONS.
- 7) DEWATERING FLOW SHALL NOT BE ALLOWED TO DISCHARGE DIRECTLY INTO THE HARBOR WITHOUT PRIOR FILTERING THROUGH A DEWATERING BASIN.



EROSION AND SEDIMENTATION CONTROL PLAN:

- 1 - A silt curtain boom is proposed for the construction activity. This will provide filtration of sediments carried by the water during the removal of the existing bulkhead and dredging process.
- 2 - Excavated soil material intended for reuse as backfill shall be placed or piled on the upland side of the excavation and behind a row of bales of straw. The bales of straw will provide protection from sediment washout in the event of rain events. The bales of straw shall not be used as part of backfill material within the project (see details). The bales of straw without protection is not necessary if the Contractor backfills the excavated material the same day.
- 3 - Dewatering basins shall be used during the construction/demolition work when deemed necessary. The contractor may adjust the size and/or shape of the basin to manage the required volume of water needed. (see details)
- 4 - The Contractor should use the parking lot for the staging of materials and equipment. The Owner shall approved any staging area.



NOTICE

Unless noted with each time on the original (red) stamp of the responsible Professional Engineer, or Professional Land Surveyor appears on this plan, any changes or additions, including any omissions or other possible omissions, may rely upon the information contained therein and the user must exercise the property of Informed Judgment.

DATE	DESCRIPTION	Drawn	Checked
12/20/21	ADD LABEL FOR RETAINING WALL TO BE REMOVED	WHM	MSM
08/12/21	CHANGED PROPOSED SHEETING	WHM	MSM
07/01/21	ADD SILTATION CURTAIN	LAC	MSM
1/28/21	ADD PILES TO BE REMOVED AND REPLACED	LAC	MSM

DATE: _____ DESCRIPTION: _____ Drawn/Checked: _____

- NOTES**
1. HOUSE NUMBER: 306 SCRANTON AVE.
 2. ASSESSOR'S NUMBER: 47006 008 003
 3. ZONING DISTRICT: MARINE OVERLAY DISTRICT: COASTAL POND OVERLAY MEP - FALMOUTH INNER HARBOR
 4. FLOOD HAZARD ZONES: A 14 (EL. 12), V 18 (EL. 13)
 5. ELEVATIONS SHOWN ARE BASED ON THE MEAN LOW WATER (MLW) DATUM. CONVERSION: MLW DATUM = NATIONAL GEODETIC VERTICAL DATUM. SOUNDING SHOW DEPTH BELOW MLW
 6. REFERENCE: L.C. PLAN 15233C
 7. THE ENTIRE LOT IS LOCATED IN LAND SUBJECT TO COASTAL STORM FLOWAGE

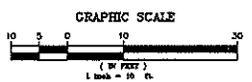
REVISIONS

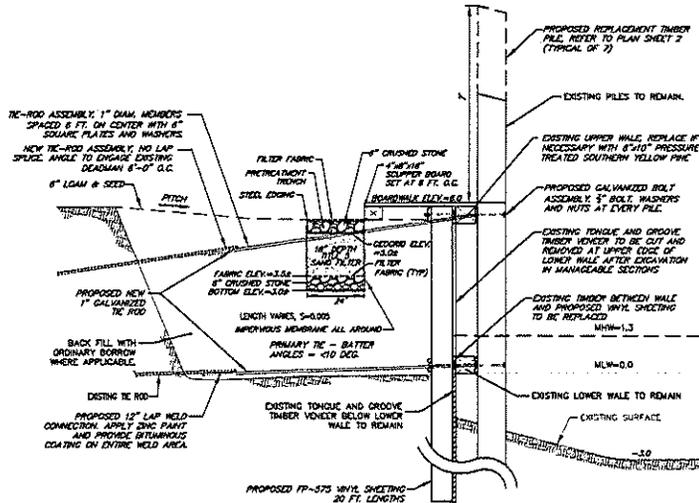
SITE PLAN OF BULKHEAD REPAIRS PREPARED FOR NINA'S MARINA REALTY TRUST FOR LOT 3, #506 SCRANTON AVENUE IN FALMOUTH HEIGHTS FALMOUTH, MA

SCALE: 1" = 10' DATE: DECEMBER 18, 2020

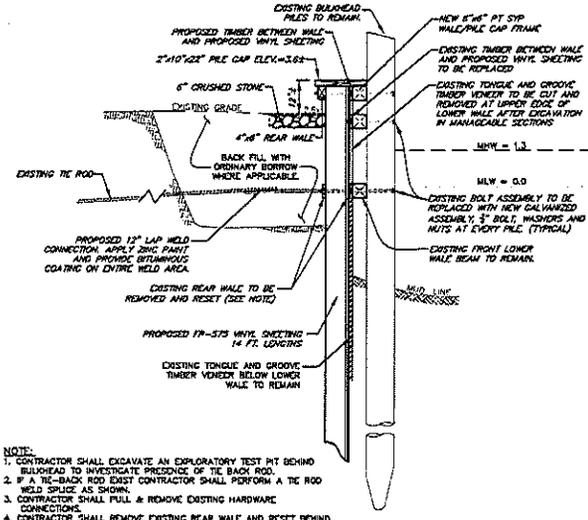
holmes and mcgrath, inc.
200 Waterfront Court, Suite 201, Falmouth, MA 02540
508-543-2554 www.holmesandmcgrath.com

DRAWING: CMB-LF CHECKED: [Signature] DATE: [Signature]
JOB NO: 220233 DWG. NO.: 67-1-27M SHEET: 2 OF 3

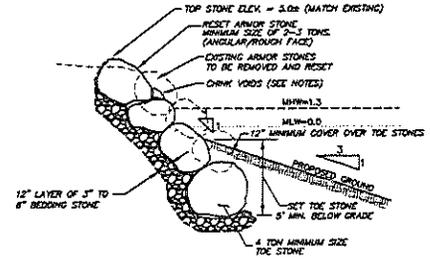




**BULKHEAD RECONSTRUCTION
DETAIL SECTION B-B**
SCALE: 1/2" = 1'

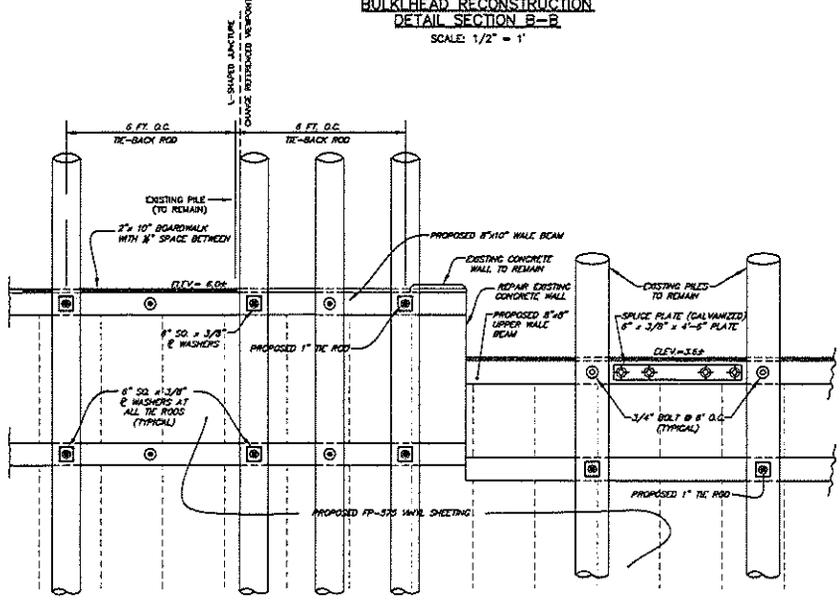


**BULKHEAD RECONSTRUCTION
DETAIL SECTION C-C**
SCALE: 1/2" = 1'

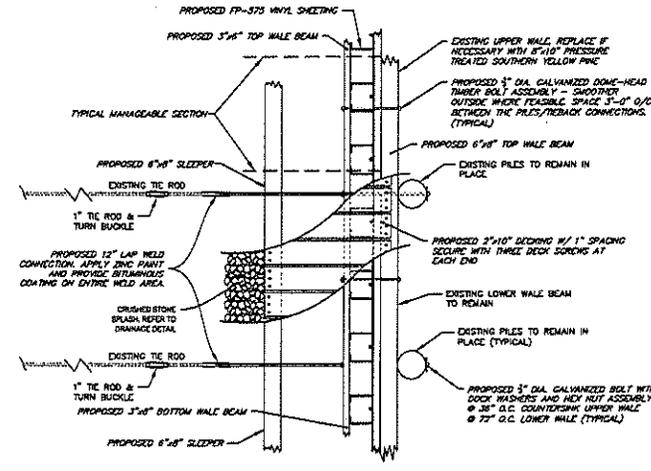


**RIPRAP RECONSTRUCTION DETAIL
SECTION A-A**
SCALE: 1/4" = 1'

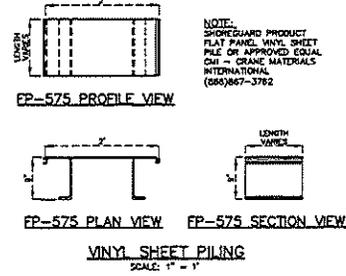
- RIPRAP NOTES:**
- RIPRAP STONES SHOULD NOT DISTURB UNDERLYING MATERIALS OR DAMAGE GEO-TEXTILE FABRIC. RIPRAP PLACEMENT SHOULD BE TO FULL LAYER THICKNESS IN ONE OPERATION. RIPRAP STONES SHALL BE INSTALLED WITH NO SIGNIFICANT VOIDS AS GOOD PRACTICE REQUIRES.
 - PLACEMENT OF ARMOR STONES SHALL NOT DISPLACE THE BEHIND STONE. EACH ARMOR STONE SHALL FIRMLY CONTACT EACH SURROUNDING ARMOR STONE ON FOUR SIDES. ARMOR STONE SHALL HAVE ANGULAR/ROUGH FACE TO HELP REDUCE WAVE RESUR.
 - FOR PROPER AND ACCEPTABLE INSTALLATION PROCEDURES, CHINK STONES SHALL BE PLACED BY MACHINE OR BY HAND TOOLS USING LEVER ACTION SO AS TO PREVENT FUTURE SHIFTING OR MOVEMENT. CHINK STONES SHALL NOT BE INSERTED INTO VOIDS BY HAND.



BULKHEAD ELEVATION VIEW
SCALE: 1/4" = 1'



PROPOSED BULKHEAD PLAN VIEW
SCALE: 1/2" = 1'



VINYL SHEET PILING
SCALE: 1" = 1'

- NOTES**
- ELEVATIONS SHOWN ARE BASED ON THE MLW DATUM
 - CONVERSION TO NGVD DATUM: NGVD = MLW + (0.00)

NOTICE
Unless and until each page of this original (with) stamp of the responsible Professional Engineer or Professional Land Surveyor separates from this set of drawings, this set of drawings shall remain the property of Holmes and Mcgrath, Inc.

(A) no person or persons, including any member(s) of either party, shall make any changes, additions, deletions, or modifications to these drawings without the written consent of Holmes and Mcgrath, Inc.

(B) Use of these drawings is the property of Holmes and Mcgrath, Inc.

DATE	DESCRIPTION	Drawn/Checked
12/20/21	REVISED PER SECTION B-B & C-C	MMH / WSM
08/12/21	CHANGED PROPOSED SHEETING	MMH / WSM
01/29/21	REVISIONS TO SECTION B-B & BULKHEAD PLAN VIEW DETAIL 6\"/>	LAC / WSM

REVISIONS

DETAILS OF BULKHEAD REPAIRS PREPARED FOR NINA'S MARINA REALTY TRUST FOR LOT 3, 3506 SORANTON AVENUE IN FALMOUTH HEIGHTS FALMOUTH, MA

SCALE: AS SHOWN DATE: DECEMBER 18, 2020

holmes and mcgrath, inc.
Civil Engineers and Land Surveyors
205 Westshore Court, Suite 404, Falmouth, MA 02540
508-648-3554 www.holmesandmcgrath.com

DRAWING: GMB, JLF, LAC CHECKED: JLF
JOB NO: 200035 DWG. NO: 87-11-27M SHEETS OF 3

NOV 23, 2021 PM 1:36
RECEIVED

TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, Mass.

Date: October 18, 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: McKim Trustees, Melissa & William A. 306 Scranton Ave, Falmouth MA 02540
(full name) (address)

Agent: Holmes and McGrath, Inc., 205 Worcester Ct, Suite A4, Falmouth, MA 02540
(full name) (address)

Applicant: Nina's Marina Realty Trust 306 Scranton Ave, Falmouth MA 02540
(full name) (address)

1. Location of Property: Map 47C Section 06 Parcel 008 Lot 003

Street Name and House Number Scranton Ave, #306

2. Body of water, marsh or stream affected: Falmouth Inner Harbor

3. Description of property and project site: Lot 3 at #306 Scranton Avenue in Falmouth is approximately 1.21 acres in area and located within the Town of Falmouth Marine Zoning District. The property is currently developed with slips, a detached boat shed, an accessory single-family house, and landscaping. Approximately 330 linear feet of waterfront in Falmouth Inner Harbor contains stone riprap, a timber bulkhead, boardwalk, timber piers and floats and mooring pilings, all duly licensed and permitted.

a. Dimension, Acreage of total parcel: 330'+/- X 145'+/- 1.21 acres

b. Length of water marsh frontage: 330 feet +/-

c. Dimension of area to be dredged: none Depth: n/a

d. Dimensions of area to be filled: none

e. Volume of dredging spoil to be removed: none

Disposition of Spoil: N/A

APPLICATION FOR PERMIT TO DREDGE
SECTION 240-77, FILL OR OTHERWISE ALTER WETLANDS

f. Describe proposed riprap or bulk heading, if any: The work is to repair about 321 linear feet of existing failing bulkhead and the installation of new vinyl sheeting behind the existing wale beams and the removal of existing tongue and grooved timber sheeting. No alteration to the existing locations of these improvements is proposed.

g. Other (docks, piers, and etc):

h. Method (equipment to be used) for proposed work: The work will be performed using typical construction equipment for bulkhead repair.

4. Purpose of proposed work: The proposed work is to repair the failing bulkhead.

5. Zoning which governs area: Marine (M)

6. Date of application for permit to dredge or fill from the Commonwealth of Mass: NA
filed Army Engineers: NA

7. Has a permit ever been approved or refused for this location? By State, Federal or Local Authority: Order of Conditions DEP 25-4611 Issued 3/30/2021

8. Remarks _____

9. Project Summary for legal notice: The proposed work includes the installation of new vinyl sheet pile bulkhead which will be adjacent to and directly landward of the existing licensed timber bulkheads. The existing tongue and grooved timber sheathing shall be removed after the vinyl sheeting (FP-575) is installed.

Owner: McKim Trustee Melissa & William A.
306 Scranton Ave
Falmouth, MA 02540
(name and address)

Tel. # _____

Agent: Holmes and McGrath, Inc.
205 Worcester Ct, Suite A4
Falmouth, MA 02540
(name and address)

Tel. # 508-548-3564

Owner's Signature _____

Agent's Signature _____

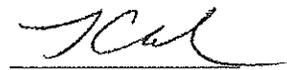
Applicant: Nina's Marina Realty Trust
306 Scranton Ave, Falmouth MA 02540
(name and address)

Tel. # _____

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

306 SCRANTON AVE

CERTIFIED

A handwritten signature in black ink, appearing to read 'BCabral', written over a horizontal line.

**Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
October 7, 2021**

306 SCRANTON AVE



352 SCRANTON AVE 352 SCRANTON LLC 30 FOSTER RD E FALMOUTH, MA 02536	47C 06 001 000 LUC: 337	45 SWING LN HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 004 004 LUC: 101	0 SWING LN MULLINS JESSIE L 7408 JAGER CT CINCINNATI, OH 45230	47C 03 019 040 LUC: 130
65 SWING LN BARONAS TRUSTEE JANE E GOGUEN TRUSTEE JUDY A 80 SHERWOOD ST ROSLINDALE, MA 02131	47C 05 006 006 LUC: 101	57 SWING LN HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 005 005 LUC: 106	69 SWING LN MURPHY TRUSTEE JAMES L SWING LN REALTY TR 69 SWING LN FALMOUTH, MA 02540	47C 05 008 064 LUC: 101
14 LOWRY RD BEARCE TRUSTEE DAVID W BEARCE TRUSTEE ELLEN M 13093 CASTLE HARBOR DR UNIT L 12 NAPLES, FL 34110	47C 05 000 065 LUC: 101	0 SCRANTON AVE HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 045 000 LUC: 130	291 SCRANTON AVE OCONNOR DANIEL S OCONNOR JANE E 11 SANTUIT LN WORCESTER, MA 01609	47C 05 040 000 LUC: 101
301 SCRANTON AVE BOUCHARD TRUSTEE MADELEINE 301 SCRANTON AVE FALMOUTH, MA 02540	47C 05 042 000 LUC: 101	345 SCRANTON AVE HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 048 000 LUC: 132	295 SCRANTON AVE PEKENIA JOHN A PEKENIA BARBARA F 295 SCRANTON AVE FALMOUTH, MA 02540-3472	47C 05 041 000 LUC: 101
305 SCRANTON AVE BOYAJIAN JOHN BOYAJIAN STACIA 121 GLAZEN LN WAYLAND, MA 01778	47C 05 043 001 LUC: 101	334 SCRANTON AVE HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 06 004 000 LUC: 101	337 SCRANTON AVE ROBERTSON PHILIP S WHITTERS ELIZABETH 60 SWING LN C/O ELIZABETH WHITTERS FALMOUTH, MA 02540	47C 05 046 000 LUC: 132
357 SCRANTON AVE BRYAN TRUSTEE WENDY W WENDY W BRYAN TRUST 357 SCRANTON AVE FALMOUTH, MA 02540-3472	47C 05 049 000 LUC: 109	25 SWING LN HAWKRIDGE TRUSTEE LESLIE DEAN E HAWK NOMINEE REALTY TRUST 2795 FORD RD CLINTON, NY 13323	47C 05 002 002A LUC: 101	67 SWING LN SCARLATA STEVEN J SCARLATA ANNMARIE T 67 SWING LN FALMOUTH, MA 02540	47C 05 007 007 LUC: 101
0 SCRANTON AVE FALMOUTH HOLDINGS CORP 278 SCRANTON AVE C/O FALMOUTH MARINE FALMOUTH, MA 02540-3401	47C 05 037 000 LUC: 132	7 SWING LN HUNTER TRUSTEE LINDA E LE HUNTER FAM TRUST 122 FOX HILL ST WESTWOOD, MA 02090	47C 05 001 001 LUC: 101	0 SCRANTON AVE SCRANTON PIER LLC 230 N BRYAN ST C/O TIMOTHY R BURNS ARLINGTON, VA 22201	47C 06 002 000 LUC: 106
278 SCRANTON AVE FALMOUTH HOLDINGS CORP 278 SCRANTON AVE FALMOUTH, MA 02540-3401	47C 06 012 002 LUC: 384	287 SCRANTON AVE KENT TRUSTEE BARRY M KENT TRUSTEE VICTORIA J 287 SCRANTON AVE FALMOUTH, MA 02540	47C 05 039 000A LUC: 101	8 LOWRY RD SLOBODKIN ANDREA J 8 LOWRY RD FALMOUTH, MA 02540	47C 05 038 000B LUC: 101
0 SWING LN HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 03 018 071 LUC: 132	306 SCRANTON AVE MCKIM TRUSTEE MELISSA MCKIM TRUSTEE WILLIAM A 40 TURNERS WAY NORWELL, MA 02061	47C 06 008 003 LUC: 101		
0 SWING LN HARBORWAY CORPORATION 60 SWING LN FALMOUTH, MA 02540	47C 05 003 003A LUC: 130	340 SCRANTON AVE MITCHELL JOHN D 465 WARREN ST BROOKLINE, MA 02446	47C 06 003 000 LUC: 101		



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

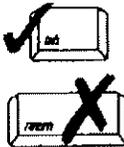
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25-4611
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City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Doc # 1,393,704
NOTE: 1,393,704
Doc # 1,081,572
Notice Doc # 1,147,206



1. From: Falmouth
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Melissa McKim, Trustee
a. First Name William A. b. Last Name McKim, Trustee

Nina's Marina Realty Trust
c. Organization

PO Box 764
d. Mailing Address

Marshfield MA 02050
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name _____ b. Last Name _____

c. Organization _____

d. Mailing Address _____

e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

306 Scranton Ave Falmouth
a. Street Address b. City/Town

47C 06 008 003
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude



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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 type="checkbox"/> Land Under the Ocean	_____	_____		
	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	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	340	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1200	_____		
	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.)

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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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Barnstable 185059 Lot B & A1 LC Plan 15233-B & C
 a. County b. Certificate Number (if registered land)
- c. Book d. Page
7. Dates: 12/23/2021 2/10/2021 3/30/2021
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Site Plan of Bulkhead Repairs Prepared for Nina's Marina Realty Trust, For Lot 3 306
Scranton Ave, Falmouth
Holmes & McGrath, Inc. Michael B McGrath, PE, PLS
 b. Prepared By c. Signed and Stamped by
01/29/2021 1"=20'
 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. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

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



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B. Findings (cont.)

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

23. Restoration/Enhancement *:
- | | |
|-----------------------|------------------------------|
| a. square feet of BVW | b. square feet of salt marsh |
|-----------------------|------------------------------|
24. Stream Crossing(s):
- | | |
|-----------------------------------|---|
| a. number of new stream crossings | b. number of replacement stream crossings |
|-----------------------------------|---|

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4611 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
 - (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

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

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

Special Conditions (if you need more space for additional conditions, please attach a text document):

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Falmouth Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

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

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

1. Municipal Ordinance or Bylaw	10.00
	2. Citation

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

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



Falmouth Conservation Commission

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

Name: Melissa McKim, Trustee
Address: 306 Scranton Ave, Falmouth, MA
DEP #: 25-4611

FINDINGS:

1. The applicant proposes to repair 330 linear feet of existing bulkhead, stone riprap, timber walkway, install a drainage trench, and replace/replant previous required mitigation plantings.
2. Proposed drainage trench discharges stormwater into Falmouth Inner Harbor after pretreatment through sand filter system.
3. Existing mitigation plantings on site are being pruned in violation of the Order of Conditions (25-3611).
4. Resource Area onsite or within 100 feet of the proposed project include Land Under Ocean, Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage (LSCSF), Coastal Beach, Land Containing Shellfish and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Pollution Prevention
4. Protection of private and public water supply
5. Protection of groundwater
6. Protection of fisheries
7. Protection of land containing shellfish
8. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Nina's Marine Realty Trust, 306 Scranton Ave, Falmouth, MA, to repair 330 linear feet of existing bulkhead, stone riprap, timber walkway, install a drainage trench, and replace/replant previous required mitigation plantings according to the narrative and plan prepared by Holmes and McGrath, Inc., dated December 18, 2020 and revised January 29, 2021 and entitled "Site Plan of Bulkhead Repairs" and subject to the following Standard and Special Conditions.

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

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

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 an onsite meeting shall be held to review construction sequencing, access and methodology in the field.
2. Prior to the start of work the applicant shall redesign the stormwater management system so there is no discharge into Falmouth Inner Harbor. The stormwater shall be redirected into a drywell located closer to Scranton Ave. A revised plan shall be submitted to the Conservation Department prior to the start of work.

3. The applicant shall cease cutting the previously install mitigation plantings immediately and allow the vegetation to grow into its full and mature form.
4. In the area of the proposed restoration plantings and Commission is giving the applicant the choice to plant what was proposed (beach plum (*Prunus maritima*) or bayberry (*Myrica pensylvanica*)) or create a dune habitat planted with American beachgrass (*Ammophila breviligulata*).
5. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
6. All plantings shall be from 2-gallon or 3-gallon containers and spaced 3 feet on center if plantings beach plum or bayberry. Tags depicting the plant species and variety shall be left on the plants until established. If creating a dune habitat, the American beach grass shall be planted in staggered rows, 2 culms per hole, 12" on center, to a depth of 8 ½ inches. The beach grass shall be planted between November 15th and April 1st.
7. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
8. All cuttings/debris, etc. are to be kept out of the Resource Areas.
9. The construction site is to be cleaned daily to remove any loose debris.
10. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
11. Special Condition 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



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:
25-4611
MassDEP File #
1205946
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.

3/30/2021
1. Date of Issuance
4
2. Number of Signers

Signature
Signature
Signature
Signature
Signature

Printed Name
Jamie Mathews, Chair
Printed Name
Courtney Bird
Printed Name
Kevin O'Brien
Printed Name
Elizabeth Gladfelter

Signature
Signature
Signature

Printed Name
Printed Name
Printed Name

by hand delivery on
Date

by certified mail, return receipt requested, on
3/30/2021
Date # 7012 0470 0001 3017 8047

PUBLIC HEARINGS

4. Wetlands/Dock Hearing – Daniel M. Solien – Installation of a light duty dock in the waters of Coonamessett Pond at 91 Atamansit Road, Hatchville



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

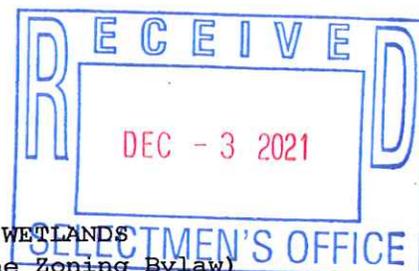
PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, January 31, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Daniel M. Solien for permission to permit and license a light duty dock including existing cobble riprap in Coonamessett Pond located at 91 Atamansit Road, Hatchville, MA. Area affected is Coonamessett 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, January 14, 2022 and Friday, January 21, 2022; Falmouth Enterprise.

TOWN OF FALMOUTH
BOARD OF SELECTMEN



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

RECEIVED

JAN 12 2022

FALMOUTH TOWN CLERK

To the Board of Selectmen
Falmouth, MA

Date: November 30, 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: Daniel Solien & Kris Horiuchi 160 Palmer Ave., Falmouth, MA
(full name) (address)

AGENT: Jeffrey E. Ryther 164 Katharine Lee Bates Rd., Falmouth, MA
(full name) (address)

APPLICANT: Daniel M. Solien 160 Palmer Ave., Falmouth, MA
(full name) (address)

1. Location of Property: Map 17 Section 01 Parcel 016 Lot 005

Street Name and House Number 91 Atamanssit Rd., Hatchville, MA

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

3. Description of property and project site: Developed waterfront property

with a four bedroom single family house & shed

a. Dimensions, Acreage of total parcel: 0.40 Acres

b. Length of water marsh frontage: 293'

c. Dimensions of area to be dredged: No Dredging Depth N/A

d. Dimensions of area to be filled: No Filling

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: None

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

g. Other (docks, piers and etc.) Proposed dock to be permitted

h. Method (equipment to be used) for proposed work: Power & hand tools

4. Purpose of proposed work: to construct a light duty dock

5. Zoning which governs area: AGA

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

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

8. Remarks The project is the installation of a light duty dock in Coonamessett
Pond

9. Project Summary for legal notice: To permit and license a light duty dock
including existing cobble riprap in Coonamessett Pond

Owner: Daniel Solien & Kris Horiuchi

Agent: BSS Design, Inc.

160 Palmer Ave., Falmouth, MA
(Name & Address)

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

TEL #: 774-259-4906

TEL #: 508-540-8805

Applicant: Daniel Solien

160 Palmer Ave

Falmouth, MA 02540
(Name & Address)

TEL #: 774-259-4906

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

November 30, 2021

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

Re: 91 Atamansit Road

To whom it may concern:

We, Daniel Solien & Kris Horiuchi, being the owners of the property at 91 Atamansit Road, East Falmouth, MA, give permission to Jeffrey E. Ryther, P.E., of BSS Design, Inc. to represent us regarding the application and hearing for the Selectmen's Wetland Permit.

Sincerely,

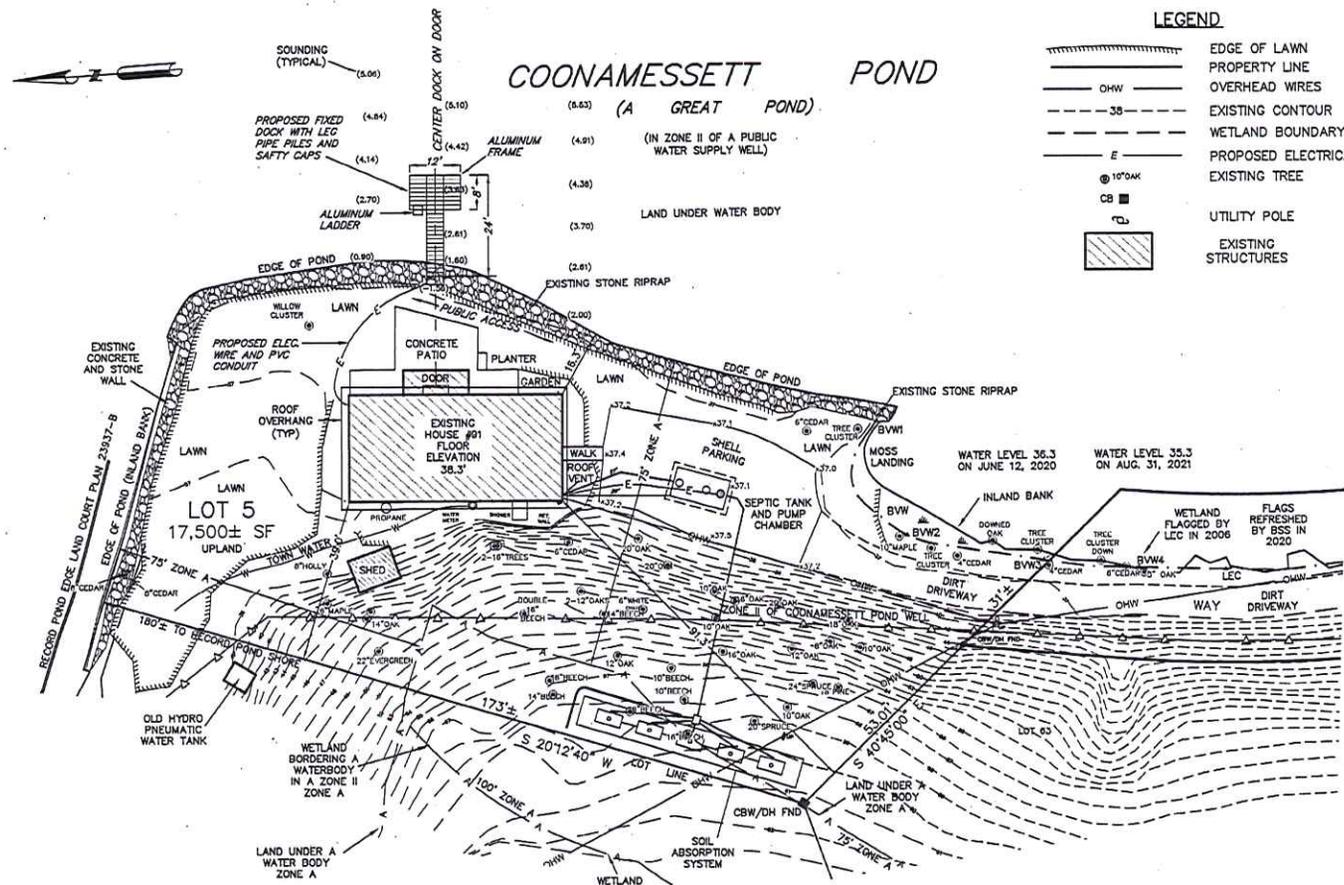
A handwritten signature in blue ink, appearing to read "Jeffrey E. Ryther". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey E. Ryther, P.E. for
Daniel Solien/Kris Horiuchi

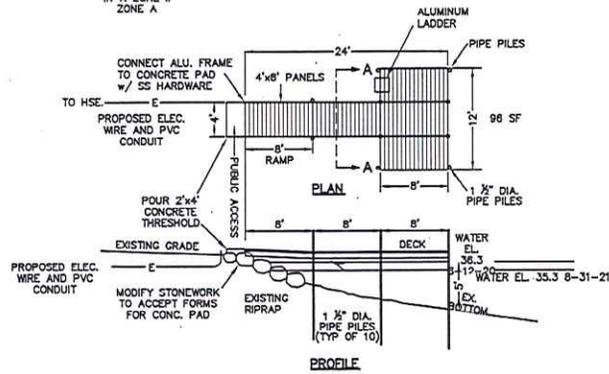
cc: BSS Design, Inc.



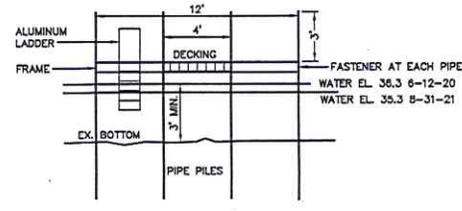
COONAMESSETT POND (A GREAT POND)



- NOTES:**
- LOCUS IDENTIFICATION:
HOUSE No. 91 ATAMANNISIT ROAD
ASSESSORS No. 17 01 016 005
 - LOCUS IS WITHIN:
ZONING DISTRICT: AGA
FLOOD ZONE: X
BUILDING CODE WIND EXPOSURE CATEGORY: B
WATER RESOURCE PROTECTION DISTRICT
ZONE II OF A PUBLIC WATER SUPPLY (PARTIALLY)
COASTAL POND OVERLAY DISTRICT (GREAT POND)
 - LOCUS IS NOT WITHIN:
RIVERFRONT AREA
WIND-BORNE DEBRIS REGION
WAQUOIT BAY ACEC
HISTORIC DISTRICT
ENDANGERED SPECIES HABITAT
HISTORIC REGISTER DISTRICT
BLACK BEACH / SIPPWISSET MARSH DCPC
 - EXISTING BUILDING OFFSETS ARE MEASURED TO CORNER BOARDS, NOT FOUNDATION.
 - LOT COVERAGE BY STRUCTURES:
* EXISTING: 1,447 SF @ 8.25%
 - ELEVATIONS ARE FROM ON-THE-GROUND SURVEY BASED ON GIS MAP DATUM.
 - CESSPOOL WAS DRAWN FROM LOCATION OF CONC. COVER.



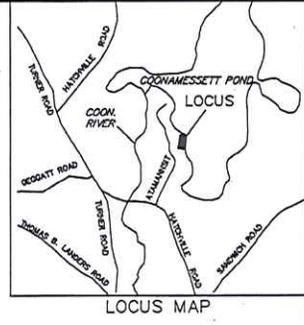
DOCK PLAN AND PROFILE
SCALE: 1"=10'



DOCK SECTION AA
SCALE: 1"=5'

LEGEND

	EDGE OF LAWN
	PROPERTY LINE
	OVERHEAD WIRES
	EXISTING CONTOUR
	WETLAND BOUNDARY
	PROPOSED ELECTRICAL
	EXISTING TREE
	UTILITY POLE
	EXISTING STRUCTURES



BSS
DESIGN
ENGINEERING
& SURVEYING

www.bssdesign.com
BSS Design, Incorporated
164 Katharine Lee Bates Rd
Falmouth Massachusetts 02540
508.540.8805 FAX 508.548.8313

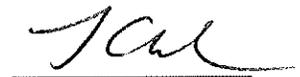
PLOT PLAN - PROPOSED DOCK
AT
91 ATAMANNISIT ROAD
HATCHMILLE, FALMOUTH, MASSACHUSETTS
PREPARED FOR
DAN SOLIEN AND KRIS HORIUCHI



scale	1" = 20'
date	OCT. 5, 2021
drawn	RAR
checked	JEK
job number	21147
revisions	<p>OCT. 21, 2021</p> <p>1. ADDED EXISTING SUB-SURFACE SEWAGE DISPOSAL AND ELECTRICAL SERVICE.</p> <p>2. ADDED ELECTRICAL SERVICE IN PVC TO DOCK.</p>
title	SITE PLAN AND DETAILS
drawing number	B27-120

91 ATAMANNSIT RD

CERTIFIED

A handwritten signature in cursive script, appearing to read 'Bruce Cabral', is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
December 21, 2021

107 ATAMANSIT RD 17 01 016 063

DUPEE RICHARD M LUC: 101

34 GARRISON ST
APT 50109
BOSTON, MA 02116

0 HATCHVILLE RD 17 01 016 044

FALMOUTH TOWN OF LUC: 932

CONSERVATION COMMISSION
59 TOWN HALL SQ
FALMOUTH, MA 02540

115 ATAMANSIT RD 17 01 016 061

KLAUER II TRUSTEE KEVIN P LUC: 101

MAPLEWOOD NOM TRUST
39 TOWN HALL SQ
FALMOUTH, MA 02540

123 ATAMANSIT RD 17 01 016 015

OPPENHEIM TRUSTEE JEFFREY W LUC: 101

CEDARS TRUST
50 COLERIDGE DR
FALMOUTH, MA 02540

91 ATAMANSIT RD 17 01 016 005

SOLIEN DANIEL M LUC: 101

HORIUCHI KRIS M
61 WALKER ST
FALMOUTH, MA 02540

95 ATAMANSIT RD 17 01 016 064

SOLIEN DANIEL M LUC: 101

HORIUCHI KRIS M
160 PALMER AVE
FALMOUTH, MA 02540

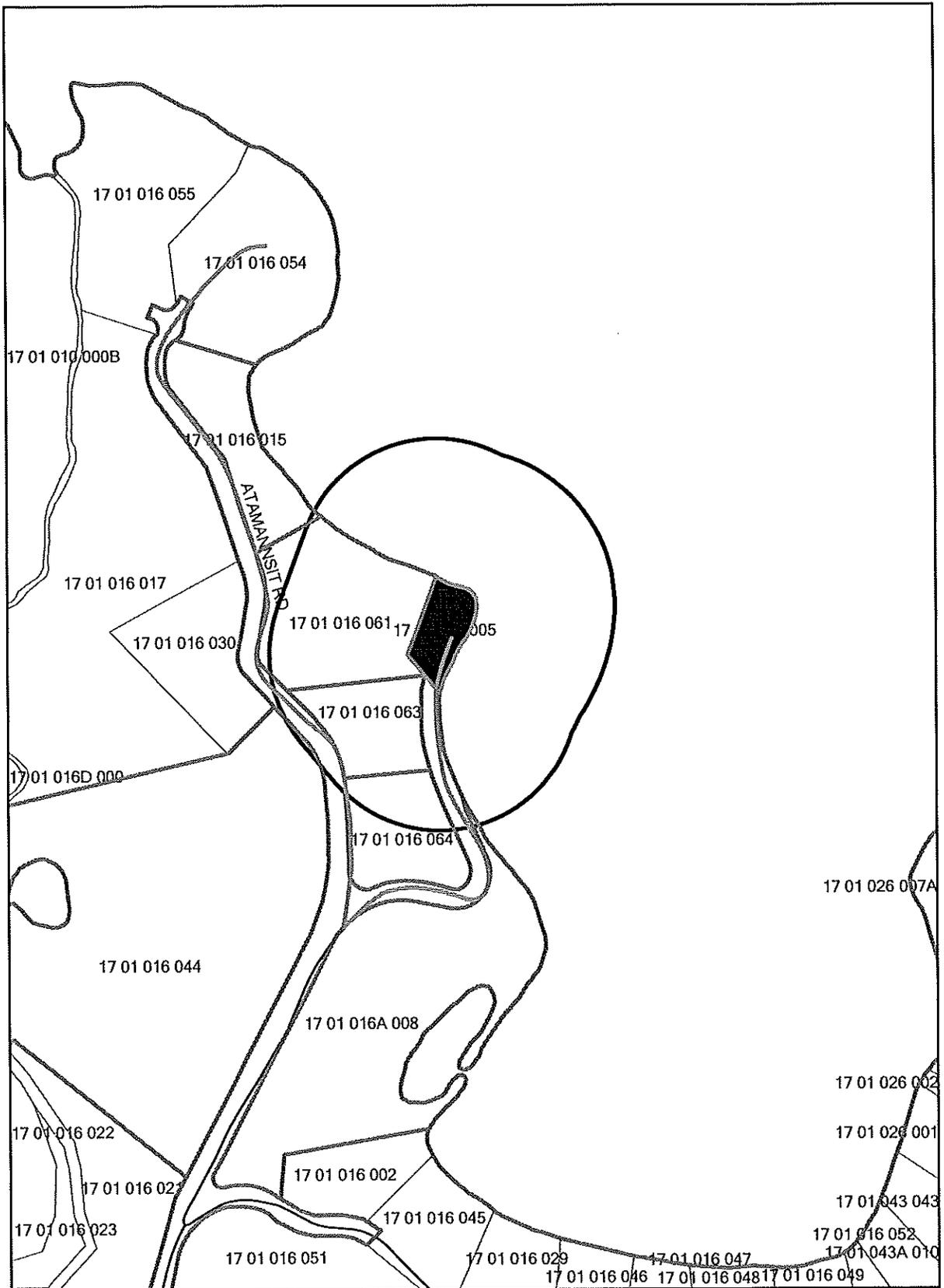
87 ATAMANSIT RD 17 01 016A 008

WILSON TRUSTEE EVERTON LUC: 101

WILSON WEEKS TRUSTEE RENEE
9 ALBERT ST
CANTON, MA 02021

91 Atamansit

91 ATAMANSIT RD



Diane Davidson

From: Diane Davidson
Sent: Friday, January 14, 2022 10:26 AM
To: Jennifer Lincoln (jennifer.lincoln@falmouthma.gov); Amy Coughlin; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov)
Subject: Wetlands Special Permit Application - 91 Atamansit Road - Solien
Attachments: Transmittal Selectmen 91 Atamansit Rd.pdf; PP Prop Dock 91 Atamansit Rd rev 10-21-21.pdf

To all,

The Select Board has received the attached application for a special permit to construct a dock:

Applicant: Daniel M. Solien
Location: 91 Atamansit Road, Hatchville
Proposed Work: Installation of a light duty dock including existing cobble riprap
Body of Water: Coonamessett Pond

Please forward a copy of the Order of Conditions and Harbor Master comments on this application by Thursday, January 27. The hearing is scheduled at the Select Board meeting on Monday, January 31, 2022 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*

Robert H. Ament
23 Two Ponds Road
Falmouth, MA 02540



January 28, 2022

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

Re: Wetlands Hearing for Daniel M. Solien, 91 Atamansit Road, Hatchville

Dear Doug and other Select Board members:

I have the good fortune of owning a beneficial interest in the seasonal cottage at 115 Atamansit Road, where Alison Ament and I love being on Coonamessett Pond as much of the year as possible. Our property abuts the very old cottage at 91 Atamansit Road that Dan Solien and Kris Horiuchi purchased last year and are carefully rehabilitating. We are familiar with their property and its waterfront. Without any reservation, we support your granting Dan and Kris a special permit to install the proposed dock.

One of the blessings of Coonamessett Pond is the quietude resulting from the Town's five horsepower limit on outboard motors, as stated in the enclosed Mass Wildlife information sheet. It could be helpful if the 5 HP restriction is noted in your special permit decision and made a condition of the special permit.

Thank you for your consideration.

Very truly yours,

Robert H. Ament

RHA/gmb
Enclosure



Coonamessett Pond, Falmouth

General Information

Coonamessett Pond is a 164-acre great pond with a maximum depth of 37 feet and an average depth of 19 feet. Transparency is only fair during the summer, extending to about 6.5 feet. The pond stratifies during the summer at about 20 to 25 feet but no trout water exists. The shoreline is 2.9 miles and is moderately developed with the Cape Cod Country Club golf course, cottages and year-round homes. The pond receives water from groundwater and small inlets from Round Pond and former bogs to the north and drains into the Coonamessett River.

Recreational Access

Public access is provided by the town of Falmouth through the Matthew R. Souza Conservation Area on the southwestern end of the pond. The unpaved access road off of Hatchville Road is narrow and rutted and the unimproved ramp is suitable only for cartop boat, canoes, or very light trailers (70°34'19.45"W 41°37'8.48"N). Parking is available for approximately five cars. There is a 5 horsepower limit on outboards imposed by the town of Falmouth. Please contact the Natural Resources Division of the town of Falmouth for additional information, and/or restrictions pertaining to public access.

Fish Populations

The following fish species were found during MassWildlife surveys: Smallmouth Bass, Largemouth Bass, Chain Pickerel, Alewife, Yellow Perch, Bluegill, White Perch, Banded Killifish, Brown Bullhead, Pumpkinseed, Golden Shiner and White Sucker, White Catfish and Tessellated Darter. Black Crappie have also been reported recently. The sea-run River Herring (Alewives and Blueback Herring) enter the pond via the Coonamessett River/Dutchman's Ditch from Great Pond in Falmouth and Nantucket Sound.

Fishing

The sea-run River Herring provide a good forage base for gamefish in this pond. Smallmouth and Largemouth Bass do well here, with growth rates above the state average for these species. Chain Pickerel provide good fishing with some sizable fish 20 inches and better. Panfishing should be good here with plenty of decent Bluegill and a large Yellow Perch population. Other nearby ponds are Ashumet Pond, Coonamessett River Reservoir, Deep Pond, Grews Pond, Mares Pond, Johns Pond and Mashpee-Wakeby Ponds.

Useful Links:

[Get your Fishing License](#)

[Freshwater Fishing](#)

[Trout Stocking Information](#)

[Freshwater Sportfishing Awards Program](#)

Learn more:

Mass.gov/MassWildlife

Connect with us:

Facebook.com/MassWildlife

Your local

MassWildlife office:

195 Bournedale Road
Buzzards Bay, MA 02532
(508) 759-3406

STOP AQUATIC HITCHHIKERS!

Prevent the transport of nuisance species.
Clean all recreational equipment.
ProtectYourWaters.net

Updated: 2018

MASSWILDLIFE

1 Rabbit Hill Road | Westborough, MA 01581 | mass.gov/masswildlife



MASSWILDLIFE

Coonamesset Pond

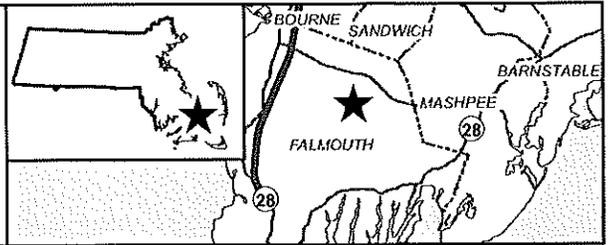
164 Acres

Falmouth

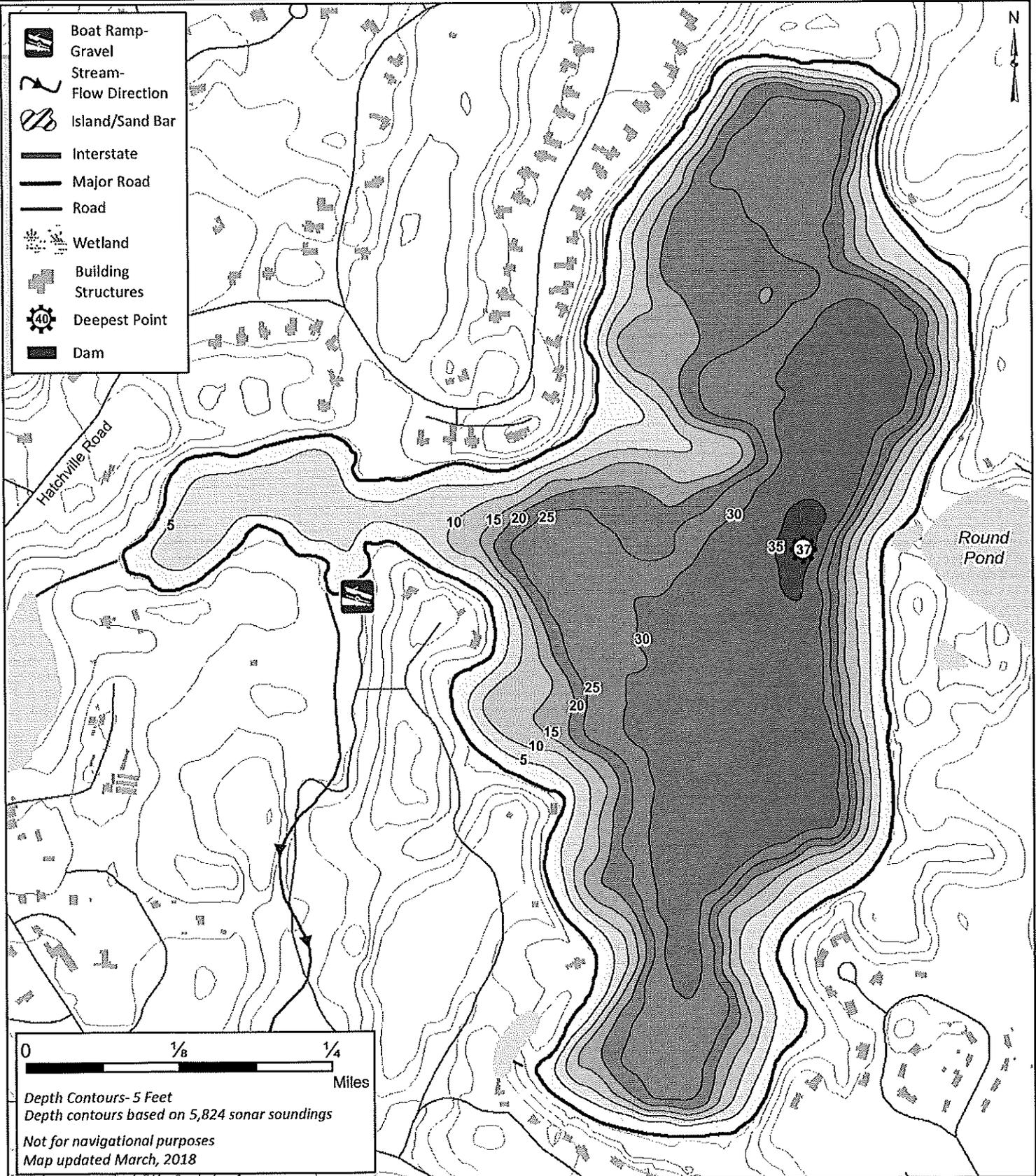
Cape Cod Watershed

Coordinates: : 70°34'19.45"W 41°37'8.48"N

USGS Quads: Falmouth/Pocasset



-  Boat Ramp
-  Gravel
-  Stream
-  Flow Direction
-  Island/Sand Bar
-  Interstate
-  Major Road
-  Road
-  Wetland
-  Building Structures
-  Deepest Point
-  Dam



0 1/8 1/4
Miles

Depth Contours- 5 Feet
Depth contours based on 5,824 sonar soundings

Not for navigational purposes
Map updated March, 2018

PUBLIC HEARINGS

5. Wetlands/Dock Hearing – George Psychojos – Construct a pier, ramp and float in the waters of Siders Pond at 94 Emmons Road, Falmouth



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, January 31, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of George and Alyssa Psychojos for permission to construct a pier, ramp and float in the waters of Siders Pond located at 94 Emmons Road, Falmouth, MA. Area affected is Siders 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, January 14, 2022 and Friday, January 21, 2022; Falmouth Enterprise.

TOWN OF FALMOUTH
BOARD OF SELECTMEN



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

RECEIVED

JAN 12 2022

To the Board of Selectmen
Falmouth, MA

Date: December 8, 2021

FALMOUTH TOWN CLERK

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: George & Alyssa Psychojos 26 Battle Green Rd, Lexington, MA 02421
(full name) (address)

AGENT: Jeffrey E. Ryther, 164 Katharine Lee Bates Rd., Falmouth, MA 02540
(full name) (address)

APPLICANT: George Psychojos 26 Battle Green Rd., Lexington, MA 02421
(full name) (address)

1. Location of Property: Map 47 Section 03 Parcel 009 Lot 010

Street Name and House Number 94 Emmons Rd., Falmouth

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

3. Description of property and project site: Developed waterfront property
with a single family house and two car garage

a. Dimensions, Acreage of total parcel: 17,900 sf (0.41 Acres)

b. Length of water marsh frontage: 97'

c. Dimensions of area to be dredged: None Depth N/A

d. Dimensions of area to be filled: None

e. Volume of dredging spoil to be moved: None

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

Disposition of Spoil: No spoils

f. Describe proposed riprap or bulkheading, if any: None

g. Other (docks, piers and etc.) Proposed small pier, ramp & float

h. Method (equipment to be used) for proposed work: Hand & power tools

4. Purpose of proposed work: Private recreational use for boating activies

5. Zoning which governs area: RC

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

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

8. Remarks Proposed Light Duty dock

9. Project Summary for legal notice: This project is to construct a pier, ramp
and float in the waters of Siders Pond at 94 Emmons Rd., Falmouth, MA

Owner: George & Alyssa Psychojos Agent: BSS Design, Inc

26 Battles Green Rd., Lexington, MA 02421 164 Katharine Lee Bates Rd., Falmouth, MA
(Name & Address) (Name & Address)

TEL #: 781-367-8509 TEL #: 508-540-8805

Applicant: George Psychojos

26 Battle Green Road

Lexington, MA 02421
(Name & Address)

TEL #: 781-367-8509

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

December 3, 2021

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

Re: 94 Emmons Road

To whom it may concern:

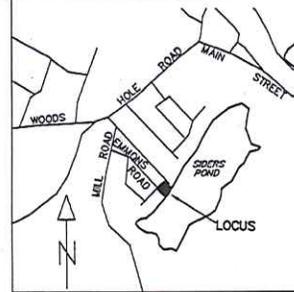
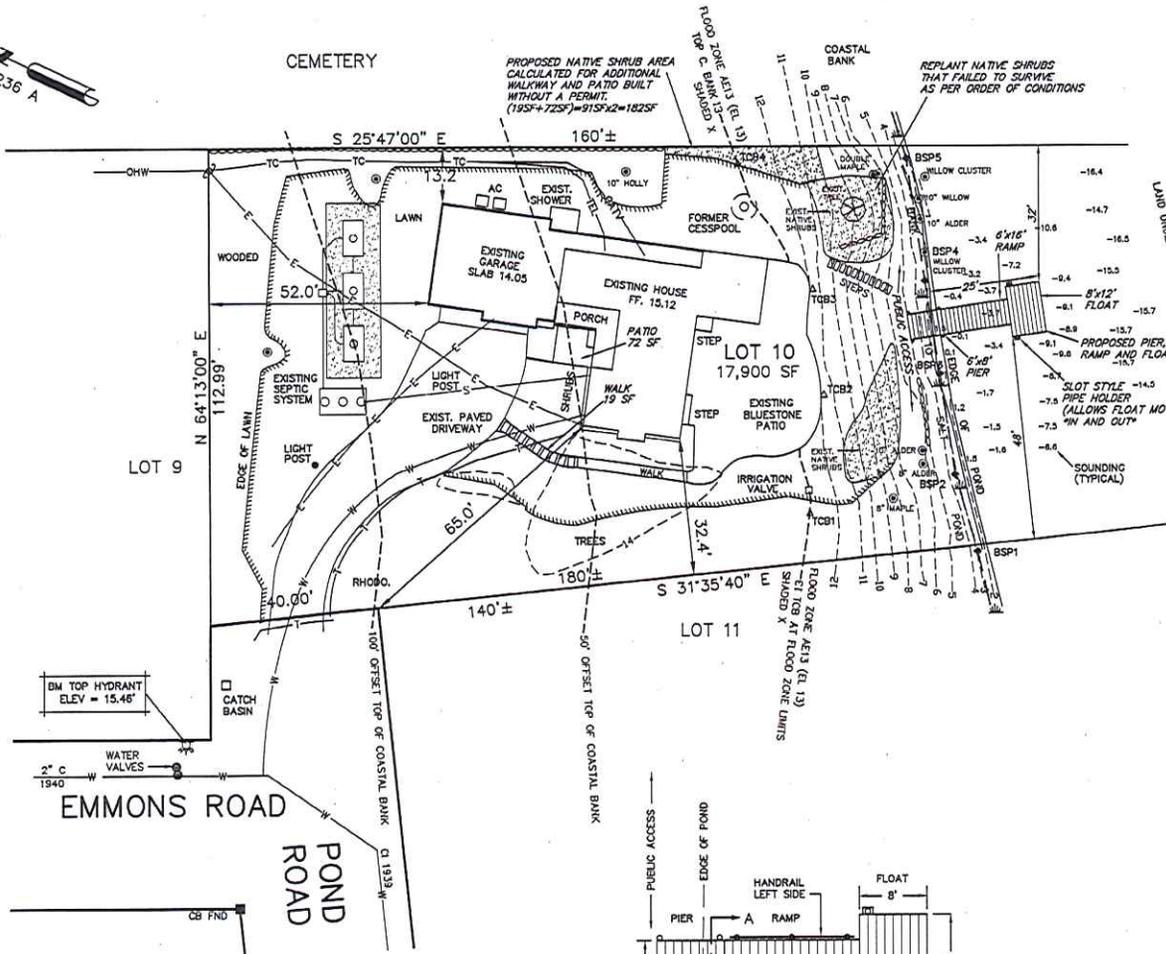
We, Alyssa & George Psychojos, being the owners of the property at 94 Emmons Road, Falmouth, MA, give permission to Jeffrey E. Ryther, P.E., of BSS Design, Inc. to represent us regarding the application and hearing for the Selectmen's Wetland Permit.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey E. Ryther". The signature is written in a cursive style with a large initial "J".

Jeffrey E. Ryther, P.E. for
Alyssa & George Psychojos

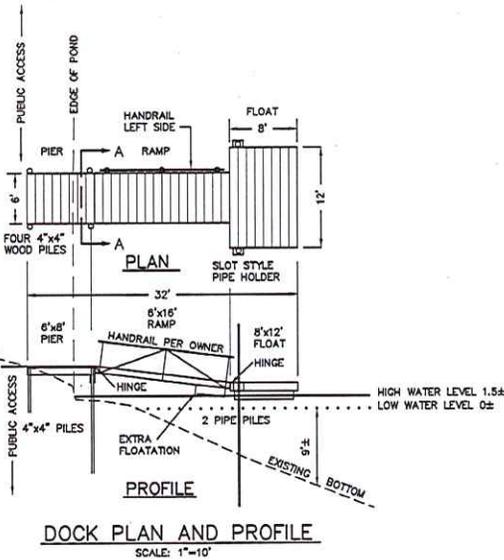
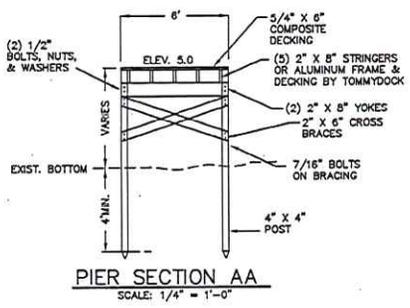
cc: BSS Design, Inc.



LOCUS MAP
SCALE: 1" = 2000'

- LEGEND:**
- 6.5 EXISTING SOUNDING
 - PROPERTY LINE
 - ▣ CONCRETE BOUND
 - - - EXISTING CONTOUR LINE
 - ⊙ EXISTING UTILITY POLE
 - ===== EDGE LAWN
 - E EXISTING ELEC
 - T EXISTING TEL
 - W EXISTING WATER

- NOTES:**
1. HOUSE No. 94 EMMONS ROAD
 2. ASSESSORS No. 47 03 009 010
 3. ZONING DISTRICT: RESIDENTIAL C
 4. FLOOD ZONE, SHADED X & AE13 (EL. 13)
 5. EXISTING BUILDING LOT COVERAGE: 9.3%
 6. BENCHMARK: TOP OF FIRE HYDRANT, ELEVATION 15.46' NGVD
 7. LOCUS IS NOT WITHIN: WATER RESOURCE PROTECTION DISTRICT PUBLIC WATER SUPPLY ZONE II WILDLIFE CORRIDOR OVERLAY DISTRICT
 8. LOCUS IS WITHIN: FALMOUTH HIGH WIND DISTRICT BUILDING CODE WIND EXPOSURE CAT "C" A COASTAL POND OVERLAY DISTRICT (SIDER'S POND)
 9. PROPOSED BUILDING LOT COVERAGE: 12.7% PROP. LOT COVERAGE (BLDG., PAVE & PARK): 26.5%
 10. ALL DISTURBED LAWN AREAS SHALL BE RESTORED WITH 4" OF LOAM AND GRASS SEED.



BSS DESIGN

LAND SURVEYING
CIVIL ENGINEERING
LAND PLANNING

BSS Design, Incorporated
184 Katherine Lee Bates Rd
Falmouth Massachusetts 02540
508.540.8805 FAX 508.548.8313

PLOT PLAN - PROPOSED DOCK
PREPARED FOR
GEORGE PSYHOJOS
LOT 10 (#94) EMMONS ROAD
FALMOUTH, MASSACHUSETTS

scale	1" = 20'
date	SEPT. 6, 2021
drawn	EJP/JER/RAR
checked	JGP
job number	21134
revisions	NOVEMBER 23, 2021 1. REPLANT NATIVE SHRUBS THAT FAILED TO SURVIVE PER ORDER OF CONDITIONS. 2. PROPOSED NATIVE SHRUBS AS MITIGATION FOR PATIO BUILT WITHOUT A PERMIT. 3. REMOVED BWM STAKES AND ADDED BSP FLAGS ALONG EDGE OF POND.
title	SITE PLAN AND DETAILS 1 OF 1
drawing number	B28-102

94 EMMONS RD

CERTIFIED

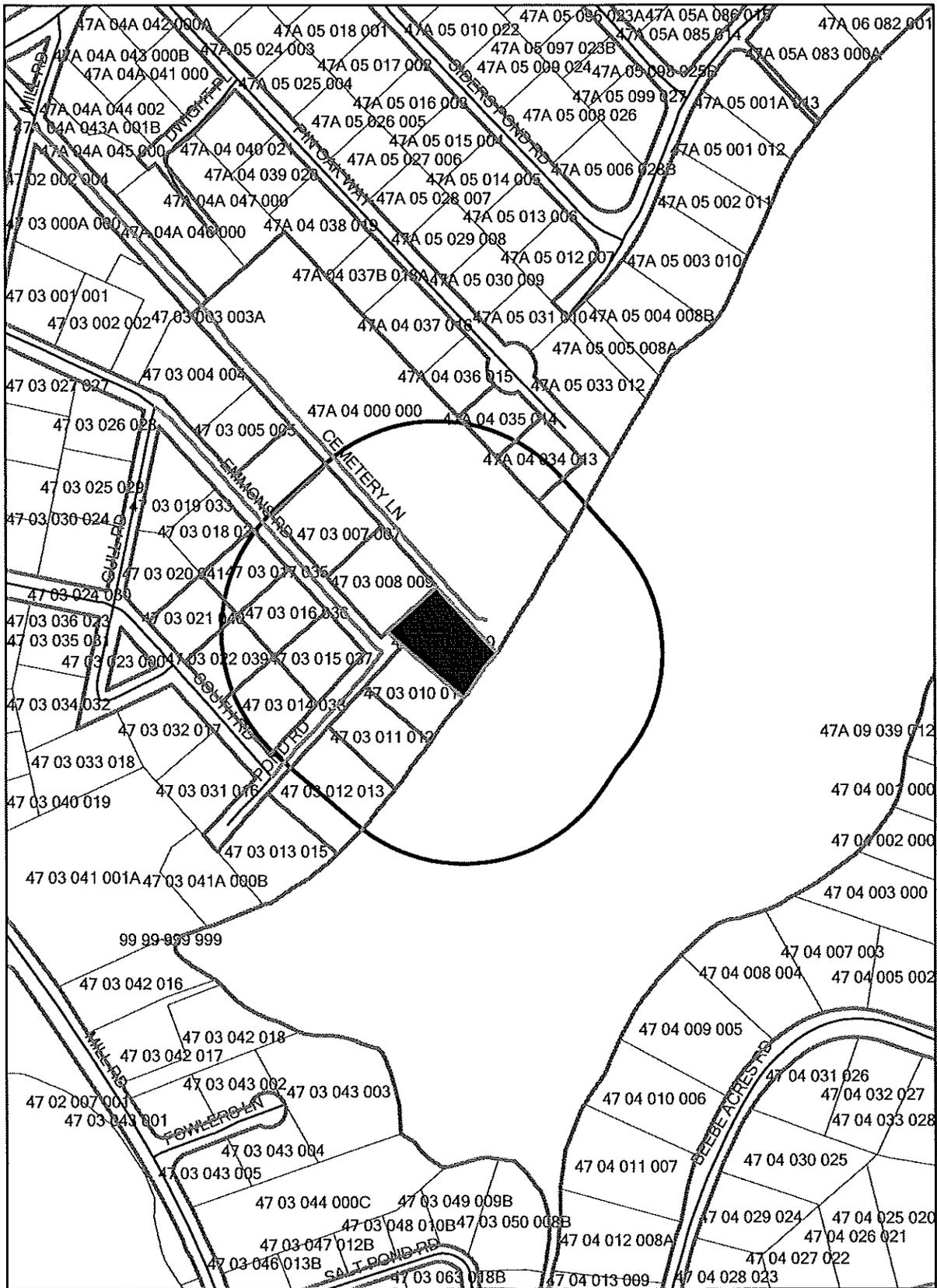
A handwritten signature in black ink, appearing to read 'BCW', is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
December 21, 2021

11 POND RD ACKLAND TR CAROL T SUBTRUST CAROL T ACKLAND 56 RETRIEVER RUN WARREN. VT 05674-9620	47 03 015 037 LUC: 101	105 PIN OAK WAY MAGUIRE TRUSTEE DEBORAH D MAGUIRE FAMILY 21 RLTY TR 105 PIN OAK WAY FALMOUTH. MA 02540	47A 04 035 014 LUC: 101
44 SOUTH RD CAREY TRUSTEE CHARLEEN CHARLEEN CAREY REVOC TRUST 44 SOUTH RD FALMOUTH. MA 02540	47 03 021 040 LUC: 101	63 EMMONS RD MANNING FRANCIS X MANNING LYNN A 116 SAWMILL RD CHERRY HILL. NJ 08034	47 03 017 035 LUC: 101
16 POND RD DUNN JANE 16 POND RD FALMOUTH. MA 02540	47 03 011 012 LUC: 101	54 SOUTH RD MCGOVERN MICHAEL J MCGOVERN JENNIFER A 54 SOUTH RD FALMOUTH. MA 02540	47 03 022 039 LUC: 101
0 CEMETERY LN FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH. MA 02540-2761	47A 04 000 000 LUC: 953	94 EMMONS RD PSYHOJOS ALYSSA PSYHOJOS GEORGE 26 BATTLE GREEN RD LEXINGTON. MA 02421-6724	47 03 009 010 LUC: 101
50 EMMONS RD GILMAN SUSAN C KLEIN TRACY A 61 CHAPMAN ST CANTON. MA 02021	47 03 006 006 LUC: 101	66 EMMONS RD WEISHAR LEE L FIELDS M LESLIE 66 EMMONS RD FALMOUTH. MA 02540-2607	47 03 007 007 LUC: 101
26 POND RD GREGG THOMAS F GREGG VIRGINIA C 26 POND RD FALMOUTH. MA 02540-2638	47 03 012 013 LUC: 101	66 SOUTH RD WHITNEY TRUSTEE KAREN M KM WHITNEY 2016 TRUST 6080 PELICAN BAY BLVD UNIT 303 NAPLES. FL 34108	47 03 014 038 LUC: 101
75 EMMONS RD HEIMERDINGER GEORGE F HEIMERDINGER SALLY ANN 73 EMMONS RD FALMOUTH. MA 02540-2606	47 03 016 036 LUC: 101		
117 PIN OAK WAY HOCKER TRUSTEE NINA M WHITNEY WHITNEY TRUSTEE ELIZABETH LOWELL 117 PIN OAK WAY FALMOUTH. MA 02540	47A 04 034 013 LUC: 101		
86 EMMONS RD HOPEWOOD TRUSTEE LINDSAY M HOPEWOOD TRUSTEE PETER S 86 EMMONS RD FALMOUTH. MA 02540-2607	47 03 008 009 LUC: 101		
4 POND RD LEVESQUE PETER LEVESQUE BERNADETTE M 15 DEBORAH LEE LN NORTH EASTON. MA 02356	47 03 010 011 LUC: 101		

94 Emmons

94 EMMONS RD



Diane Davidson

From: Diane Davidson
Sent: Friday, January 14, 2022 10:27 AM
To: Jennifer Lincoln (jennifer.lincoln@falmouthma.gov); Amy Coughlin; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov)
Subject: Wetlands Special Permit Application - 94 Emmons Road - Psychojos
Attachments: Wetlands Application - 94 Emmons Road.pdf; PP Prop Dock 94 Emmons Rd rev 11-23-21.pdf

To all,

The Select Board has received the attached application for a special permit to construct a dock:

Applicant: George and Alyssa Psychojos
Location: 94 Emmons Road, Falmouth
Proposed Work: Construct a pier, ramp and float.
Body of Water: Siders Pond

Please forward a copy of the Order of Conditions and Harbor Master comments on this application by Thursday, January 27. The hearing is scheduled at the Select Board meeting on Monday, January 31, 2022 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*

PUBLIC HEARINGS

6. Flow Neutral Bylaw – Evaluation of Request for Variance – Jeffrey and Donna Stearns – 156 Teaticket Highway, East Falmouth (parcel 39 14 026 000)



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

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Falmouth will hold a public hearing on Monday, January 31, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, Falmouth, MA on the application of Jeffrey and Donna Stearns for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for redevelopment of commercial/residential property at 156 Teaticket Highway in said Falmouth (parcel 39 23 011 000).

Per Order of the Select Board

Publication date: Friday, January 14, 2022, Falmouth Enterprise

FLOW NEUTRAL BYLAW
GUIDELINES TO BOARD OF SELECTMEN FOR WAIVER/VARIANCE CONSIDERATION

Presented to Board of Selectmen for Discussion Purposes 6-4-18

Suggested Process:

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

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



TOWN of FALMOUTH

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

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: January 27, 2022

To: Board of Selectmen, Town Manager

cc: Falmouth Health Department

Re: Flow Neutral Bylaw Variance Request – 156 Teaticket Highway – Stearns

I received a referral under the Flow Neutral Bylaw regarding proposed redevelopment of the above property. The proposed redevelopment is within an existing sewer service area and the building is connected to the town sewer system.

Based on the proposed site plans prepared for this redevelopment by Giampietro Architects, dated 10/18/21 and existing site plans for the property by the same firm dated 11/2/21, I estimate the previous and proposed Title 5 design flows as follows (gallons per day, gpd):

	Previous		Proposed	
	Use	Flow (gpd)	Use	Flow (gpd)
2nd floor	2 bedrooms (BR)	220	2 BR	220
1st floor	0 BR + 2160 sq ft office/retail	162	3 BR	330
basement	Storage	0	1 BR + 2 bunk rooms = 3 BR	330
	Total	382	Total	880

Because this is a more than 10% increase in Title 5 design flow, this redevelopment requires a flow neutral bylaw variance. A precondition for the Select Board to grant a variance to the flow constraints of the Flow Neutral Bylaw is that "Sufficient capacity exists...as determined by the Wastewater Superintendent."

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

Permitted Average Annual Discharge Flow (gallons per day):	710,000
Projected Average Annual Flow, With Variances Granted To-Date (gpd):	569,000
Projected Average Annual Flow as % of Permitted Flow	80.1%

[I mistakenly double-counted a flow in my last flow-neutral memo, and therefore concluded in that memo that the proposed project would bring the total projected average annual flow to 80.3% of permitted average annual flow. In fact, the number was 80.1%]. The currently proposed project, if granted a variance, is estimated to bring the total projected average annual flow from the wastewater system to 80.2% of permitted average annual flow. Therefore, sufficient sewer system capacity currently exists to accommodate the projected additional flow from this property.

When the *actual* average annual flow to the WWTF reaches 80% of permitted flow, which is expected to occur in the next year or two (when Town activity returns to pre-covid levels and when all of the projects granted variances have been completed), the WWTF's discharge permit requires the Town to provide a plan to the Department of Environmental Protection for how the Town will continue to meet its permit requirements. The Targeted Watershed Management Plan for Great Pond, currently in preparation, will include a plan for expanded discharge capacity. If that plan is not approved or implemented as envisioned, redevelopment in sewer areas could be limited by sewer system discharge capacity.

Diane Davidson

From: Scott McGann
Sent: Thursday, January 13, 2022 8:29 AM
To: Diane Davidson; Amy Lowell
Subject: RE: Flow Neutral By-Law Variance Request - 156 Teaticket Highway

On January 3, 2022 the Falmouth Board of Health heard a Flow Neutral Bylaw referral at 156 Teaticket Hwy. The Board determined that a Title 5 system could be sited on the property for the increase in wastewater flow associated with the proposed changes to the use of the property.

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

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Wednesday, January 12, 2022 1:47 PM
To: Amy Lowell <amy.lowell@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>
Subject: Flow Neutral By-Law Variance Request - 156 Teaticket Highway

Hi Amy, Scott,

Pease provide your recommendations on the attached request from property owners Jeffrey and Donna Stearns for a variance to the Flow Neutral Bylaw at 156 Teaticket Highway, East Falmouth, for redevelopment of commercial/residential property.

Thank you.

Diane

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

Diane Davidson

From: [REDACTED]
Sent: Wednesday, December 15, 2021 12:13 PM
To: Diane Davidson
Subject: Fwd: 156 Teaticket Highway flow neutral bylaw variance

Hi Diane,

Amy Lowell from the water department asked that I reach out to you to get on the meeting agenda for the next Select Board meeting. I have included the earlier email from Amy regarding the flow neutral bylaw hearing. I have also been in contact with Scott McGann and he is preparing the necessary documentation related to Title V.

Please let me know if you have any questions.

Thanks

Jeff and Donna Stearns

----- Forwarded message -----

From: Amy Lowell <amy.lowell@falmouthma.gov>
Date: Fri, Dec 10, 2021 at 11:17 AM
Subject: 156 Teaticket Highway flow neutral bylaw variance
To: [REDACTED]
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>, Eladio Gore <eladio.gore@falmouthma.gov>, Julian Suso <julian.suso@falmouthma.gov>, Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>, Diane Davidson <diane.davidson@falmouthma.gov>, Scott McGann <scott.mcgann@falmouthma.gov>, Falmouth Health Department <health@falmouthma.gov>

Hello Mr. Stearns,

On the phone this morning, we discussed the building permit application for redevelopment of your property at 156 Teaticket Highway. The Building Commissioner has determined that this redevelopment does not require a special permit. However, in reviewing the application I have determined that it does require a flow neutral bylaw hearing and variance, because the project will increase wastewater flow on this commercial/residential property by more than 10%.

Before the Select Board holds a Flow Neutral Bylaw hearing, they will need a referral from me regarding wastewater system capacity to handle this flow, and a referral from the Board of Health regarding whether or not a Title V septic system could be sited on the property that could accommodate the proposed flow.

I will write this up in a memo for the Select Board before their hearing, but below is my assessment of previous and proposed uses/flows based on the drawings submitted to the building department, for the Board of Health's consideration in their review:

	Previous		Proposed	
	Use	Flow (gpd)	Use	Flow (gpd)
2nd floor	2 bedrooms (BR)	220	2 BR	220
1st floor	0 BR + 2160 sq ft office/retail	162	3 BR	330
basement	storage	0	1 BR + 2 bunk rooms = 3 BR	330
		Total 382	Total	880

I would recommend that you contact Scott McGann at the Health Department to discuss the Board of Health's referral and meeting schedule, and that you contact Diane Davidson at the Town Manager's office (both cc'd) to enquire about getting this hearing scheduled on a Select Board agenda in January.

Thank you

Amy

Amy Lowell

Wastewater Superintendent

416 Gifford Street

Falmouth, MA 02540

(508) 457-2543 x 3018

amy.lowell@falmouthma.gov

BUSINESS

1. Discuss and Vote preference for potential Municipal Light Plant Board (10 minutes)



Town of Falmouth

MICHAEL PALMER
TOWN CLERK

59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 495-7353 Fax (508) 457-2511

Select Board
59 Town Hall Square
Falmouth, MA 02540

Dear Select Board,

I am writing you to express my opposition to the Select Board pursuing the election of a municipal light board at a Special Election to be held in November on the same day as the State Election rather than electing the municipal light board at the Annual Town Election in May.

Town Meeting first needs to vote to establish a Municipal Light Plant. If that passes, Town Meeting would take a second vote to elect a Municipal Light Board. You would now be asking Town Meeting to take a third vote to petition the Legislature to hold the Special Election. The special legislation would need to be passed in time for nomination papers to be available this summer.

A second election will require additional funds. A second election on the same day is also an administrative challenge: a second ballot is needed, two different check in tables are required, separate absentee ballot applications are required, separate mailings of those ballots are required. It is a challenge for our dedicated poll workers, who only work one, two or sometimes three days in a year. It is also a challenge not to confuse voters from participating in a second election.

I don't understand the urgency in electing this board at a Special Election rather than just 6 months later at the Annual Town Election in May where we elect all other Municipal Offices. Any funding that is available in November will still be available in May.

Sincerely,

Michael Palmer

Town Clerk

BUSINESS

2. Vote Articles and Execute Warrant for April 2022 Annual Town Meeting (20 minutes)



APRIL 2022 ANNUAL TOWN MEETING

Select Board Announce Annual Town Meeting Monday, December 6, 2021

Close Warrant.....Friday, January 14, 2022

Select Board Vote Articles & Execute Warrant Monday, January 31, 2022

Publish Articles Only Friday, February 4, 2022

Presentation on Petition Articles.....Monday, February 14, 2022

Select Board Vote RecommendationsMonday, February 28, 2022

Publish Warrant with Recommendations and Mail Warrant Booklets.....Friday, March 18, 2022

Town MeetingMonday, April 4, 2022



Warrant for the Annual Town Meeting
Monday, April 4, 2022
TOWN OF FALMOUTH
Select Board

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet at Memorial Auditorium, Lawrence School, 113 Lakeview Avenue, Falmouth on Monday, April 4, 2022 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 31st day of January, 2022.

Douglas C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English Braga

Onjalé Scott Price

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

By the virtue of this warrant, I have this day notified and summoned the inhabitants of the Town Of Falmouth qualified to vote, as said Warrant directs by posting an attested copy thereof in Town Hall and Every Precinct in the town.

Constable, Town of Falmouth

Date

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING
MONDAY, APRIL 4, 2022 AT 7:00 p.m.**

For action on articles in the Warrant

COMMONWEALTH OF MASSACHUSETTS

Barnstable, SS To either of the constables of the Town of Falmouth, in said county:

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at the Memorial Auditorium, Lawrence School, Falmouth; Monday, April 4, 2022 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

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

ARTICLE 2: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 3: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator	-----	\$1,500
Town Clerk	-----	\$100,610
Select Board	-----	\$5,000
Chair of Select Board	-----	\$6,000

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of Technical Administrative and Management (TAM) employees. Or do or take any other action in the matter. On request of the Select Board.

ARTICLE 4: To see if the Town will vote to amend the Position Classification Plan for AFSCME Unit B positions effective July 1, 2022. The position classification changes are as follows:

	TITLE	GRADE	HOURLY MINIMUM	HOURLY MAXIMUM
Delete	Zoning Administrator	6	\$32.57	\$42.47
Add	Zoning Administrator	7	\$34.18	\$44.63

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

ARTICLE 5: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2023 and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Select Board.

ARTICLE 6: To see if the Town will vote to appropriate a sum of money to be distributed by the Town Accountant to the accounts affected for the purpose of funding the provisions of the contract period commencing July 1, 2022 as agreed to by the Town of Falmouth and the International Association of Firefighters Local 1397, and to determine how the same shall be raised and by whom expended, or do or take any other action on this matter. On request of the Select Board.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the Town will vote to transfer a sum of money within the FY 2022 budget approved by Article 8 of the April 12, 2021 Annual Town Meeting to make necessary adjustments thereto. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 11: To see if the Town will vote to appropriate a sum of money to supplement the FY 2022 budget approved by Article 8 of the April 12, 2021 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 12: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under MGL Chapter 44, Sec. 53E½ for the fiscal year beginning July 1, 2022, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY23 Spending Limit	Disposition of FY22 Fund Balance
Emerald House	Town Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
Shellfish and Aquaculture	Marine and Environ Srvcs	Rental Equipment	Propagation and Aquaculture	\$45,000	Available for expenditure
Senior Services	Senior Services Director	Fees	Activities	\$400,000	Available for expenditure
TOTAL SPENDING				\$533,500	

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

ARTICLE 13: To see if the Town will vote to appropriate a sum of money for the purposes of funding Design and Construction of a new Fire Station located on Sandwich Road, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money to fund the engineering, design and construction of improvements to the Wastewater Treatment Facility, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money for the purpose of funding the evaluation of options to discharge treated wastewater by an ocean outfall, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money for the purposes of funding improvements to the Edward Marks Building to create offices for the Human Services Department including upgrades to the heating, ventilation and air conditioning system, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 17: To see if the Town will vote to amend Chapter 21, Article III, Board of Health, of the Code of Falmouth by adding a new section s. 21- 9 relative to the collection and recycling of waste materials, as follows:

Section 21 – 9. Recycling of Waste Materials.

- A. The Town hereby authorizes the adoption of mandatory programs for the collection, storage, transportation and removal of waste materials and recycling of waste materials in the Town.
- B. The Board of Health may adopt rules and regulations governing the collection, storage, transportation and removal of waste materials and may adopt rules and regulations to implement a mandatory program for recycling certain waste materials in the Town. The Board of Health may adopt rules and regulations to implement a program for composting certain waste materials in the Town. The rules and regulations adopted by the Board of Health may be amended from time to time, including amendments to conform to applicable state and federal laws and regulations.
- C. The rules and regulations shall govern all aspects of the collection, storage, transportation and removal of waste materials and the recycling and composting of waste materials in the Town and shall apply to owners and occupants of all property in the Town, including without limitation, owners and occupants of all residential units, condominiums, municipal buildings, schools and libraries whose waste and recycling materials are collected as a Town service and owners and occupants of residential units, condominiums and commercial facilities whose waste and recycling materials are collected as a Town service or by a permitted private hauler.
- D. The rules and regulations shall determine the categories of waste materials to be segregated and collected for recycling and composting and may add new categories of waste materials for recycling and composting as the Town develops programs and capacity to collect, recycle and compost new materials.

- E. The rules and regulations may include temporary suspension or waiver provisions for cause.
- F. Prior to the adoption of rules and regulations or any amendments authorized herein, the Board of Health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publication notice in a newspaper of general circulation in the Town and on Town website once each in each of two successive weeks the first publication to be not less than ten days prior to the date set for the hearing
- G. Any rule or regulations adopted hereunder which requires the use of facilities under the jurisdiction of the Department of Public Works shall require the consent of the Select Board.

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

ARTICLE 18: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement for sewer purposes within a parcel of land now or formerly owned by Village Common Drive, LLC and being parcel 34 06 024 003A on the Falmouth Assessors Maps and known as 28 Village Common Drive, said easement being a strip of land 20 ft. wide and 200 +/- ft. long beginning at the rear lot line at Estrella Drive and running in a generally northwesterly direction to the lot line at the turn out at the terminus of Village Common Drive together with a temporary construction easement 5 ft. wide on both sides of the permanent easement; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended; and further to authorize the Select Board to enter into any agreements and execute and documents and instruments to effectuate the purpose of this article. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 19: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement for sewer purposes within a parcel of land now or formerly owned by Simply Storage Falmouth, LLC known as 33 Village Common Drive and being parcel 34 06 024 005A on the Falmouth Assessors Maps, said permanent easement being a strip of land appearing as a driveway 20 ft. wide by 300 +/- ft. long beginning at Village Common Drive and running in a generally westerly direction to the lot line at Rt. 28/Teaticket Highway together with a temporary construction easement 5 ft. wide on each side of the permanent easement; and to appropriate a sum of money for the acquisition of said easements, to determine how the same shall be raised and by whom expended; and further to authorize the Select Board to enter into any agreements and execute any documents or instruments to effectuate the purposes of this article. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 20: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement for sewer purposes within a parcel of land abutting Saint Marks Road now or formerly belonging to Kathleen McGovern and shown as 34 06 013 004 on the Falmouth Assessors Maps, said easement being 5000 sq. ft. +/- along and parallel to the southerly property line of said parcel; and a temporary construction easement for sewer purposes of 2,500 sq. ft. +/- on two sides and parallel to the permanent easement; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended; and further to authorize the Select Board to enter into any agreements and execute any documents or instruments necessary to effectuate the purposes of this article. Or do or take any other action on this matter. On request of the Select Board.

ARTICLE 21: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN permanent easements for sewer purposes within a parcel of land now or formerly owned by Gile Moniz, being parcel 34 06 018 000 on the Falmouth Assessors Maps, and further shown

as Open Space on a plan of land titled "Subdivision Plan of Land located in Falmouth, Mass., prepared for "Perch Pond Landing Trust," dated April 8, 1986" and recorded in the Barnstable Registry of Deeds in Plan Book 421, Page 19, said easements being a) a strip of land 30 ft. wide and 145 ft. long between lots 17 and 22 shown on said plan running from Seabrook Drive easterly to the lot line of the subdivision shown on said plan; and b) a section of the Open Space parcel bounded on the south side by Estrella Lane and on the east side by lot 21 as shown on said plan to a depth of 30 ft. from Estrella Drive; and to further appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, to determine how the same shall be raised and by whom expended; and further to authorize the Select Board to enter into any agreements and execute any documents or instruments necessary to effectuate the purposes of this article. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 22: To see if the Town will vote to authorize the Select Board to grant certain easements to NStar Electric Company dba Eversource Energy in connection with its proposed additional underground power supply cables to Martha's Vineyard on, in, over, under and across the following town property:

- A. The Town owned portion of the Shining Sea Bikeway from Simpson's Lane to Locust Street, including the Locust Street parking lot;
- B. The Mill Road parking lot, a portion of Surf Drive and a portion of Surf Drive beach;
- C. The Shore Street/Surf Drive parking lot, a portion of Surf Drive and a portion of the Shore Street/Surf Drive beach; and

further to authorize the Select Board to assent to the grant of a similar easement by Mass DOT in the state owned portion of the Shining Sea Bikeway from Ter Heun Drive to Simpson's Lane; said easements to be for the purpose of the installation and maintenance of underground power supply cables for reliability for Martha's Vineyard and Falmouth upon such terms and conditions as the Select Board deems reasonable and proper.

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

ARTICLE 23: To see if the Town will vote to appropriate a sum of money for the purpose of remediating erosion and providing safe trail access to Deep Pond (aka the Punch Bowl) in Beebe Woods. On petition of Victoria H. Lowell.

ARTICLE 24: To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Falmouth, Massachusetts

- 1) Unless explicitly exempted, all persons, municipal employees, commercial leaf blower operators and their employees shall comply with all the provisions of this article and regulations
- 2) Only leaf blowers that are portable, handheld or backpack style powered by fuel or electricity are subject to these regulations.
- 3) All leaf blowers shall meet current EPA standards and cannot emit noise greater than 67 decibels, as rated by the manufacturer.
- 4) No more than 2 leaf blowers can be used simultaneously on parcels less than 10,000 sq.ft.
- 5) Gas powered leaf blowers can only be used March 15 to May 15 and October 15 to Dec.31. Hours of Operation Monday-Saturday 7am-5pm
- 6) Electric and battery leaf blowers can be used all year including Sundays and legal holidays
- 7) After a weather emergency/storm, the Director of the DPW may suspend the above regulations

If approved, the provisions of this by-law will become effective January 1, 2024. On petition of Patricia P. Johnson.

ARTICLE 25: To see if the Town will vote a second time to authorize the Select Board to take all necessary and appropriate action to establish and maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of Department of Public Utilities and the Department of Telecommunications and Cable, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and related services, or take any action relative hereto. On petition of FalmouthNet, Inc.

ARTICLE 26: To see if the Town will vote, pursuant to M.G.L. c.164, sec.55, to elect a municipal light board consisting of five citizens of the town, each for a term of three years, with the first election being held _____. Pursuant to the provisions of the Massachusetts General Laws, of the five member board, initially one shall be chosen for one year, two for two years, and two for three years, and thereafter the terms shall be for three years. The municipal light board shall have the authority to construct, purchase or lease the municipal light plant in accordance with the vote of the town and to maintain and operate the same. On petition of FalmouthNet, Inc.

ARTICLE 27: To see if the Town will vote to authorize the Select Board to petition the General Court for a special act authorizing the Select Board to call a special election of the Town on the same day in November, 2022 as the general state election for the purpose of electing a municipal light plant board consisting of five citizens of the town provided that initially one shall be chosen for a term ending at the annual town election in May, 2024, initially two shall be chosen for a term ending at the annual town election in May, 2025 and initially two shall be chosen for a term ending at the annual town election in May, 2026 and thereafter the term shall be for three years. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 28: To ask the Town to vote to create a new full-time position of Sustainability Director, or a similar director-level position, charged with prioritizing and integrating sustainability and coastal resiliency policies and programs into activities of all Town departments and committees.

This article would require a commitment on behalf of the Select Board to: (a) create this position, (b) outline specific duties, (c) determine reporting structure, (d) assign compensation, and (e) decide the hiring date at their 2022 Strategic Planning Session(s). This process would be guided by a professional consultant as approved by the Select Board at the December 6, 2021 Meeting.

The purpose of this position is to fulfill the intent of the 2020 Falmouth Climate Emergency Declaration, the Town's Strategic Plan, Local Comprehensive Plan, and the Falmouth Climate Protection Action Plan, and to ensure that Falmouth shall achieve net-zero greenhouse gas emissions by 2050 as mandated by the state climate legislation enacted in 2021, "An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy." The Sustainability Director will develop and advance the Town's sustainability directives and be responsible for implementing sustainability, resilience, adaption, mitigation, and energy-efficiency programs, securing grant funding in collaboration with all Town departments and committees, and conducting community outreach and education. Or do or take any other action on the matter. On petition of Rosemary Carey, Michael Fogarty, Eleanor Ling, David Mark Welch, Susan Richman, and Geralyn Schad.

ARTICLE 29: To see if the Town will vote to designate the unappropriated 25% of the local meal and restaurant tax described as 830 CMR 64H.6.5 for the purposes of funding affordable housing, and to determine the effective date of such increase, or do or take any action on this matter. On petition of Jordan Frye.

ARTICLE 30: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to make exterior building improvements to the historic Edward Marks Building located at 744 Main Street; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 31: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Economic Development Industrial Corporation to make exterior masonry improvements to the historic Falmouth Station located at 59 Depot Avenue; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 32: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Woods Hole Historical Museum, a division of Woods Hole Public Library, to develop a historic structure report for the Woods Hole Historical Museum located at 579 Woods Hole Road; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 33: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to develop a condition assessment report for the Old Burying Grounds located at 0 Cemetery Lane; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 34: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Affordable Housing Fund, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

ARTICLE 35: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Water Stewards, Inc. to install nine water stations at Falmouth beach locations; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to make capital improvements to the John L. Neill Baseball Complex located at 525 Gifford Street; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 38: To see if the Town will vote to appropriate or transfer a sum of money to the Historic Preservation Reserve, for the purpose of funding future Historic Reserve Projects, and to determine how the same shall be raised. Or do or take any action on the matter. On the request of the Community Preservation Committee.

BUSINESS

3. Request for Variance to Sign Code – Chapter 184-30 (C) Special Events – St. Barnabas Church, 91 Main Street, Falmouth (10 minutes)

St. Barnabas Episcopal Church:

Request for promotional signs in excess of days permitted under Section 184-30 (C) Special Events of the Sign Code.

Location: St. Barnabas Church, 91 Main Street.

Lawn in front of the church, set back from the street, placed next to the driveway entrance.

Events: Strawberry Festival, Lobster on the Lawn, Christmas Fair, Woods Hole Clothing Sale, Easter, Christmas, other special worship services. (Exceeds 30 days per calendar year.)

Size: 6' x 10'. Displayed on temporary 4' x 4' wooden posts. (Exceeds 32 square feet.)

If variance is approved, a sign permit from the Building Department will be required.



11/30//2021

Mr. Julian Suso, Town Manager
Town of Falmouth
59 Town Hall Square, #1
Falmouth, MA 02540

Dear Mr. Suso,

Saint Barnabas's Church was required recently to remove a banner from the front of its property because the sign apparently violated a town code. The parish requests a variance to this code. Ours is an active church community offering a variety of events throughout the year. Displaying professionally produced signage is vital to inviting residents of and visitors to the Town of Falmouth to these varied monthly programs.

The temporary signs will be positioned in front of the church, setback from the street, and placed next to the driveway entrance to the Saint Barnabas's campus visited by hundreds of individuals each year. The dimension of the signs will be 6ft x 10ft and displayed on temporary 4x4 wooden posts. The attractive signs will be designed to complement the beautiful church campus, nearby Falmouth Village Green, and will not impede or interfere with pedestrian or vehicular traffic.

Messages on the signs would rotate during the year to highlight various community events at Saint Barnabas's such as the Annual Strawberry Festival, Annual Lobster on the Lawn, Annual Christmas Fair, Annual Woods Hole Clothing Sale, Easter, Christmas, and other special worship services. These offerings attract thousands of people to the downtown area who in turn frequent and support other Falmouth enterprises and organizations.

Having the ability to erect tastefully designed signs temporarily on the front lawn of the church that invite and welcome community participation in the offerings of Saint Barnabas's is critical to sustaining the parish and its diverse ministries. We respectfully request the granting to Saint Barnabas's Church of a variance that allows for signage on its front lawn as outlined above.

Very truly yours,

The Rev. W. (Will) H. Mebane, Jr., Rector

Diane Davidson

From: Jonathan Dickinson
Sent: Wednesday, December 15, 2021 11:00 AM
To: Diane Davidson
Subject: RE: St. Barnabas Church - Request for Sign Variance

Hi Diane,

The sign violated Chapter 184-30 (C)

Special events.

[Amended AFTM 11-8-2004, Art. 19, approved 12-30-2004]

(1)
Special events or promotions for thirty (30) days. A business or community service may have one (1) movable, portable or mobile banner or sign on its premises, not to exceed sixteen (16) square feet, not more than two (2) times nor more than a total of thirty (30) days per calendar year, in addition to other permitted signs. Such signs shall be required to have permits, but permit fees shall be waived.

(2)
Special events or promotions for seven (7) days. A business or community service may have one (1) moveable, portable or mobile banner or sign on its premises not to exceed thirty-two (32) square feet for a period not to exceed seven (7) days, not more than two (2) times per calendar year, in addition to other permitted signs. Bunting, pennants and flags will be permitted during this time period. Balloons and other air-filled devices shall not exceed twelve (12) inches in diameter. A total of three (3) off-premises signs not exceeding six (6) square feet each are permitted. Such signs shall be required to have permits, but permit fees shall be waived.

[Added AFTM 11-8-2004, Art. 19, approved 12-30-2004]

The sign violated:

- Amount of times per year for special events
- No permit
- And potentially the size greater than 32 square feet allowed under C 2

Respectfully,

Jonathan Dickinson
Assistant Zoning Compliance Agent
Inspectional Services
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
O:508-495-7468
C:774-259-0513
Jonathan.Dickinson@Falmouthma.gov

From: Diane Davidson
Sent: Wednesday, December 15, 2021 10:53 AM

To: Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>
Subject: St. Barnabas Church - Request for Sign Variance

Hi Jonathan,

We have received a request for sign variance from St. Barnabas Church (copy attached). I will be scheduling a hearing with the Select Board. Would you please let me know which section of the sign code they violated so I can reference it in the agenda?

Thank you,

Diane

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

Town of Falmouth, MA
Tuesday, January 25, 2022

Chapter 184. Signs

Article III. Administration

§ 184-12. Sign Review Committee.

[Amended STM 4-6-1993, Art. 7, approved 7-16-1993; AFTM 11-14-2016, Art. 4, approved 2-17-2017]

- A. Purpose. One (1) of the purposes of the Sign Review Committee will be to provide advisory recommendation to the Building Commissioner and the Board of Selectmen on their respective decisions to grant permits to certain business signs and to periodically review the existing Sign Bylaw and advise the Board of Selectmen as to desirable modifications.
- B. Membership. Membership of the Sign Review Committee shall consist of five (5) persons for staggered three-year terms to be appointed by the Board of Selectmen. Preference shall be given so that membership of the Committee will include one (1) person who is an architect, landscape architect, or civil engineer; one (1) person from a community civic group; two (2) business owners; and, one (1) citizen from the Town of Falmouth. The Board of Selectmen may appoint two (2) alternate members of the Sign Review Committee for staggered three-year terms, and the Chairman of the Sign Review Committee may designate any alternate member to sit on the Committee in case of absence, inability to act, or conflict of interest on the part of a regular member, or in the event of a vacancy on the Committee, until said vacancy is filled in the manner in this section.
- C. Schedule for recommendations. Within twenty-one (21) days of receipt of the application to the Building Commissioner for a sign permit, the Committee shall submit its majority recommendation to the Building Commissioner and the Board of Selectmen if a license is required from the Selectmen.

§ 184-13. Permit requirements.

- A. No sign shall be erected, displayed, altered or enlarged until an application has been filed and until a permit for such action has been issued. Applications shall be on forms prescribed by the Building Commissioner. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems and location on land or buildings, with all relevant measurements.
- B. The Building Commissioner shall act within thirty (30) days of receipt of such application together with the required fee. A written appeal of the Building Commissioner's action can be made, within twenty (20) days of the Building Commissioner's action, to the Board of Selectmen. The Board of Selectmen shall hold a public hearing within forty-five (45) days of receipt of the written appeal. It shall make a decision within ten (10) days of the close of the hearing. Its majority decision shall be final.
- C. A sign permit application for signs over eight (8) square feet, and for all signs in any Historic District zone, shall be referred to the Design Review Committee, which shall make recommendations to the Building Commissioner. If the Design Review Committee holds a public

meeting, the Building Commissioner's decision may be delayed until forty-five (45) days after receipt of the completed application.^[1]

[1] *Editor's Note: All signs in Historic Districts must also receive approval from the Historic District Commission.*

D. The following types of signs shall be authorized by right, without the necessity of a permit:

- (1) Address signs per § 184-21.
- (2) "For sale, rent or lease" signs per § 184-24.
- (3) Political signs per § 184-34.
- (4) Flags per § 184-30A.
- (5) Public service signs per §§ 184-32A and 184-36.
- (6) Window signs per § 184-38.
- (7) Off-premises directional signs per § 184-32.
- (8) Contractor sign as per § 184-23.
[Added STM 4-6-1993, Art. 3, approved 7-16-1993]

§ 184-14. Fees; waiver for certain uses.

A schedule of fees for such permits may be established and amended from time to time by the Board of Selectmen. However, fees shall be waived for signs for governmental, religious and nonprofit civic organization uses.

§ 184-15. Sign Code Enforcement Officer.

The Building Commissioner is hereby designated as the Sign Code Enforcement Officer and is hereby authorized to enforce this chapter. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous or in disrepair or which is erected or maintained contrary to this chapter.

§ 184-16. Removal of signs.

[Amended AFTM 11-17-1998, Art. 64, approved 2-25-1999]

- A. Any sign which has been ordered removed by the Building Commissioner or his/her agent or is abandoned or discontinued shall be removed by the person, firm, trust, realty trust or corporation responsible for the sign within thirty (30) days of written notice to remove.
- B. In the event the business occupant ceases operation and fails to remove the sign within sixty (60) days, the Building Commissioner shall find that the sign has been abandoned and shall order the property owner to remove the sign.
- C. Illegal signs shall be subject to the removal provisions of § 184-11.

§ 184-17. Violations and penalties.

[Amended ASTM 4-7-1997, Art. 36, approved 6-27-1997]

Violations of any provision of this chapter or any lawful order of the Building Commissioner or his/her agents shall be subject to a fine of not more than two hundred dollars (\$200.) per offense. Each day

that such violation continues shall constitute a separate offense. Enforcement shall be in accordance with Chapter 1, General Provisions, Article I, Penalties. The Building Commissioner or his/her agent is authorized to use the noncriminal disposition method, which shall carry the same fines as set forth for violations of Chapter 240, Zoning, in Article I of Chapter 1, General Provisions.

§ 184-18. Measurement of sign area.

- A. Sign area shall be the entire area of the sign, bounded by a single continuous line that encloses the extreme limits of the sign surface.
- B. For a sign applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building.
- C. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest square, circle, rectangle, triangle or other shape which encompasses all of the letters and symbols. Such signs shall be no greater than three (3) feet in height.
[Amended AFTM 11-17-1998, Art. 64, approved 2-25-1999]
- D. The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the sign area measurement if such framework is incidental to the display. The area of the supporting framework shall be considered incidental if the total is eight (8) square feet or less. The Design Review Committee shall have the discretion of allowing an additional eight (8) square feet.
[Amended AFTM 11-8-2004, Art. 21, approved 12-30-2004]
- E. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

§ 184-19. Measurement of height.

The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two (2) roads of different elevations, measurement shall be from the surface of the lower roadway.

§ 184-20. Variances.

- A. In those rare and particular instances where the strict application of this chapter would be impractical, impossible or create undue hardship, a majority of the Board of Selectmen may permit variances from this chapter. Such variances shall only be permitted when it is determined that the architecture of the building(s), the location of the building(s) with reference to a street or the nature of the use being made of the building(s), is such that a variance would be in the public interest. In granting such variance, the Board of Selectmen shall specify the size and location of the sign(s) and impose such other terms and restrictions as deemed to be in the public interest.
- B. Applicants seeking a variance from these regulations shall provide the Board of Selectmen with information in the form of perspectives, renderings, photographs, models or other representations sufficient to show the nature of the proposed sign and its effect on the immediate surroundings in addition to the material specified for application under § 184-13.
- C. The Board of Selectmen shall hold a public hearing within thirty (30) days of receipt of the written variance request. It shall make a written decision within thirty (30) days of the close of the hearing and file said decision with the Town Clerk. Any person aggrieved by a decision of the Board of

Selectmen, whether or not previously a party to the proceeding, may appeal to a court of competent jurisdiction within twenty-one (21) days after the entry of the decision with the Town Clerk.

*Town of Falmouth, MA
Thursday, January 27, 2022*

Chapter 36. Falmouth Historic District

§ 36-9. Exclusions.

- A. The Commission shall exclude from its purview the following:
[Amended AFTM 11-14-2016, Art. 6, approved 2-17-2017]
- (1) Temporary buildings, structures or signs; subject, however, to conditions pertaining to the duration of existence and use and similar matters as the Commission may reasonably specify.
 - (2) (Reserved)
 - (3) Storm windows and doors, screen windows and doors, and window air conditioners.
- B. Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within a district which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this bylaw.

BUSINESS

4. Discussion on distribution of County ARPA Funds (10 minutes)

CONSENT AGENDA

1. Licenses

- a. Approve application for a Change of Manager of an all Alcoholic Common Victualler License – Cape Cod Country Club, located at 48 Theater Drive, Hatchville

LICENSE APPLICATION REVIEW

Restaurant/Business: Cape Cod Country Club

Address: 48 Theater Drive, East Falmouth

License Type: All Alcoholic Beverages Common Victualler

New or Transfer of License _____

or

Change of License Change of Manager

Police Background check - OK,

Fire NO ISSUES

Building _____

Health _____

Zoning OK

Planning _____

DPW _____

NOTES:



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00069-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter of the Acts of (year)

Type (i.e. restaurant, package store)

Class (Annual or Seasonal)

Category (i.e. Wines and Malts / All Alcohol)

DESCRIPTION OF PREMISES Complete description of the licensed premises

Three floors: Club house, golf building and golf shop, snack bar, dining room, social rooms. Alcohol to be served to customers from a beverage cart. Employees will drive the cart paths of the property covering the entire 18 hole golf course.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

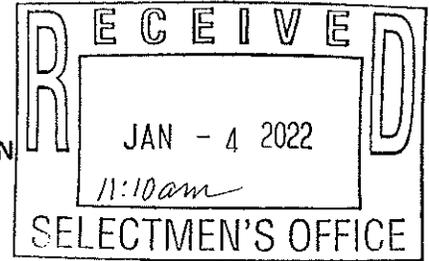
For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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



RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: **ABCC PAYMENT WEBSITE**

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

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

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



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

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

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
The New Cape Cod Country Club	Falmouth	00069RS-0390

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
Scott McNeil	Manager	smcneil@friegolf.com	603-889-3211

3A. MANAGER INFORMATION

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

Proposed Manager Name	Daniel Lovell	Date of Birth	[REDACTED] 1823399
Residential Address	[REDACTED] MA 02333		
Email	[REDACTED]	Phone	508-563-9842
Please indicate how many hours per week you intend to be on the licensed premises	40	Last-Approved License Manager	John Munroe

3B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
11/14/2021	current	GM	Cape Cod Country Club	Friel Golf Mgmt
8/15/2021	11/13/2021	Pro Shop Clerk	Cape Cod Country Club	Edward Kristenson

3D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature	[Signature]	Date	12-29-21
---------------------	-------------	------	----------

ENTITY VOTE

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

For the following transactions (Check all that apply):

- Change of Manager
- Other

"VOTED: To authorize
Name of Person

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

"VOTED: To appoint
Name of Liquor License Manager

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

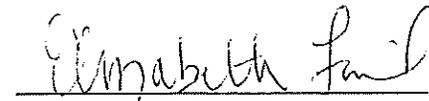
A true copy attest,


Corporate Officer / LLC Manager Signature

DAVID FRIEL
(Print Name)

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

Elizabeth Friel
(Print Name)

CONSENT AGENDA

2. Licenses

- b. Approve application for a Change of Address of a Wine and Malt Beverages License – New Golden Dynasty Restaurant, Inc., located at 13 Davis Straits, Unit #7, Falmouth

Administrative correction of street address.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00136-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee New Golden Dynasty Restaurant, Inc. DBA

Street Address 13 Davis Straits, Unit 7 Zip Code 02540

Manager Jun Qing liu

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

Type \$12 Restaurant Class Annual Category Wines and Malt Beverages

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

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

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 01/31/2022 Time

Advertised Yes No Date Published n/a Publication

Abutters Notified: Yes No Date of Notice n/a

Date APPROVED by LLA 01/31/2022 Decision of the LLA

Additional remarks or conditions (E.g. Days and hours) Administrative correction of address of store front restaurant located in a shopping center

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

CONSENT AGENDA

1. Administrative Orders

- a. Approve 2022 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission

COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL
COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2022 Seasonal Population Increase Estimation Form

City / Town:

Date:

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

Date of Meeting

, estimated that the temporary increased resident population

of , as of July 10, 2022 will be .

City / Town Name

Estimated Population

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

The above statements are made under the pains and penalties of perjury.

Very truly yours,
Local Licensing Authorities

This certificate must be signed by a majority of the members of the local licensing authority.

CONSENT AGENDA

1. Administrative Orders

- b. Approve Grant of License to Shanklin Family Real Estate Trust to maintain a stockade fence, gate and hedges encroaching onto the street layout of Central Avenue at 490 Central Avenue

GRANT OF REVOCABLE LICENSE

Licensor: The Town of Falmouth

Licensee: Carole S. Hill, Trustee of the Shanklin Family Real Estate Trust

This Grant of License ("License") concerns the hedges and walkways on the property known as and numbered 490 Central Avenue (Falmouth Assessor's Parcel 40A 05 002 108) in the Town of Falmouth, Barnstable County, Massachusetts, hereinafter referred to as "the Premises," as shown on the plan attached hereto labeled as "Project: 490 Central Avenue Falmouth, Massachusetts; Drawing Title: Attachment Sketch" dated January 3, 2022, prepared by Cape & Islands Engineering ("the Exhibit Drawing").

Background Statement: The licensees, recently obtained a special permit from the Zoning Board of Appeals. In doing so, it was determined that a portion of the stockade fence, gate and certain hedges along the western boundary of the property encroach into the street layout of Central Avenue. The licensees, for themselves and their successors and assigns, wish to maintain the stockade fence, gate and hedges as currently constituted. The Town of Falmouth is willing to allow the stockade fence, gate and hedges all to remain as are within the layout of Central Avenue, subject to the terms and conditions of this Grant of Revocable License.

Now, therefore, the Town of Falmouth ("Licensor" or "Town"), a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts, acting by and through its duly elected Board of Selectmen, in consideration of One Dollar (\$1.00) and of the covenants contained herein, does hereby grant the Shanklin Family Real Estate Trust ("Licensee"), having a mailing address of c/o Lawrence B. Cohen, Nixon Peabody LLP Exchange Place, 53 State St., Boston MA 02109, and to their successors and assigns while this License remains in effect (subject always to the Town's right of revocation), a license to maintain the stockade fence, gate and hedges as are within the layout of Central Avenue, being a Town road, on the following terms and conditions:

- a. Any portion of the stockade fence, gate and hedges within the layout of Central Avenue shall be maintained by the Licensee, at its expense.
- b. This license is revocable by the Board of Selectmen at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs. The Town may revoke this license by sending a notice to Licensee, its successors or assigns at the above-referenced property address (or such other address as real estate tax bills for the Premises are sent by the Town) and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- c. Upon such revocation, the Licensee, its successors and assigns shall, if and when directed by the Board of Selectmen, remove said stockade fence, gate and/or hedges from within the Town layout;

- d. If the Licensee, its successors and assigns, fails to remove said stockade fence, gate and/or hedges upon reasonable notice, being not less than three (3) months, all expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this License, including attorney's fees, costs and expenses and contractor fees shall be paid by the Licensee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds constitute a lien on the Premises, without limiting any other rights of the Town;
- e. Until such revocation, this License shall continue to run with the land;
- f. The Licensee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out the stockade fence, gate and/or hedges being located within the Town layout.
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the Licensee, its successors and assigns. Should the Premises be established as a condominium under General Laws Chapter 183A, the stockade fence, gate and/or hedges within the boundaries of the Premises shall be part of the common elements thereof, and all obligations of Licensee hereunder shall be assumed by the condominium trust or association of unit owners.
- h. For title to the Premises, see deed recorded at the Barnstable County Registry of Deeds in Book 31334, Page 243.
- i. This document shall be recorded at Licensee's expense at the Barnstable County Registry of Deeds.

In witness whereof, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this ___ day of _____, 2022.

BOARD OF SELECTMEN OF
THE TOWN OF FALMOUTH, LICENSOR

Douglas C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English Braga

Onjalé Scott-Price

TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
APPROVED AS TO FORM

Michael Duffin
T.C.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

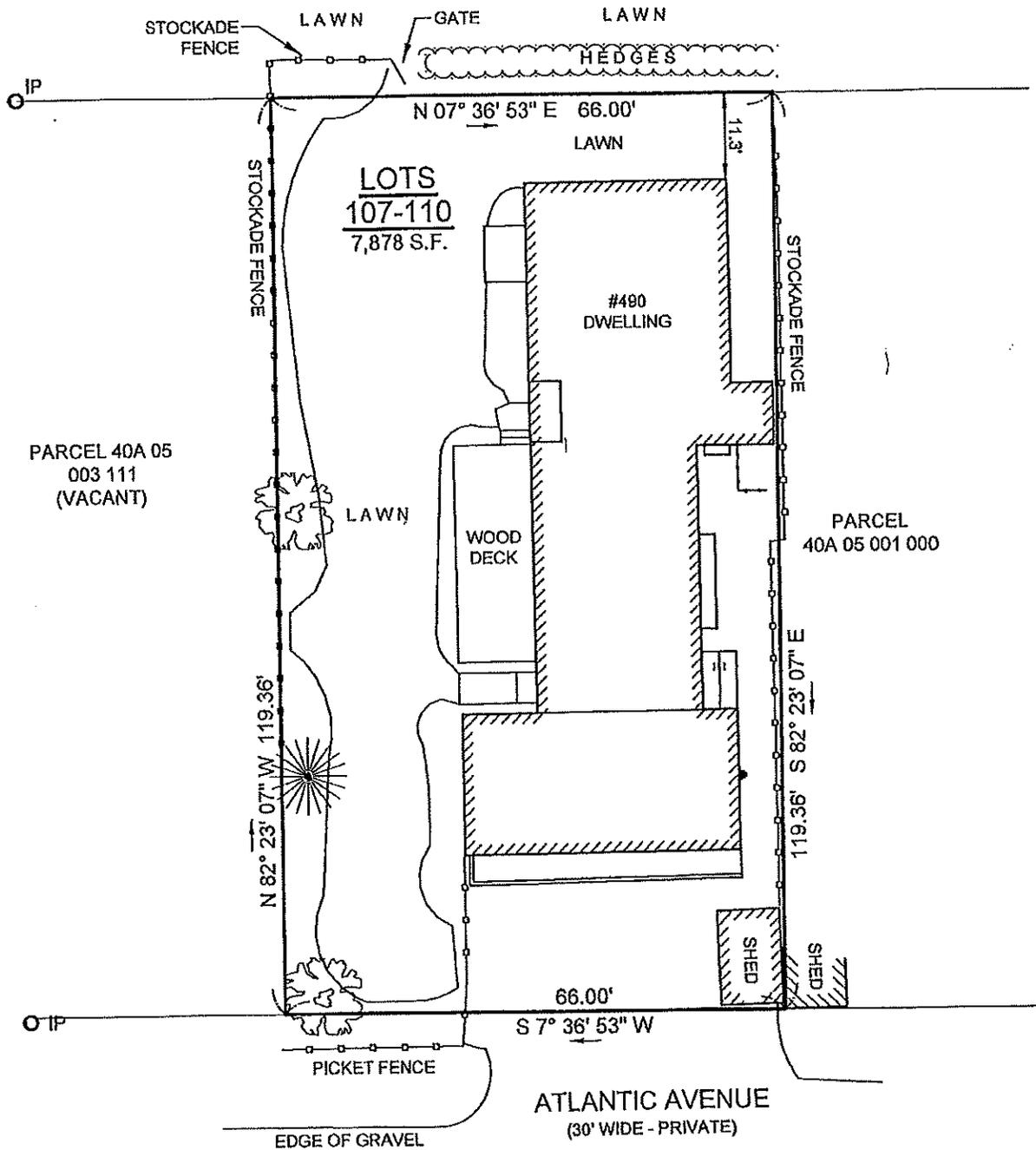
On this ___ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____, and to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My commission expires:



CENTRAL AVENUE
(60' WIDE - PUBLIC)

EDGE OF PAVEMENT



Project: 490 CENTRAL AVENUE
FALMOUTH, MASSACHUSETTS

Drawing Title: ATTACHMENT SKETCH

Owner: SHANKLIN FAMILY REAL ESTATE TRUST

CAPE & ISLANDS
ENGINEERING

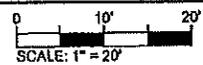
Deed Ref: BOOK 31334 PAGE 243

Parcel ID No: MAP 40A-05-002-108

508.477.7272 PHONE 508.477.9072 FAX
SUMMERFIELD PARK - 800 FALMOUTH ROAD - SUITE 301C - MASHPEE, MA 02649

Date: JANUARY 3, 2022

Drawn By: JVB Check By: MC



Phyllis Downey

From: Kim Fish
Sent: Friday, January 14, 2022 11:44 AM
To: Phyllis Downey
Cc: Frank Duffy
Subject: Grant of License - 490 Central Ave

Follow Up Flag: Follow up
Due By: Friday, January 14, 2022 6:30 PM
Flag Status: Flagged

Hi Phyllis,

Frank has approved and signed as to form the grant of license for 490 Central Ave. We will return the original to you via interoffice mail on the next trip over to TH (either later today or Tuesday).

Have a great weekend,
Kim

Kimberly Fish, Town Paralegal
Office of Falmouth Town Counsel
157 Locust Street, Falmouth, MA 02540
(508) 548-8800 ~ Fax (508) 540-0881
kimberly.fish@falmouthma.gov

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

Phyllis Downey

From: Jim McLoughlin
Sent: Thursday, January 13, 2022 11:40 AM
To: Phyllis Downey; Frank Duffy
Subject: RE: Request for Grant of License - 490 Central Avenue 01.12.22.pdf

Hi Phyllis,
Engineering has no objection to the license request.
Thanks,
Jim

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, January 12, 2022 10:10 AM
To: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Request for Grant of License - 490 Central Avenue 01.12.22.pdf

Good morning Jim & Frank,

Attached please find a request for Grant of License to maintain a stockade fence, gate and hedges encroaching onto the street layout of Central Avenue. A plan is included with the application in which the right of way is not labeled but is visible beyond the line marked IP. The picket fence that appears to extend into the right of way on Atlantic Avenue is not mentioned in the request.

The request will be tentatively scheduled for review by the Select Board on January 31, 2022; the next meeting after that date would be February 14th. Please let me know if further information is needed or I can be of assistance.

Thank you very much,
Phyllis

CONSENT AGENDA

2. Administrative Orders

- c. Vote to approve request to extend the term of the Edward Marks Building Committee until 12/31/24

May 10, 2019
Revised 7/27/20, 5/10/20

Edward Marks Building Advisory Committee Charge

The Edward Marks Advisory Committee shall be appointed by the Board of Selectmen in accordance with relevant provisions of the Falmouth Home Rule Charter and Town bylaws. The Committee shall consist of seven (7) members, including one member of the Historical Commission, who shall serve until the Committee is dissolved. In the event that a member resigns prior to the dissolution of the Committee the Board may elect to appoint a new member.

The mission of the Committee is to recommend a preservation plan for the Edward Marks Building, historically known as the Poor House, to restore and preserve the building as a historic resource. In drafting the preservation plan, the Committee will consider:

- Historic preservation of the building exteriors;
- An interior renovation plan that satisfies office needs based on usage/occupancy requirements provided by the Town Manager, complies with the Mass Historic Preservation Restriction, and preserves important historical architectural details.
- Cost of proposed restoration and preservation work;
- The visibility and accessibility of proposed improvements to community members and visitors;
- Use of the first floor as offices for the Falmouth Human Services Department;
- Potential uses of the second floor and attic spaces;
- Community input;
- Potential funding sources in addition to Community Preservation and Falmouth general funds; and,
- Other criteria that the Committee may recommend

The Assistant Town Planner shall serve as the staff liaison to this Committee to provide technical expertise on historic preservation. The Committee members shall be responsible for posting meeting notices through the Town Clerk's Office and taking minutes in compliance with the open meeting law.

The Board respectfully asks the Committee to submit an initial report by December 31, 2019. The Edward Marks Advisory Committee is intended to be a temporary, single-purpose committee to be dissolved on December 31, 2020, extended to May 31, 2021, further extended to December 31, 2021 or sooner if the Board of Selectmen determines the purposes of the Committee have been achieved. The Board of Selectmen may vote to extend the term of the Committee to a date certain if additional time is required to achieve the purposes of the Committee.

CONSENT AGENDA

2. Administrative Orders

- d. Approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from Unitarian Universalist Fellowship of Falmouth, 840 Sandwich Road

1/31/22

Unitarian Universalist Fellowship of Falmouth:

Approve a request for a waiver of the sign permit fee per Chapter 184 Section 14 – Religious Organization.

Location: Unitarian Universalist Fellowship of Falmouth, 840 Sandwich Road, E. Falmouth.

Diane Davidson

From: Susan McCourt [REDACTED]
Sent: Wednesday, January 19, 2022 2:07 PM
To: Falmouth Town Manager
Cc: Joe Cherry; Karen & Phil Zimmerman
Subject: Sign Permit Fee Waiver for Unitarian Universalist Fellowship of Falmouth

Hello!

I received a phone call today from Jonthan Dickinson, Asistant Zonng Compliance Agent, about a sign permit submitted by our church.

We were told that the permit had been approved and that the fee is due.

H told me that we would need to request the waiver of fees from the Town Manager.

According to the town code found at: <https://ecode360.com/9074128>

§ 184-14 Fees; waiver for certain uses.

A schedule of fees for such permits may be established and amended from time to time by the Board of Selectmen. However, fees shall be waived for signs for governmental, religious and nonprofit civic organization uses.

Please waive the fee for our religious institution, as required.

Thank you,

--

Susan McCourt
(she/her/hers)
Governing Board President
UU Falmouth

*Town of Falmouth, MA
Friday, January 28, 2022*

Chapter 184. Signs

Article III. Administration

§ 184-14. Fees; waiver for certain uses.

A schedule of fees for such permits may be established and amended from time to time by the Board of Selectmen. However, fees shall be waived for signs for governmental, religious and nonprofit civic organization uses.

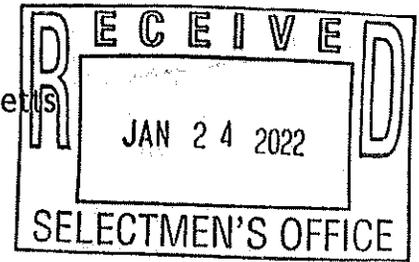
CONSENT AGENDA

2. Administrative Orders

- a. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by David Moriarty re: Select Board meeting of January 15, 2022



The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108



OPEN MEETING LAW COMPLAINT FORM

Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
 - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
 - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
 - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20th Floor, Boston, MA 02108. Emails may be sent to: openmeeting@state.ma.us.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at openmeeting@state.ma.us.



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: David Last Name: Moriarty

Address: P.O. Box 550

City: W. Falmouth State: MA Zip Code: 02574

Phone Number: [REDACTED] Ext. _____

Email: [REDACTED]

Organization or Media Affiliation (if any): Concerned Citizen

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Falmouth Board of Selectmen

Specific person(s), if any, you allege committed the violation: Doug Brown Chair

Date of alleged violation: 1/15/22

see Attached

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On January 15, 2022, the Falmouth H. Select Board held a discussion under business #5 Discussion of Falmouth Net Board. In that discussion, the Board voted to move forward creating an MLP, Municipal Light Plant in the future with the State and Town meeting. The MLP vote was not listed on Agenda.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I would like the MLP listed on the agenda and a vote. I want the public notified so they can voice any concerns.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed:

Date:

For Use by Public Body
Date Received by Public Body

For Use By AGO
Date Received by AGO

**Subject: Municipal Light Plant Vote 1/15/22
- FalmouthNet Board #5 -No
Posting Agenda**

Date: Jan 19, 2022 at 9:20:24 AM

To: [REDACTED]

**Subject: Falmouth Select Board: Agenda -
Municipal Light Plant Vote 1/15/22**

**Falmouth Select Board: Agenda- Municipal
Light Plant Vote**

**Massachusetts Attorney General: For local
public bodies, meeting notices must be filed
with the municipal clerk with enough time to
permit the posting of the notice at least 48
hours in advance of the public meeting.**

On January 15, 2022, the Falmouth Select Board held a discussion under business **# 5 Discussion of FalmouthNet Board.**

In that discussion, the board voted to move

forward creating an MLP, Municipal Light Plant in the future with the state and town meeting.

There was No agenda posting of a vote on an MLP, Municipal Light Plant

The posting of the meeting with no MLP and video with the MLP are below

**TOWN OF FALMOUTH SELECT BOARD
AGENDA SATURDAY, JANUARY 15, 2022 – 8:00
A.M.**

8:10 a.m. BUSINESS

1. Discussion of Charter Review Committee recommendations

2. Discussion of short-term rental revenue – allocation of rooms excise tax revenue including short-term rentals and hotel/motel
 3. Discussion of potential future large-scale infrastructure projects
 4. Coastal Resiliency report
 - 5. Discussion of FalmouthNet Board**
 6. Adjourn
- Douglas C. Brown, Chair Select Board

https://www.falmouthma.gov/AgendaCenter/ViewFile/Agenda/_01152022-13192

**Town of Falmouth Select Board Meeting Jan
15, 2022**

Video 5. Discussion of FalmouthNet Board

**2 hours and three minutes into the video see
the vote on the Municipal Light Plant**

<https://www.fctv.org/v3/vod/falmouth-select-board-january-15-2022>

https://www.youtube.com/watch?v=nKvzTo6rJfs&ab_channel=FalmouthCommunityTV

CONSENT AGENDA

2. Administrative Orders

- b. Authorize the Town Manager to transmit a letter of support of Marine Biological Laboratory (MBL) grant application for funds to repair the seawall in Waterfront Park in Woods Hole

Diane Davidson

From: Julian Suso
Sent: Thursday, January 27, 2022 10:12 AM
To: Sebastien Laye
Cc: Paul Speer; Peter Johnson-Staub; Diane Davidson
Subject: RE: MBL Waterfront Park Seawall Repair - Letter of Support Request

Hello Sebastien,

Thanks for your email, pleased to hear that this important project remains on MBL's radar. Our only available SB meeting within this narrow window of time is Monday, January 31. I will be pleased to explore seeking Select Board approval to issue a follow-up letter of support along the lines you have mentioned. Diane – FYI (draft agenda).

Julian

From: Sebastien Laye <slaye@mbl.edu>
Sent: Wednesday, January 26, 2022 6:21 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Paul Speer <pspeer@mbl.edu>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: MBL Waterfront Park Seawall Repair - Letter of Support Request

Dear Julian

I hope this finds you well.

I'm reaching out in the hope that you as Town Manager and possibly the SelectBoard will consider signing another letter of support as we continue to seek funds to repair the seawall in Waterfront Park in Woods Hole. I've attached the 2018 letter you provided and a revised draft that might serve as the basis for a new version.

The next proposal we're targeting for submission is due on February 3rd (<https://www.mass.gov/service-details/dam-and-seawall-repair-or-removal-program-grants-and-funds>). Ideally, we'd like a copy on any letter from you by noon on the 2nd. Apologies for this quick turnaround request as the opportunity came back to our radar late.

Please let us know if you have any questions or concerns.

All Best,
Sebastien

P.S. Paul and I would love to find time to catch up with you more generally to brief you on longer term plans and possible solutions to the Waterfront Park issues, other sea level rise concerns and our evolving COVID operating stance.

Sebastien T. Laye
Chief Advancement Officer
Marine Biological Laboratory
7 MBL Street
Woods Hole, MA 02543

Tel: (508) 289-7548
Cell: (773) 329-7526
Email: slaye@mbl.edu

CONSENT AGENDA

3. Review and Vote to Approve Minutes of Meetings

- Public Session – December 20, 2021

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, DECEMBER 20, 2021
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

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

1. Chair Brown called the open session to order at approximately 5:30 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A s.21(a)(3) – First Responder pandemic payments – Police Sergeants Union; 2. M.G.L. c.30A s.21(a)(6) and s.21(a)(3) – To consider the value of Mayflower Wind Electric Cable easements and other matters to be presented at the Energy Facilities Siting Board and Massachusetts Environmental Policy Act regulatory tribunals in connection the proposed electric cable - Mayflower Wind; and 3. M.G.L. c.30A s.21(a)(6) and s.21(a)(3) – To consider the value of Eversource Electric Cable easements associated with transmission of electricity to Martha's Vineyard and other matters to be presented at the Energy Facilities Siting Board and Massachusetts Environmental Policy Act regulatory tribunals in connection the proposed electric cable - Eversource cable to Martha's Vineyard because to not go into executive session could prejudice ongoing negotiations. English Braga seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above listed items and to return to open session after discussion. Roll Call Vote: Chair Brown, aye; English Braga, aye; Taylor, aye; Patterson, aye; Scott Price, aye.

2. Chair Brown reconvened the open session at approximately 7 p.m.

Chair Brown reported that the Select Board found out the preferred site at Surf Drive is not an option, there are now 2 sites proposed in the Heights that the Select Board is considering. There will be an update later in tonight's meeting, and the Select Board has limited information available to share at this time. There will be public hearings in the future.

3. Pledge of Allegiance

4. Proclamation: Eagle Scout Proclamation - Richard LaRuffa, Boy Scout Troop 38
Patterson read the proclamation as a motion. Second English Braga. Vote: Yes-5. No-0.

LaRuffa explained his project: he built informational historical sign posts for the Falmouth Catholic community that provided the knowledge and history of the area.

5. Recognition

Chair Brown recognized the passing of Don Hoffer, former Beach Superintendent.

6. Announcements

English Braga announced the Portuguese American Association is having a New Year's Eve dinner and dancing, there are limited tickets available. Those interested in attending may call the Association or go to their Facebook page.

7. Public Comment

Mark Finneran, Grand Avenue, noted a potential request for proposal for the removal of the wind turbines. He thinks that their height of 262 ft. would be the 2nd largest flag pole in the U.S., the Town could potentially have a web cam and/or weather station. He suggested the second tower be fitted with a web cam, there are nesting eagles in Bourne, potential of something nesting there would be great. There are eagle cameras across the country, when the eagles hatch there is a lot of interest in those websites.

Richard Duby, Blacksmith Shop Rd., regarding the purchase of 38 rifles for the Falmouth Police Department (FPD). He asked if it is possible for the Select Board to talk with Chief Dunne regarding a

pause to the disposal of the FPD guns, these are military-grade weapons so disposal of them by trading them in means they will eventually end up on the open market. We need a policy on disposing of firearms that are Town property so they do not end up on the public market. They are classified as assault weapons in MA. This pause does not affect the purchase of the new weapons.

Dave Moriarty, resident, said the Town enacted the wind energy system bylaw to protect all Falmouth citizens, bylaws are approved by the Attorney General's Office (AGO). Residential abutters of the 1200 megawatt system should be notified in writing. The current wind energy system bylaw defines substations, transformers, and transmission.

SUMMARY OF ACTIONS

1. Licenses

- a. Approve application for a Change of Manager of a Wine & Malt Common Victualler License – Steve's Pizzeria and More, located at 374 Main Street, Falmouth
Patterson motion approval. Second Scott Price. Vote: Yes-5. No-0.
- b. Approve application for a Change of Manager of a Wine & Malt Common Victualler License – New Golden Dynasty, located at 13 Davis Straits, Unit #7, Falmouth
No objection pending the CORI.
Patterson motion approval. Second Scott Price. Vote: Yes-5. No-0.
- c. Approve application for Special One-Day Liquor Licenses – Falmouth Theatre Guild, located at 58 Highfield Drive, Falmouth – January 21, 22, 23, 28, 29, and 30 – Friday and Saturday hours 6:30 PM - 9:30 PM; Sunday hours 1:00 - 4:00 PM
English Braga motion approval. Second Patterson. Vote: Yes-5. No-0.
- d. Approve application for a Change of DBA of an all Alcoholic Common Victualler License – The Pizza Bar, LLC, d/b/a The Pizza Bar located at 146 Sandwich Road, Falmouth. Proposed DBA is Papa Jakes.
Patterson motion approval. Second Scott Price. Vote: Yes-5. No-0.

2. Administrative Orders

- a. Vote to approve letter of support for the application to The Recycling Partnership for Residential Curbside Recycling Cart Grant
English Braga motion approval. Second Scott Price. Vote: Yes-5. No-0.
- b. Vote to accept grant in the amount of \$15,000 from MassDEP Electric Vehicle Incentive Program
Taylor motion to accept the grant. Second English Braga. Vote: Yes-5. No-0.
- c. Vote to accept donation in the amount of \$500.00 from Roger and Kathy Marino to the Falmouth Fire Rescue Department donation account
English Braga motion to accept the donation. Second Taylor. Vote: Yes-5. No-0.
- d. Vote to allocate \$98,000 from Airforce Center for Environmental Excellence (AFCEE) Mitigation Funds for the purposes of hydrodynamic modeling of ocean outfall alternatives

English Braga noted this is as we are looking to figure out what to do with wastewater in the future, one option is an outfall for treated effluent.

Taylor motion that the Select Board allocate \$98,000 from AFCEE Mitigation Funds for the purposes of hydrodynamic modeling of ocean outfall alternatives. Second Patterson. Vote: Yes-5. No-0.

- e. Approve Grant of License to Buca Corp d/b/a Bucatino Restaurant and Wine Bar to maintain encroachments at 7 Nathan Ellis Highway, North Falmouth
English Braga motion approval. Second Scott Price. Vote: Yes-5. No-0.
- f. Vote to affirm appointment of Frank Duffy, Town Counsel
Taylor motion to affirm the appointment. Second Scott Price. Vote: Yes-5. No-0.
- g. Vote to approve request to raise an Osprey nesting structure on a parcel of Town land
Asking for waiver of the fees as well.

Barbara Sneider and Kevin Friel said it is where Route 28 goes over Charles River, 20 foot structure raised near a utility pole. They have been working with the Conservation Commission. Permit hearing 1/5/22, payments need to be made with applications.

English Braga motion approval and waive the fees if the Select Board has the authority to do so. Second Taylor. Vote: Yes-5. No-0.

Suso said they are checking with Town Counsel on the waiver of Conservation Commission fee.

3. Special Events

Recurring-Recommended:

- a. Diving into Recovery – Freezin’ for a Reason Polar Plunge – Gosnold, Inc. – Falmouth Heights Beach – Saturday, 2/12/22, 10:00 a.m. to 1:30 p.m. Rain date: Saturday, 2/26/22.
Scott Price motion approval. Second Taylor. Vote: Yes-5. No-0.

7:30 p.m. PUBLIC HEARINGS

1. Wetlands/Dock Hearing – Teague I. Campbell – Reconstruct pier, ramp and float on the same general footprint as the existing dock in and over the waters of Rand’s Canal, located at 147 Bay Road Extension, continued from October 25, 2021 and November 8, 2021

Taylor read the hearing notice.

Brian Wahl, Attorney representing the applicant. There has been a hearing on this proposal, Campbell wants to improve the existing dock; expand it 9 ft and move it back 8ft. At the hearing 2 neighbors expressed concern about the addition to the dock length and Campbell’s boat. Ryther put a 25 ft wide fairway on the plan, two lines he thought was navigation area; approx. 25 ft wide. Ryther put a boat on the plan that represents the size of the boat the neighbors have, one boat is 38’ long; the plan shows adequate room for a boat to get navigate past Campbell’s dock and boat. Neighbors reached out to Campbell for clarification and he took them for a ride on his boat, after which he felt the neighbors were less concerned.

Dean O’Connell was hired as a consultant to give a professional opinion on whether a reasonable boater needs to have reasonable boating skills. O’Connor worked for people with yachts, pilots a whale watch, and manages Millway Marine. O’Connell is of opinion that a reasonable boater would be able to navigate the channel. Wahl reviewed via PowerPoint presentation the area of the channel. The narrowest point of the channel will be widened by pulling the boat back. The plan has 2 lines that shows the depths. The canal is 76’ from mean low water to mean low water.

Chair Brown asked if the width of the canal and actual width of the structure proposed is within the parameters.

O’Connell said dimension of 19 ft from low water to the most seaward point of the boat. Chair Brown asked at last hearing if Mr. Campbell could pivot his boat. Atty. Wahl said the structure has to be less than 25%, not the boat.

O’Connell visited the site at astronomical low tide, the largest boat moored in the area is 38’ long, but there is no reason to go in this area, there are two rock piles, it is a dead end. At low tide this area is low to begin with, the lower the tide the more protected you are. No one aside from residents would go up there and create a lot of traffic.

Public Comment: none.

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

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

English Braga said the Select Board heard from concerned abutters; however, it sounds like their concerns were addressed, evident because they are not expressing opposition.

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

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

English Braga read the hearing notice.

Chair Brown asked to address items #2 and #3 because the applicants are neighbors and the hearings involve a similar presentation.

Michael Borselli, Falmouth Engineering, represents the applicants. These are side by side properties, he reviewed the property area and described the plan. The current dock got an order of conditions from the Conservation Commission, Select Board, and a license; it will soon be in disrepair. It also has a Chapter 91 license and requires repair. Erosion is a concern, so the plan includes a low profile vinyl bulkhead on the coastal beach. Muse has observed erosion of the beach in front of his property and the house foundation. The dock is supported by timber pilings. The Conservation Commission issued order of conditions, Harbor Master given the plans.

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

Price read the hearing notice.

Mr. Borselli noted both applicants want to do the work at the same time which will lead to less disruption in the area. This dock is shorter, part of the construction is with a timber bulkhead starting to break down and erode. This has a Chapter 91 license, propose to remove the dock and install a new timber bulkhead and build the dock parallel to the bulkhead. Boat ties parallel to shore. The Conservation Commission issued an order of conditions, harbor master supports the project, this would be one large construction project to minimize inconvenience.

Public comment: none.

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

English Braga motion approval for item 2 Muse and item 3 Fontana. Second Patterson. Vote: Yes-5. No-0.

BUSINESS

1. Brief staff update on Mayflower Wind proposed electric cable installation in Falmouth Johnson-Staub stated this a large and complex project and the Town is in early phases, it has been over a year since the Town heard from Mayflower.

Overhead presentation, strategy on whether it should move forward with landfall in Falmouth was discussed during tonight's executive session, there will be opportunity for public input before any final decisions are made.

Mayflower won a federal bid to lease offshore area 20 miles south of Nantucket. Sufficient power of 2,000 megawatts and the lease area has potential to provide power to 800,000 homes. Pursuing landfall at two locations, one is already approved at Brayton Point, Somerset; but for the current phase of the project Mayflower is looking for landfall in Somerset and Falmouth sites. Deliver power in mid 2020's; approvals are needed by federal, state, Conservation Commission, Town Meeting easements, approval of article 97, and granted locations from the Select Board. Staff have had contact with Mayflower to learn plans, the Select Board authorized Mayflower to access Town property for feasibility testing; Surf Dr. and Grand Ave, a third location at 565 Blacksmith Shop Road-DPW compost-is no longer being considered.

Host Community Agreement has been started and purpose is to protect the Town's interest. Looking to mitigate impacts of construction, traffic concerns, restoral of roads and public utilities, include payment in exchange and compensation.

Article 97 refers to land taken for open space or conservation purpose, would require Town and State approval. 2/3 approval required by Town Meeting. The Town has not taken position on the landfall yet, secured from Mayflower agreement to reimburse town \$50,000 for environmental and health analysis. Mayflower filed with the State their preferred and alternate routes, both are in Falmouth Heights. Preferred substation and alternate; Lawrence Lynch Corporation and Cape Cod Aggregates.

Reviewed what the route looks like on the map.

Next steps include input opportunities for local, state, and federal permit review; Town negotiations on going, the Select Board is welcoming public input, will be at least 1 if not multiple public meetings, seeking input on landfall locations, what mitigation should be sought if the Town were to proceed, environmental and health analysis, and if a Host Community Agreement is reached, that will become a public document.

Public Comment:

Dave Moriarty asked some questions including; will the radiation be measured before and during project, who will monitor it. Who will make up the equity loss of property owners? Where will that money come from? Will business owners be compensated, will there be a fund to compensate them for their losses?

We need an independent monitoring system.

Mark Finneran said that he lives in the area, in the last year the tower near Quahog Republic was done, affects radio transmission. Mayflower does not intend to shield to protect from the electromagnetic field, is someone going to protect the community from that? We need to be cautious. Why can't they put all through Somerset?

Johnson-Staub said that a lot of what shapes Mayflower's proposal comes from the ISO that regulates the flow of electricity. ISO gave locations and ranked them, Falmouth was #1 on that list.

Dave Buzanoski, President Falmouth Heights Maravista Association: October 2020 is when he was last in front of the Select Board. He understands there will be time for public comments, this is moving very quickly; Mayflower website shows their submissions. The Conservation Commission already granted permission for the two locations to be tested, Town Council approved property access, and the test pouring was authorized. In October 2020 he suggested delaying this until we can get answers to the questions. Health and safety is their major concern. Mayflower is moving aggressively to get this approval. 86% of the Association membership were opposed to the cables transitting our beach and the oldest most dense area of Town. Mayflower's initial description mentioned Heights Beach and Worcester Ave., it's now Worcester Avenue Park. This is the park that has been destroyed by several storms, it's been reclaimed, the sewers went in, sidewalks in, and has grown in. It is easier and cheaper for them to go up the grass than the roadway. Has the Town considered the rights of property owners? How many cables? Mayflower said there would be three shielded cables, this has varied on their website and in the Enterprise last week was different; up to 5 cables? Will an increase in power mean more cables? How far can they go with this? Zoning exemptions are being applied for by Mayflower; these rules are in place to protect the Town and the people. Unanswered health and safety questions; long term exposure to EMFs remains unknown at this time. He looks forward to answers to the questions and future public hearings.

Greg Mazmanian, Precinct 2 Falmouth Heights, speaking on behalf of himself this is a full time community area and he is concerned about a number of things. Mayflower has deep pockets, they have sponsored road races, local facilities, see their name posted everywhere. Why put high voltage through the most densely populated area of Town? Mayflower wants to do it that way because it's the shortest distance to the substation and lower cost than other areas. Mayflower does not care about the community and visitors. Falmouth Heights Beach is probably the most visited beach by tourists and taxpayers. Also need to think about erosion, Surf Drive Beach they talked about flood plain; this may be a risk at the Heights, too. We need to use common sense and challenge Mayflower to find alternative routes that have little to no impact on taxpayers and the public.

Dave Moriarty, Energy Board does not care, they already told the Town they are going forward whether a community agreement or not. It could go through Fall River, which has infrastructure connected to 7 states. It makes no sense to come to Falmouth unless you want taxpayers to pay for a grid from the Cape to Boston.

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

Ronit Goldstein, Eversource Energy, and Terri Feuersanger with Rights and Permitting. Thanked Peter McConarty, his team, DPW, public safety officials, Chief Smith, Chief Dunne, and dispatch for the work they did and without them they would not have been able to restore power as quickly without their community partners.

They are working on a reliability project needed to serve Martha's Vineyard, set of distribution cables and the Select Board recommended speaking with Bike and Pedestrian Committee because a section follows the bike path. Met with the Committee on 11/21/21, had a discussion with them. They had additional talk with members, one change was because the route goes down Jones Rd., over Palmer, to Ter Huen, then meets up with the bike path at that location, they identified an opportunity because the conduit down that path is near the Falmouth Hospital and the hospital has incurred outages in recent storms, they can create an underground feed to the hospital for redundancy. A conduit and pad mount transformer.

Intention is to meet with the committee again first meeting in January and then to the Select Board to gain approvals needed to meet the Town Meeting Warrant.

Terri noted they took feedback back to the project team, they redesigned so they are set off the paved path, extending the pavement to the manholes and conduit system; additional pavement that could be used as a walking portion of the bike trail. It would also provide turn offs around the manhole locations. The new conduit system will supply reliability for the hospital, concerns around an old tree by Depot Street, their arborist knew the back story and how the Town had decking over the root system, they will be further away from the tree on the east side. Detouring during construction and safety of the bike trail users, they will continue that conversation with the Committee and DPW to define the detour. Information from the Committee regarding minimizing the closing of the bike path. Closing for trenching, but for cable pulling at manhole locations can be done with only one lane closing. Remainder of the work can be done without a full closure. They will continue this dialogue. They would like to be on the Select Board's 1/10/22 meeting agenda.

Chair Brown asked about the possibility of running lighting along the path, Goldstein said it may be feasible and that can be considered. He also asked about the possibility of an electric vehicle charging station at the parking lot they cut through. Chair Brown does not believe the first alternate route proposed may be successful. Before starting the project, he asked that Eversource relocate existing poles out of the sidewalk on Palmer Ave., provide a safe alternative so the sidewalk is passable. Goldstein said they could look into that request. Construction is anticipated late Fall 2022.

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

Scott Price is not convinced the Town is in the best place to exercise their right of first refusal at this time. If the Town purchases it and they can only build on a small portion of the property, then it may not be worth it to the Town.

Taylor agreed saying that we are not in a place now where it would make sense to exercise the Town's first refusal and does not know if would be wise to use extensions. Galasso, she wishes well.

Patterson said the train on the property makes construction of anything difficult. On the map provided by the 300 committee, it shows a trail head, is there a license or easement for that access? That could be more of a restriction on whatever is developed there.

Suso noted Atty. Duffy and the Acting Town Planner are present if they can assist the Select Board.

Jed Cornack, Acting Town Planner, noted a memo provided to the Select Board that outlines potential constraints.

Atty. Duffy stated the property is owned by CLSV, the Town has no ownership interest, he does not know if there is an easement. If there is an easement, whoever develops the property would be responsible for honoring the terms and conditions of the easement. There is a trail beginning at Brick Kiln Rd. and parallels Route 28.

Mike Galasso, 107 Lakeview Ave., said there are no recorded easements, he is willing to work with the 300 Committee on the easement and parking, parking may need to be relocated. If there is still concern with them following through, they could enter into a development agreement with the Town. Also asked for an extension beyond the 365 days, an extension of an additional 365 days. Thanked the Town for getting through what was needed for Megansett crossing. This new project will be a Local Initiative Program project. Tough terrain there, but on prior 40B project, the project was approved for 175 units on the site. Septic system would be a system that reduces the nitrogen.

English Braga commented that the Select Board decision comes before that. Are we willing to take on this parcel by exercising the Town's option. If the Select Board does not have an appetite for that, maybe now

is not time to spend money on open space, if they spend that money, she would like to spend it on affordable housing projects.

Chair Brown wanted to ensure preservation of trail access, Galasso told the Select Board that they would preserve that.

The Select Board discussed an extension, Taylor said if Galasso cannot get it together in a year, it is reasonable and she does not want to exercise the right of first refusal.

Galasso said they cannot apply to the State for funding without ZBA approval and local funding; this project will take at least a year.

Patterson asked if there is a chance to work with the 300 Committee to preserve the wildlife corridor. Galasso will work to the best solution for the 300 Committee and the project.

Galasso has not done a project as big actually built in this area, he did a couple in San Diego before he came here.

English Braga motion not to exercise right of first refusal for this property. Second Scott Price. Vote: Yes-5. No-0.

4. Interview, vote and appoint committee members

a. Cape Cod Commission: Robert Mascali

Mascali appreciates the opportunity, he is involved in various organizations in Town. He has been a practicing attorney for almost 50 years. Has experience in planning, developing, and land use while in NY. He talked with previous representatives and attend a couple meetings.

Taylor motion to appoint to a term ending 6/30/24. Second English Braga. Vote: Yes-5. No-0.

b. Council on Aging: Jamie MacDonald

English Braga motion approval to a term ending 6/30/24. Second Taylor. Vote: Yes-5. No-0.

c. Historical Commission: Tamsen George

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

Her experience is in restoration and bring structures to the period that they were built inside and/or outside. At various points newer construction has been approved because it fits in, looking at the street scape, if it does not stand out too much and goes with the flow down the street.

d. Veterans Council Committee: Paula Smith

Retired from US Army five years ago and looking to give back to the Town. She enjoys learning and is a veteran, 20 years in the US Army, she had challenges over the twenty years. There is a positive initiative every day here and appreciated the community's support while she was in the service.

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

5. Update on ARPA funding and CZM grant opportunities

Suso filed a report with the Select Board and it is in the packet. The Town has approved \$1.7 million allocation for waste water upgrades and approximately \$300,000 in first responder funding. The Town has until 2024 to fully commit the federal dollars. Barnstable County was afforded \$43 million, Cape Cod Municipal Management Association has issued a letter to the County encouraging the County resolve any lingering issues and distribute the funds. Infrastructure bill signed by President Biden, the Town is monitoring the process on grant funding. Standard protocol for grants from the federal government includes working through state agencies as pass through entities to local governments. Staff is watching for availability supplemental coastal management grant funding through the Commonwealth; usually announced in the spring.

Johnson-Staub said that it is on the intended use plan for the State revolving fund, which makes it eligible for Cape Cod Water Protection Fund, up to 25% of project costs. The infrastructure grant money that will be coming through will also flow through the State and State's revolving plan, having the design puts the Town in a terrific position to be awarded a grant.

Suso noted they are monitoring for the bridge project.

English Braga asked if the Select Board should be doing something to communicate to the County a feeling about some of the ways those funds are going to flow.

Chair Brown said it is a matter of legal opinions on process, only hold up is the County Commissioners want to make a new process, and the Attorney advising the Assembly has said that it is outside the scope of the charter and may not be lawful. The Commissioners want a streamlined process, to create a committee that will vet the project, bring to Commissioners, if they like it they will send to the Assembly, if it is voted up, it is then sent back to the Commissioner for signature.

Johnson-Staub participated in the Cape Cod Managers monthly meeting where they talked about this, about half the Cape towns were represented and unanimous to ask the County not to delay the process or create a big application process. The Select Board letter could be to ask them not to hold up the process, funds need to be committed by 2024, and the projects have long time frames. The State legislature took so long to allocate the ARPA money. He hopes the County can do better, make a decision, and set up a streamlined process.

Chair Brown said the Commissioners rejected the Assembly's vote to use the ordinate process, the assembly then voted to veto.

English Braga would like to, on behalf of the Town, emphasize moving this along, these are long term projects, possible permitting, if the funds are not committed and used, the money will have to go back and we will lose the opportunity.

English Braga motion to transmit a letter emphasizing the importance of moving quickly to determine the process for allocating these funds. Second Patterson. Vote: Yes-5. No-0.

Suso will draft and transmit the letter with the sentiment the Select Board has expressed.

6. Annual License Renewals

WINE AND MALT RESTAURANT

Silver Beach Pizza & Seafood, 557 North Falmouth Hwy.

Admiralty Inn, 51 Teaticket Highway

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

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

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

INNHOLDER

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

Patterson motion approval as edited. Second English Braga. Vote: Yes-5. No-0.

8. Individual Select Board Members' Reports

Patterson:

Kathy Walrath, Chair Friends of Nobska Light board, they are moving along on the restoration of the lighthouse, they finished the septic system upgrade and are looking at site changes to be done to get ADA access issues addressed. They have found the 5 year lease to the Town ends 12/31/21, he suggested Kathy

call Suso about the Select Board approving the lease, but it could not get on the agenda tonight. Could this be addressed at the first meeting in 2021, so that it is as close to the expiration date as possible.

Suso said with Select Board's concurrence they can put this on the 1/3/22 agenda.

Patterson attended Don Hoffer's wake, he was a long time Rotarian and had an exemplary career in the Coast Guard before settling into Falmouth.

EDIC Board is working on upgrading the masonry on the Falmouth Station.

Chair Brown:

Planning Board Meeting did not remember that Chair Brown is their liaison and mentioned the Route 28 Committee has been meeting and 2 Select Board members were not attending the meetings. English Braga said there have been 4 meetings, she and Suso were at last week's meeting. They have reviewed draft bylaw language and English Braga found the discussions very productive. Scott Price has been unable to attend because she has been working when they have taken place, though she is meeting with the committee Chair in January to be brought up to speed. Suso noted the Route 28 Committee is not meeting at this time, this is actually the reset working group.

Scott Price:

Taylor and Scott Price toured Joint Base Cape Cod (JBCC), found it informative, JBCC will start regular tours up again in the Spring.

Taylor:

Substance Use Commission had a presentation by Well Strong who is doing amazing work with people in recovery, the importance of physical health on the brain, and the importance of community in recovery.

9. Town Manager's Report

The Select Board's next meeting will be 1/3/22 where the annual budget will be presented. Next regular Select Board business meeting will be 1/10/22.

The Select Board will meet at 8am on 1/15/22.

Town Hall and administrative offices closed 12/24/21 and 12/31/21.

English Braga motion to adjourn. Second Scott Price. Vote: Yes-5. No-0.

Respectfully submitted,

Jennifer Chaves
Recording Secretary

CONSENT AGENDA

3. Review and Vote to Approve Minutes of Meetings

- Public Session – January 3, 2022

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 3, 2022
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; Jennifer Mullen, Finance Director; Peter McConarty, DPW Director; Patricia Favulli, Director of Assessing.

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

Chair Brown noted Sophia Urban, daughter of former Select Board member Ahmad Mustafa, and her husband Peter works for the Town. Sofia passed away and will be missed.

4. Announcements-none.

5. Public Comment

Maureen Harlow-Hawkes noted the West Falmouth Fire Station work is being done to open it and that it, along with many Town buildings are plagued by the lack of maintenance. She also noted a newly hired Falmouth fire fighter recently left Town service.

Suso stated the West Falmouth Station closed due to failure of the hot water heater in the basement, it was temporary, unanticipated, and not due to lack of maintenance.

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote authorization for the Town Manager to execute the license extension with the Coast Guard for Nobska Light

Chair Brown motion approval. Second Patterson. Vote: Yes-5. No-0.

Patterson noted the Town had a 5-year lease with Coast Guard, they are renewing the lease, and the Coast Guard is in the process of turning the property over to the Town. This is an intermediate step, get into next 5-year lease and then hopefully the Town will own the property at some future time.

BUSINESS

1. Presentation of proposed fiscal year 2023 budget
Jennifer Mullen, Finance Director, presented the budget, which was forwarded to the Select Board prior to the holiday. Mullen made some adjustments to the budget and provided them to the Select Board during tonight's meeting.

Mullen made a PowerPoint presentation of the Budget. Fiscal year 2022 revenues are stronger than anticipated, new growth was certified at \$1.6 million there has been an influx of building permits over the last couple years, level funded aid, free cash increased in fiscal year 2021.

Stabilization funds were reviewed, funded every year. Equipment for the Sandwich Fire Station will be purchased using capital stabilization funds, so the Town will not need to borrow money to do so. SPED stabilization fund set up with the School Department years ago and a reserve pending student needs which can vary each year.

Property taxes are the largest revenue, about 76%. Increases are limited due to proposition Two and a half.

Estimated local receipts include motor vehicle excise tax and hotel/motel and meals taxes. 75% of meals tax is allocated to capital stabilization fund. Community impact fee of 3% on from short term rentals became effective 7/1/22. Increase in Hotel/motel/short term rental taxes from 5 to 6 percent. The Select Board vote before Town Meeting allocating all short term rental allocation to go to Falmouth Affordable Housing, Mullen will need clarification to incorporate into the basic financial policies; it is not as clear cut as what was voted. What was voted was all short term rental allocation, but she needs clarification because when the State legislature voted to tax short term rentals, we had no idea what money that would bring in. During a joint meeting with School Committee, it was mentioned that the Town would allocate half of it to the School Department once we knew how much was coming in. We have one good fiscal year of receipts, about \$1 million, so need clarification to rewrite the policy. There was no vote to take the 1% from 5 to 6 percent.

Chair Brown said that originally the possibly 3% and additional 1% would go to Affordable Housing, he understood the 11/15/21 vote of the Select Board was to use all the money for affordable housing; whatever from short term rental of houses to short term housing. Mullen stated she needs clarification of that so she knows how to write the policy, she understood the 1% was for affordable housing, needs to be clarified for the community, how it will be allocated and look back at how much money is coming in and how to estimate it, how to write it into the policy. She would like to have discussion about the schools because two years ago they agreed to share with the schools; when certain revenues increase, there is a formula that includes funding the schools. Taylor asked to move those two agenda items to another meeting and move forward with the budget tonight.

Property taxes 2.5 % levy capacity, estimated new growth \$800,000, the Town is maximizing debt drop off. Mullen looks at the last five years, not the last 2 years. She is confident that the next couple years new growth will be at least \$800,000, even though we may take more than that in.

Level funded health insurance, the increases are unknown at this time. The Town will be able to handle a 2-4% increase in the operating budget. School Dept budget increase 2.79% (1,435,271). Upper Cape VoTech 10% increase (337,845). The school has had a lot of federal grant money, they need policies and procedures in place to handle what has been going on with Covid and additional allocations will be needed.

Budget increases include three full time firefighter positions, 2 full time police offer positions, one full time health inspector, the solid waste contract, AFSCME reclassification, adjusted wage schedule for the DPW and Seasonal employees.

Suso thanked the department heads and staff members for attending tonight and for their enormous work re: analysis, proposals, and discussions.

Chair Brown asked about Beach Department salaries; the Beach Committee recommendations were significantly higher than what is budgeted, and he asked if this could this be revisited. Suso said much time was dedicated to developing that with Mullen and the Acting Beach Superintendent; one item reflected overlooked there are several additional steps in allocation for beach department salaries as compared to other communities on the cape. There is also a significant increase for all seasonal positions. Mullen said every year look at seasonal employees and adjust them, adjusted significantly in the last couple years. Look at affordability as well, this adjustment is increase of about \$125,000 overall. They look at flexibility of not hiring seasonal employees at step 1 if looking to be competitive. There are a couple positions that have been very difficult to hire for, they could look at hiring bonus because trying to sustain a high hourly rate for seasonal employees can affect ability to pay other employees. If only increase wage scale for seasonal employees by 20% what about the other employees; need creative ways to look at this with other positions as well. Chair Brown feels that hiring for under \$15 per hour could lead to difficulty in hiring. When adjusted to \$14.25 at step 1, other steps were adjusted all by the same percentage. Step 1 will not be used in all instances, it offers flexibility in hiring.

English Braga noted people will go to the beach without lifeguard; we do not lose money but lose a service when there is no lifeguard. Suso noted there were a few unstaffed beaches towards the end of the season, but the Town was able to keep beaches in good condition and have them staffed. Parking attendants have not been as difficult to fill, they considered a bonus system for lifeguards and encourage them to stay for the season. Increase of 5.6% to seasonal wage scale and bonuses, unions are getting 2%. Bonus incentive

paid to sign on and then to stay through mid-August after the Road Race. Mullen put the wage budget together, including salary and wages for the beach; the budget plans for a sunny day for 3 months, but you know the beaches will not be open every day; rainy days give flexibility. There are turn backs of funds that are not used for wages. Beach Department previous seasonal employees return for another season, they can earn an increased step. Mullen said that if a lifeguard is paid \$30 an hour, it would create problems with everyone else. If wages are higher for seasonal employees than full time year round employees, there may be subsequent union issues.

English Braga noted that you assess who your candidates are, looking at who the talent is, and bring them in at a higher step. There is wiggle room in the budget to do so and department heads need to make these calls. There has been a shift in what young people do for work now, it is seen in other communities as well. Lifeguarding used to be a popular job, however, young people feel they need to do jobs for internships or to build a resume. This struggle will likely continue.

Chair Brown noted lifeguarding is not an easy job and he does not want it to be the lowest paid job in the town.

Brown asked about the \$25,000 in the budget for beach nourishment. Mullen explained that is included every year but is not used. The Beach Department can use it in conjunction with Marine and Environmental Services; working with MES and the DPW as well as moving sand around and nourishing. Chair Brown would like a new initiative of engineering what a beach nourishing project should be, such as at Chapoquit Beach.

Chair Brown motion to increase \$25,000 to \$50,000 to get an engineer working on that. Mullen said there is beach survey money under Conservation, and it has been appropriated the last couple years. Jen Lincoln is not present but can provide an update. Chair Brown said that Conservation asked for full time position, 19 to 40 hours, Mullen explained the recommendation was not to fund at this time because they gave a full time position two years ago and have other departments and community development they need to publicize. The focus on this budget was public safety.

Taylor is interested in what the beach nourishment has been, Mullen said beach profiling was done in the last couple years and believes that would be the beginning of the process.

Suso said if the Select Board wants to prioritize that and take active initiative on the \$25,000, they can vote for that. Patterson would like to make it an agenda item and would like to hear a presentation on how to go through that process, where we are at so far, and learn the process. Chair Brown suggested a future joint meeting with the Select Board, Conservation Commission, and Beach Department.

Scott Price asked why school lunch is blank, Mullen said that it now goes directly to the school so the line item should be deleted.

Community Preservation fund decrease was questioned, Mullen said that is a debt: it is decreased from last year to this year the land bank was paid off early. Mullen said the debt is paid through the general fund, that is why you see it transferred in.

Chair Brown asked about requests from Recreation Committee for handicap access to Trotting Park Fields, Suso said that is within the DPW and they have been reviewing. Mullen said it is funded by capital money.

Peter McConarty, DPW Director, said that they are in the process of working on ADA spaces for Trotting Park Fields this year, working on concept plans, and plan to do the work in house. Spaces by the field, the driveway will be an access for ADA vehicles to drive down there, they can sit on concrete pad or watch from their vehicle. Better to have the parking spaces at the field access. They will be doing it in the spring, Parks has funds, they have the equipment and talent to do the work in house. They will follow the contour on the road leading to the parking. They will try to get the lower part paved before summer. They have funds now to do what they are looking to do for ADA access.

Scott Price asked McConarty about solid waste and recycling job Mary Ryther is in, it is a part time position and Scott Price asked if full time is being considered. McConarty is looking into that, Mary has been doing things they have not been able to do, at this point part time is sufficient.

Scott Price asked about the differential line in the Salaries and Wages, Mullen said that is evening differential and subject to union contracting. Superintendent of Parks position is vacant and unfunded, the Finance Committee likes to see it remain in there. Since Mullen has been there, the Parks Department issue is gaining seasonal employees, caring for grounds, and they felt the resources would go to workers to do that work; they were not ready for another administrative position. It is something they may look to put in in the near future. English Braga noted that they do a great job, workload keeps getting bigger, maintenance plan needs to keep going and a part time administrator may assist. They have made progress in the last few years, fields are in good condition, they have not heard as many complaints they have heard in the past.

Scott Price asked about system wide purchase order system, is it a computer system. Mullen said there is a computer system in place to use the purchase order system, they want to unify it with all departments using the purchase order system, same policies and thresholds; making it unified.

Chair Brown asked if it is possible to have a cleaning company clean the bathhouses at the beaches that have them. Clayton said there are 3 bathhouses at two beach locations: one at Surf Drive and 2 at Old Silver. Surf Drive has Fairwinds employees in that roll. Old Silver has larger use and earlier opening on weekends; parking attendants stationed at Old Silver report an hour early to do a bleach down of the bathhouses, applicants are asked during interviews if they are comfortable using cleaning products, consideration is taken into account when staffing at Old Silver Beach. Goodwill has stations, but they do not clean those bathrooms, though will stock them. There are people who are interested when asked during interview. It is not in parking attendant job description and supervisors clean alongside as well. Employees can only do it once per day because they are running parking lot. Chair Brown said it is not as clean as they would like, is there a level of service we are not hitting; is help needed? Clayton has not fielded that number of complaints about bathroom issues. They can fill supplies, but do not do bleach down during the day. Chair Brown noted it does not sound like a big problem. Clayton said that the Beach Department works with the Facilities Department and staff to make sure they have what they need to keep it cleaned. Cleaned in the morning, end of day every toilet unit gets flushed, and the building is locked in the night, no one touches it until it is cleaned in the morning.

Scott Price asked about Assessing: is it realistic for them to reach the goal to inspect 2100 parcels annually? Mullen said they added staff over last couple years, they do cyclical inspection every ten years. At times it is an unattainable goal, there is also a contract for revaluation. Patricia Favulli explained this is a Household Property Program mandated by the MA DOR to do cyclical inspection of personal property. Second property owners need to respond to a questionnaire every 6-10 years, the form is sent to all second homeowners, and they need to declare all personal property in their dwelling, goal for 2% of those reporting, then the Town reports the information to the State. It is extremely time consuming, 1 staff person works on this for several months. The Town receives an increase in money if the DOR notes stated values are actually accurate.

Scott Price asked in election section, part-time wages is \$70,000: how many people work part time for elections? Mullen said there are many for the nine precincts, it fluctuates depending on the elections in a given year.

Scott Price asked about the line item for dog food in the MES budget, now zero. Mullen noted the Friends of Falmouth Dogs work with MES at times. It may have been put in for supplies.

Scott Price noted bonuses that were approved for FFD and FPD, should bonuses for the Health Department employees be discussed? Mullen said that would not be put in the operating budget, the bonuses were from ARPA funds.

Chair Brown asked about the DPW renewable line item reduced to \$15,000. Mullen explained that is for the wind turbine, likely will zero it out next year.

Chair Brown asked how they find what the short term rental is in the budget book. Mullen said that is part of the hotel/motel and she needs to request it from the MA DOR.

Patterson asked about wording changes and additional goal to go into fiscal policy having to do with sustainability and management focus paying attention to that. He is concerned they are not putting time into planning for long term challenges, their risks mounting, and are not being addressed. Patterson asked the Select Board to look at some changes and agenda in the future. End of budget book, green section that says

Fiscal Policy with a list of goals; d. minimize fiscal risk. He would like to change that to manage financial risk. He would like to add f. sustain and improve the Town's environmental health, cultural health, and diversity. Be more forward thinking. Thinking about what we should be investing in for the sake of the Town.

Mullen noted this is a good discussion when adjusting fiscal policy when talking about short term rentals. If the Select Board feels strongly, they can make this a focus of the strategic planning session in June, so that when they go into budgeting process, they will know that is a top priority. Mullen said the budget put together is in line with what was discussed at the planning session. English Braga would like to look at other communities fiscal policies.

Taylor noted they need to define their goals, work on them, and then give the goals to the Town Manager. If the Select Board is not clear about their goals and articulating those goals, they will keep doing the same thing.

Mullen noted that a few years ago a consultant managed the Select Board's strategic planning session and was able to focus and draw out what the priorities are; having someone from the outside may be beneficial to this Select Board.

Patterson noted there have been complaints that we do not have the staff noting the Town is losing key positions including Town Counsel, Asst Town Counsel, and there are other position vacancies, he questions who is doing those planning functions. Taylor noted there are hiring processes in place, hires have backed out, it is not a funding issue, it is a person issue. Suso noted searches are under way for those positions and they are aggressively moving into that direction. Taylor said when they start throwing blame around it feels unproductive. It is on the Select Board to ask the Town Manager what staffing he needs to make this happen. Patterson does not see where the planning is being done to address them. English Braga suggested that should be part of the Select Board's strategic plan.

Scott Price appreciated the departments performance evaluations of what they accomplished the year before.

2. Individual Select Board Members' Reports-none
3. Town Manager's Report

Tonight, they are bringing the budget to the Select Board next week to transmit to the Finance Committee.

The Board of Health met tonight and recommended the Select Board put a mandatory mask order in place for Town Buildings and noted it needs to be on the Select Board agenda. It is a voluntary mask mandate, Town employees in public areas are wearing masks and the public is doing the same thing.

The Select Board discussed in person v. zoom meeting for the next business meeting; it is more for those coming out to use the Select Board service. English Braga noted there are ways to streamline their meetings for efficiency and public health, suggesting this be considered.

English Braga motion to adjourn at approximately 8:55pm. Second Patterson. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary