

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, FEBRUARY 14, 2022 – 6:30 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.

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Review and discuss proposed workers’ compensation settlements for town employees

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment

7:10 p.m. TOWN MANAGER’S PRELIMINARY REPORT

7:15 p.m. COMMITTEE INTERVIEWS

1. Affordable Housing Committee: Stephen Craft
2. EDIC: Adrian Merryman, Mark Lowenstein

7:30 p.m. PUBLIC HEARINGS

1. Wetlands/Dock Hearing – Daniel M. Solien and Kris M. Horiuchi – construct, permit and license a stairway, walkway and boat launch in the waters of Coonamessett Pond at 95 Atamansit Road, Hatchville
2. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Shipwrecked, LLC at 263 Grand Avenue, Falmouth

8:00 p.m. BUSINESS

1. COVID-19 update and discussion of mask mandate – Scott McGann (10 minutes)
2. Presentation – Complete Streets – Cape Cod Commission (15 minutes)
3. Petition Article Presentations for April 2022 Annual Town Meeting (5 minutes each)
 - a. Present Petition Article #23 – Victoria H. Lowell
 - b. Present Petition Article #24 – Patricia P. Johnson
 - c. Present Petition Article #25 – Courtney Bird (FalmouthNet, Inc.)
 - d. Present Petition Article #26 – Courtney Bird (FalmouthNet, Inc.)
 - e. Present Petition Article #28 – Rosemary Carey
 - f. Present Petition Article #29 – Jordan Frye
4. Discuss and vote revisions to Special Events Policy (5 minutes)

5. Discuss Pilgrim Nuclear Power Plant decommissioning elements and possible letter of concern (10 minutes)

9:10 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve applications for Entertainment License and Sunday Entertainment License – Woho, LLC d/b/a Provisions, 87 Water Street, Unit 2, Woods Hole
 - b. Approve application for a Change of Manager of a Common Victualler License – The Stand, located at 75 County Road, North Falmouth
2. Administrative Orders
 - a. Vote to allow Auto Camp to withdraw its application for a liquor license at 896 Palmer Ave. without prejudice and waive the one-year limitation of G.L. Ch. 138, s. 15A for resubmission of the same
 - b. Vote to approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from St. Barnabas Church, 91 Main Street
 - c. Retroactive authorization to submit grant application request to Cape Cod Commission for Recreation/Open Space Plan update and Economic Development Guide
3. Review and Vote to Approve Minutes of Meetings:
 - Public Session – January 10, 2022 and January 15, 2022

9:15 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

9:20 p.m. SELECT BOARD REPORTS

9:30 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:40 p.m. ADJOURN

Douglas C. Brown, Chair
Select Board

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

February 14, 2022

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: February 11, 2022

JMSuso

- The Board will convene in executive session at 6:30PM on Monday evening to consider multiple worker's compensation proposed settlements.

PRELIMINARY

- You have two public hearings – one on a dock/wetlands and one on an All Alcoholic License. The first dock hearing involved Daniel Solien who was involved in a hearing at your last meeting as well – be advised that this hearing is for a different address.
- The Board will hear a COVID update from Health Agent Scott McGann which will include any timely updates from the Board of Health whose meeting begins at 5:30PM Monday in Town Hall. It is possible that the BOH may determine to take further recommending action on the mask issue.
- At Peter McConarty's request, the Cape Cod Commission is presenting a status report on their Complete Streets work on behalf of the Town.
- The TM Petition Article presentations are routinely scheduled.
- We are bringing forward to the Board a draft Special Events Policy for your consideration based upon the direction you provided on restructuring.
- Based upon an outreach, the matter of the Pilgrim Nuclear Power Plant decommissioning is brought before the Board for your potential determination on issuing a letter of concern.
- Under Consent Agenda Administrative Orders, AutoCamp is requesting to withdraw its application for a liquor license. Be advised that this is a matter separate from their recent BOH penalty for septic system violations.
- I am asking for the Board's retroactive approval for two grant filings to the Cape Cod Commission for update work in the Planning Department. The deadline was February 10 and we will be proceeding if agreeable.

SUPPLEMENTAL

- I joined the Finance Committee for their regular weekly meeting this past Wednesday. They are full into their review of the FY23 Operating Budget.
- The Board's next regular business meeting is set for Monday, February 28.
- Town Hall and Town administrative offices will be closed on Monday, February 21 for the President's Day Holiday.

OPEN SESSION

COMMITTEE INTERVIEWS

1. Affordable Housing Committee: Stephen Craft

Affordable Housing Committee (7-member committee) (3-year terms)

One position

- Term until 6/30/2024

One applicant

- Stephen Craft



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: Stephen Craft

Address: 14 Green Pond Road Village: E. Falmouth ZIP: 02536

Mailing Address: Same Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 3+ yrs (date: _____) / Taxpayer 3+ yrs (date: _____)

Amount of time you are available to give: 5-10 hours per week

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

1. Affordable Housing Committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

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

Relevant affiliation and work and personal experiences Master's degree in urban planning & community development. Classes, projects, and field work in affordable housing

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

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

Educational Background in planning, land use, gis, and affordable housing

List three (3) references:

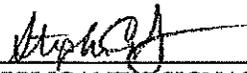
	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	Ed Curley	Chair	[REDACTED]
2.	Ken Reardon	Dr./Director	[REDACTED]
3.	Adenrele Awotona	Dr./Director	[REDACTED]

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

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

1/25/22

DATE


APPLICANT'S SIGNATURE

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

OPEN SESSION

COMMITTEE INTERVIEWS

2. EDIC: Adrian Merryman, Mark Lowenstein

Economic Development & Industrial Corporation (EDIC) (7-member committee) (3-year terms)

Two positions

- 1 position (with industrial development experience) with a term ending 6/30/2022
- 1 position with a term ending 6/30/2024

Two applicants

- Adrian Merryman
- Mark Lowenstein

Diane Davidson

From: admin falmouthedic.org <admin@falmouthedic.org>
Sent: Tuesday, February 8, 2022 11:23 AM
To: Diane Davidson
Cc: Wayne Lingafelter
Subject: Falmouth EDIC - Board Member Recommendations

Hello Diane –

Today, the Falmouth EDIC Board interviewed Mark Lowenstein and Adrian Merryman for the open Falmouth EDIC board positions.

The Falmouth EDIC Board voted to approve and recommend both of their board member candidacies to the Falmouth Select Board to fill the two open positions. Mark is slotted to fill to Industrial Development position and Adrian to fill the general Open position. It would be appreciated if you would schedule them for a Select Board interview as soon as possible as these positions have been vacant for quite some time. It would be appreciated if you would advise at what Select Board Meeting they will interview, once they are scheduled.

And, to ensure we are on the same page, below is the current Falmouth EDIC board membership and their appointed skill composition:

Christopher Land – Chairman
Thomas Feronti – Clerk (Real Estate)
Kevin Holmes – Treasurer (Finance)
Michael Galasso – Board Member (Low Income /Affordable Housing)
Samuel Patterson – Board Member (Municipal Govt.)
Open – Industrial Development
Open – Board Member

Once these vacant positions are filled, the board will discuss and appoint one of the sitting board members to the Vice-Chair position.

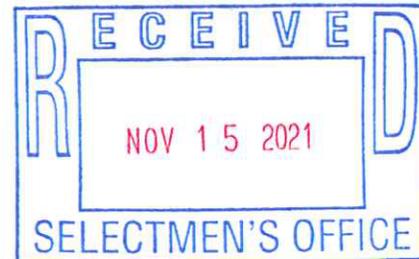
If you need anything further from me, please advise.

Regards,

Lynne Broderick
Administrator

Office: 508.548.7440

Falmouth
EDIC



TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: Adrian Merryman
Address: 50 Wing Road Village: N Falmouth ZIP: 02556

Mailing Address: 50 Wing Road Village: N Falmouth ZIP: 02556

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident X (date: 2004) / Taxpayer X (date: 2004)

Amount of time you are available to give: As much as is needed

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

1. EDIC
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No

Relevant affiliation and work and personal experiences: Have extensive management, business building, turnaround, finance, investment, development and board experience in the US and abroad.

Please note the attached CV.

Town offices held in Falmouth or elsewhere and dates of years served: None

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

1) Served as an investment banker, venture capitalist and CEO of two European companies while in business.

2) Since retiring from business in 2003 have built microfinance institutions to serve the poor in Africa, Asia, Latin America and Eastern Europe.

3) Served on and chaired numerous for-profit and non-profit boards.

4) Lived and worked across the world traveling to 90+ countries predominantly for work, so have an excellent perspective of what works in different contexts, and what doesn't work.

5) Am Hispanic, so anticipate that I would add to the diversity of the EDIC.

6) Have an MBA from Harvard University and a BA in Economics & Political Science from Swarthmore College.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Diane Dorr</u>	<u>Former CEO of Carefree Cape</u>	<u>[REDACTED]</u>
2.	<u>Jon Brody</u>	<u>CEO, Caregiver Camps</u>	<u>[REDACTED]</u>
3.	<u>Tim Andrews</u>	<u>CEO, Root to Fruit</u>	<u>[REDACTED]</u>

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

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

November 15, 2021

DATE


APPLICANT'S SIGNATURE

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

ADRIAN I. MERRYMAN
50 Wing Road, North Falmouth, MA 02556

EXPERIENCE

VISIONFUND INTERNATIONAL, London, England & Falmouth (MA), USA 2018 - present

A World Vision International subsidiary, VisionFund is the leading Christian microfinance network with 1.1 million clients, \$650 million of assets and 7,500 employees in 31 countries on 4 continents.

Chief Development & Impact Investment Officer (serve on Senior Leadership Team) (2018 – present)

- Responsible for all global fundraising as well as the development and funding of impact investment products.
- Increased funds raised by 46% while cutting fundraising costs by 56%.

Regional Head – Latin America (2019 – 2021)

- Responsible for the growth and development of 7 Microfinance Institutions across Latin America with 210,000 clients and \$250 million of assets.
 - Member of the boards of VisionFund Guatemala (Chairman), VisionFund Dominican Republic (Chairman), VisionFund Ecuador, VisionFund Mexico and VisionFund Honduras.
-

VISIONFUND MYANMAR, Yangon, Myanmar 2015 - Present

Board Member (Chair Social Performance Committee)

Provided counsel and support to scale from 38,000 to 215,000 loan clients and 18 to 54 branches within 5 years.

THE BRIDGE TRUST, USA, Houston, TX 2002 - Present

Chairman

Primary funding entity of the Centre for Muslim Christian Studies, Oxford and the Institute of Classical languages (“ICL”) in Bangladesh.

VISIONFUND CAMBODIA, Phnom Penh, Cambodia 2015 – 2017

Chief Executive Officer

Oversaw VisionFund’s global flagship with \$175 million of assets, 250,000 clients and 1,500 staff, operating in one of the most sophisticated, saturated and competitive microfinance markets globally.

- Achieved 56% portfolio growth in 2 years.
-

VISIONFUND TANZANIA, Arusha, Tanzania 2011 - 2015

Chief Executive Officer

Transformed failed MFI with 10,000 clients into VisionFund’s Africa flagship with over 40,000.

OPPORTUNITY INTERNATIONAL NETWORK, Oak Brook (IL), USA 2004 – 2010

Chief Executive Officer 2007 – 2010, Chief Operating Officer 2004 – 2006

Then the leading Christian microfinance network operating in 29 countries with \$800 million in assets and 11,500 employees. Served 1.9 million unique loan & savings clients and insuring 3 million.

Sourced capital through 5 fundraising partners, the capital markets and banks. Led team which:

- Increased loan and savings clients from 468,000 to over 1.9 million and assets from \$123 to \$800 million.
- Entered 6 new countries, initiated 4 start-ups, completed 6 acquisitions, transformed 8 institutions to regulated deposit-taking, divested 4 Eastern European institutions, and established MicroEnsure (the micro-insurance sector leader covering over 3 million lives).

ADRIAN I. MERRYMAN

INTERREGNUM PLC, London, England 2000 – 2003

Chief Investment Officer 2000 – 2002

Responsible for capital raising, investment evaluation/structuring, and ensuring portfolio performance

- Generated top quartile returns during soft market.
- Raised US\$50 million through IPO.

Chief Executive Officer of SCREEN PLC (Interregnum related company) 2002 – 2003

UK-listed company with products in the security & surveillance, emergency services, defense and transportation sectors with sales to over 40 countries.

- Rescued, stabilized and placed on a strong growth trajectory a public company on the verge of insolvency with delisted shares and breached bank covenants, raising equity capital and arranging for additional bank facilities.
- Achieved first quarterly profit in company history, and increased revenues by 20% and forward order book by 41%.

TEMENOS GROUP AG, Geneva, Switzerland 1999

Chief Executive Officer

Leading global provider of core banking software solutions.

- Achieved 100%+ year-on-year revenue growth and double-digit net margin improvement.
- Restructured operations in preparation for IPO which was completed in June 2001 raising €192 million.

CIBC OPPENHEIMER CORP, London, England, and New York (NY), USA 1994 - 1998

Executive Director, Head of European Investment Banking (1997 – 1998), Sr. VP – Limited Partner of Oppenheimer & Co, Inc., Latin American Inv. Bkg. ('96), VP ('94 – '96), Assoc. ('94)

Provided high-growth European and Latin American companies access to the international capital markets and M&A advisory services, and identified and facilitated principal investments.

MERRILL LYNCH & CO., New York (NY), USA 1991 - 1994

Associate, Corporate Finance

Completed IPO, equity, high yield and convertible debt & preferred offerings, and M&A mandates.

DUPONT INFORMATION ENGINEERING ASSOCIATES., Wilmington (DE), USA 1987 - 1990

Operations Manager (effectively COO)

Built DuPont funded software dev. start-up from early stage to breakeven with Fortune 100 client base.

GREY, DOYLE DANE BERNBACK, and TED BATES ADV. New York (NY), USA 1981 - 1987

Account Executive through Vice President on Procter & Gamble, IBM and Xerox accounts

EDUCATION

HARVARD Graduate School of Business Administration, Boston (MA), USA 1990 - 1992

Masters degree conferred in Business Administration

SWARTHMORE COLLEGE, Swarthmore (PA), USA 1976 - 1980

Bachelor of Arts degree conferred with double major in Economics and Political Science

PERSONAL

Have lived in London (United Kingdom), Geneva (Switzerland), Arusha (Tanzania), Phnom Penh (Cambodia) and Tegucigalpa (Honduras), and traveled to 90+ countries predominantly for work. Fluent in Spanish. Enjoy time with my wife, Jennifer, and our three children, Bible study, boating, skiing, and playing/coaching basketball (varsity in college).

OPEN SESSION

COMMITTEE INTERVIEWS

2. EDIC: Adrian Merryman, Mark Lowenstein

MARK J. LOWENSTEIN
PO Box 627
West Falmouth, MA 02574

AREAS OF EXPERTISE

- Business development
- Strategic marketing alliances
- Corporate and start up experience
- Strategic negotiations
- Licenses and contracts
- Sales and distribution channels
- Entrepreneurship
- Business plans
- Niche vertical markets
- International business
- Marketing
- Customer segmentation and market research

Cape Cod SCORE, Hyannis, MA
Small Business and Nonprofit Mentor
Chapter Chair
National Media Contact

August 2011- Present

COLLEGE TEACHING EXPERIENCE

COLLEGE OF ST. JOSEPH, Rutland, VT
Associate Professor of Business Fall 2010
Assistant Professor of Business 2006-2010

2006 – June 2011

Teaching and Service

- Undergraduate and MBA courses including International Business, Technology, Marketing, Entrepreneurship, Strategy, Management, and Business Law.
- Student advising
- Faculty committees including Technology, Academic Development and Judicial
- Faculty adviser to the Business and Ski Clubs
- Supervise student internships
- Revised MBA curriculum

Scholarship and Academic Recognition

- Promoted to Associate Professor Fall 2010
- Reviewer - Introduction to Business (2010) + Better Business (2011) - Pearson Prentice Hall
- Contributor and reviewer - Principles of Marketing (2009) - Pearson Prentice Hall
- Received the “2006-2007 Excellence in Teaching Award” voted by the student body

UNIVERSITY OF PHOENIX
Adjunct Faculty – Business

2004 - 2008

- Taught undergraduate and MBA program marketing courses
- Certified for online, flex-net (hybrid) and traditional courses

NEWBURY COLLEGE, Brookline, MA
Visiting Professor of Business

2005 - 2006

- Taught undergraduate courses in Management, Marketing, International Business, and Strategy

PROFESSIONAL BUSINESS EXPERIENCE

UNIIGO COMMUNICATIONS, Framingham, MA

2001- 2005

COO and Vice President - Business Development, Sales and Marketing

Venture funded wireless system integrator. Specialists in high speed wireless broadband, WIFI networks and hospitality systems using in room internet and Video on Demand.

- Negotiated and awarded a contract for the then largest (one million plus) hotel communication system contract in the Caribbean
- Responsible for all aspects of marketing including strategy, trade shows, and literature
- Negotiated movie content acquisition and licensing for video systems
- Initiated company's movement into the VoIP market in the Caribbean
- Developed sales and pricing models

OBJECT MANAGEMENT GROUP, Needham, MA

1996 - 2000

Vice President of Business Development and Strategic Alliances

- Defined strategic market focus and implemented significant expansion plans for the world's largest non-profit software standards consortium focusing on distributed object technology (CORBA and UML)
- Management responsibility
- Achieved 100% membership growth with 67% increase in revenue
- Successfully recruited executive volunteers and generated corporate memberships
- Achieved corporate buy-in to the value of established standards
- Successfully sold intangible membership product
- Managed multiple international partners in Europe, Asia and South America
- Established charter groups of change agents and leading industry experts to set industry standards
- Created new and strong presence in targeted vertical markets including retail, transportation, finance, and e-commerce

WEATHERTRAC INDUSTRIES, Allentown, PA & Framingham, MA

1989 - 1996

Partner/Vice President of Sales and Marketing

Self funded startup.

- Directed worldwide sales, marketing and public relations activities for software and system developer of real-time satellite weather devices
- Grew international sales to 50% of total revenue
- Realized 400% increase in global sales with revenue - growth of 1000%
- Initiated and expanded business within commercial, military, education, and marine markets
- Developed domestic and international third party sales channels and directed sales with major U.S. federal agencies
- Structured strategic alliances and joint marketing with international third party sales partners in more than 35 countries
- Managed several niche vertical market campaigns
- Responsible for marketing and sales functions

CYBORG INC, Newton, MA

1986 - 1989

Co-Founder/Vice President of Sales and Marketing

Turn around takeover.

- Created new division of software developer/manufacturer of data acquisition systems for industrial application process monitoring
- Identified market need for turnkey software products for electronic manufacturing market
- Established worldwide network of representatives
- Developed product and service contracts and pricing
- Revitalized sales through aggressive marketing; grew gross annual revenue in excess of 20%

ANDOVER CONTROLS CORPORATION, Andover, MA

1984 - 1986

Director of Marketing

- Identified, implemented, and managed new market development, product planning and sales programs for midsize manufacturer of microprocessor based HVAC control systems
- Developed targeted marketing communications, sales support packages, and sales training materials
- Assessed suitability of potential companies for acquisition
- Managed team of 10 professionals
- Achieved growth rate of 30% versus market growth of 8%.

DIGITAL EQUIPMENT CORPORATION, Marlboro, MA

1982 - 1984

Channels Marketing Manager

- Increased revenues from \$5M to \$40M in two years
- Created and implemented Authorized Distributor Program for large volume reseller of printers
- Responsible for inventory levels, channel pricing, and contracts
- Pioneered new business group and distribution channel for Industrial Distribution Group
- Budget responsibility for advertising, promotion, and training

Contracts Legal Supervisor

- Handled all trademark and licensing issues for a major hardware/software vendor
- Responsible for business divisions with sales exceeding \$150M
- Structured and negotiated major multi-million dollar product purchase and software licensing agreements

HIGHER EDUCATION

BENTLEY COLLEGE, Graduate Finance Program, Waltham, MA

9 Credits, Master of Finance Program

BABSON COLLEGE, Graduate School of Management, Wellesley, MA

Master of Business Administration - Marketing concentration

SUFFOLK UNIVERSITY LAW SCHOOL, Boston, MA

Juris Doctor

UNIVERSITY OF VERMONT, Burlington, VT

Bachelor of Arts

SELECTED COMMUNITY INVOLVEMENT

Westboro MA Community Cable TV Committee 5 years
Negotiated first cable TV contract with Charter Cable

Rutland VT County Economic Development Committee 3 years

EforAll Cape Cod and Southeast MA- Instructor in Entrepreneurship and Advisor 6 years

Startup Weekend Cape Cod - Judge and Advisor 3 years

WHOI Office of Technology Transfer - Pitchathon Business Adviser 3 years

PUBLIC HEARINGS

1. Wetlands/Dock Hearing – Daniel M. Solien and Kris M. Horiuchi – construct, permit and license a stairway, walkway and boat launch in the Waters of Coonamesett Pond at 95 Atamansit Road, Hatchville

Public hearing checklist:

- Public Hearing Notice
- Presentation by applicant (or representative)
- Discussion/questions
- Public comment in support or against
- Close hearing
- List any findings
- List any conditions
- Motion



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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, February 14, 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 and Kris M. Horiuchi for permission to construct, permit and license a stairway, walkway and boat launch in the waters of Coonamessett Pond (A Great Pond) located at 95 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 28, 2022 and Friday, February 4, 2022; Falmouth Enterprise.

Issues After Pipe Bursts

EMILLARD
s are back in the
at North Falmouth
y School following a
reak during Monday's

th Public Schools
of Finance Patrick
id that custodial staff
e building on Monday
hen one of the door-
ules to the outside of
sprung a leak. Water
o four classrooms and
sium, but the problem
y rectified.

ve to always stay in
the vendor who han-
rinkler system and the
system; they check on
said. "They showed up
the afternoon; Monday
sy day for them. They
mediately and it was all
). School was open and
Tuesday and the class-
re in good shape."

re was minimal—a few
rugs and perhaps some
res need to be replaced—
ants were able to return

Real Estate x Bills Due

Falmouth Collector's
nailed the third- and
quarter tax bills for
year 2022 on December
cluded in that mailing
vo payment stubs. The
quarter stub was due by
ry 1; the fourth-quarter
due by May 2.
arks cannot be accepted.
at is considered timely
ceived by the collector's
All major credit cards are
ed (fee charged) as well
ne payments and check-
out transfers. Go to www.falmouthma.gov, and click "Pay
" on the homepage.
ents should be mailed to
of Falmouth, PO Box 904,
uth, MA 02541. Payments
o be made at town hall by
he payment dropbox in the
of the building, or online,
r by phone 844-329-8360.
eceive a copy of the bill,
www.falmouthma.gov, and
'Pay Online.'

to school as scheduled on Tuesday.
"We were only out one day,"
said Superintendent Lori Duerr.
"Including North, even with this
issue."

com/g/zPczsLxhhb to complete
an online survey.

- Send an email with comments and letters to ARPA@BarnstableCounty.org.
- Or call 508-556-4733 to leave voicemail comments (not to exceed three minutes).

sent to club members and others
attending after the meeting.
The club will meet virtually at
11:30 AM on Tuesday, February
8. Nonmembers are welcome
to attend this presentation but
must request an invitation to
the Zoom meeting by writing

Legal Notices

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, February 14, 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 and Kris M. Horiuchi for permission to construct, permit and license a stairway, walkway and boat launch in the waters of Coonamessett Pond (A Great Pond) located at 95 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

January 28, 2022
February 4, 2022

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Shipwrecked, LLC has applied for an Alteration of Premises to its All Alcoholic Common Victualler License located at 263 Grand Avenue, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, February 14, 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

February 4, 2022

Falmouth Zoning Board of Appeals Notice of Public Hearing for February 24, 2022

Notice is hereby given of the following Public Hearing @ 6:30pm and Open Meeting in the Select Board's Meeting Room, Town Hall on Thursday, February 24, 2022

Application # 116-21 Kevin J. Huelsman: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct an addition in place of the existing car port, creating habitable on subject property known as 130 Maravista Road, Teaticket, Ma.
Application # 118-21 David M. Smoller: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-162 of the Code of

Falmouth to allow a home occupation (mobile marine) on subject property known as 21 Corte Real Avenue, East Falmouth, Ma.

Application # 119-21 Erik C. and Lauren Warburton: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-23G (1)(b) of the Code of Falmouth to construct at 30'x 60' accessory structure on subject property known as 3 Clark Street, East Falmouth, Ma.

Application # 001-22 Leslie B. and M. Eileen Shea, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-3 C. of the Code of Falmouth to construct an addition to the second floor of the non-conforming single family dwelling on subject property known as 40 Alder Lane, North Falmouth, Ma.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties

January 28, 2022
February 4, 2022

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on **Wednesday February 16, 2022 at 7:00 PM.**

In accordance with Chapter 20 of the Acts of 2021, relating to the 2020 novel Coronavirus outbreak, the **February 16, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.**

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

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be read into the record at the appropriate points in the meeting.
 - a. Zoom Login instructions:
 - i. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/Conservation>
 - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
 3. Additionally public comments may be sent in advance of the meeting to concom@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.

4. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may contact the Conservation Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to concom@falmouthma.gov so they may be displayed for remote public access viewing.

Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY

Ian Ives, 286 Ashumet Road, Falmouth, MA – For permission to conduct vegetation management in three groundwater basins, which were created under MA DEP# 25-4103.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Town of Falmouth, various waterways and beaches, Falmouth, MA – For permission to re-permit the Comprehensive Permits for the Town of Falmouth's thirty-one (31) dredging and beach nourishment projects.

Woods Hole Business Association, Woods Hole Road, Woods Hole, MA – For permission to remove all marked dead or dying trees landward of the Shining Sea Bikeway and to remove invasive vines.

Robert and Elaine Bailey, Trustees, The Elaine M. Bailey 2013 Revocable Trust, 132 Little Neck Bars Road, Falmouth, MA – For permission to conduct invasive species removal and management.

Michael and Dorilee Bingham, Trustees, The Bingham Revocable Trust, 27 Crosby Lane, Falmouth, MA – For permission to modify the structure of an existing dock.

Kevin Cusack, 380 Edgewater Drive East, East Falmouth, MA – For permission to install a fiber roll system, restore a coastal bank, conduct invasive species management, and enhance the buffer to the coastal bank.

REQUESTS FOR A HEARING FOR A CERTIFICATE OF COMPLIANCE

John Simourian, 21 Fay Road, Falmouth, MA – Request for a Certificate of Compliance for MA DEP #25-2254.

By Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

February 4, 2022

TRANSMITTAL LETTER

To: Town of Falmouth Selectmen's Office 59 Town Hall Square Falmouth, MA 02540	Date: January 11, 2022 Job Number: 21147 Plan Number: B28-122 Project Name: Solien/Horiuchi
--	--

Sent via US Mail Sent via Overnight Sent via FAX Client Pick-Up Hand-Delivered

Copies	Date	Title or Description
--------	------	----------------------

1	1/11/22	Application For Permit to Dredge, Fill Or Other Alter Wetlands for 95 Atamansit Road
1	10/15/21	Plot Plan Proposed Launch with Stairway and Landing over Bank at 95 Atamansit Road
1	1/11/22	Filing/Advertising Fee, \$75.00, BSS Design, Inc. Check # 19648
1	1/7/22	Letter from homeowner authorizing BSS Design to represent them

- Drawings
- Specifications
- Cost Estimate
- Shop Drawings
- Correspondence
- Catalog Cuts
- Permit Application
- Application Fee
- Diskette

COMMENTS:

Please notify me of the hearing date and contact me with any questions.

- As Requested
- Approved
- Progress
- For Approval
- For Revision
- For Information
- Bid/Quotation

BSS Design, Inc.
Jeffrey E. Ryther, P.E.



BSS Design, Inc
164 Katharine Lee Bates Rd.
Falmouth, MA 02540
508-540-8805
Fax: 548-8313

cc: Daniel Solien & Kris Horiuchi

January 7, 2022

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

Re: 95 Atamansit Road

To whom it may concern:

We, Daniel Solien & Kris Horiuchi, being the owners of the property at 95 Atamansit 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,



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

cc: BSS Design, Inc.

TOWN OF FALMOUTH
BOARD OF SELECTMEN



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

To the Board of Selectmen
Falmouth, MA

FALMOUTH TOWN CLERK

Date: January 11, 2022

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 M Solien & Kris M. Horiuchi 160 Palmer Ave., Falmouth, MA
(full name) (address)

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

APPLICANT: Same as owner
(full name) (address)

1. Location of Property: Map 17 Section 01 Parcel 016 Lot 064

Street Name and House Number 95 Atamansit Rd., Hatchville, MA

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

3. Description of property and project site: Developed Single Family house
lot and storage garage. House is about approximately 30' above the pond water.

a. Dimensions, Acreage of total parcel: 1.347 Acres

b. Length of water marsh frontage: 250'

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

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

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

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

Disposition of Spoil: No Spoils

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

g. Other (docks, piers and etc.) Proposed stairs, walkway and boat launch

h. Method (equipment to be used) for proposed work: Hand & Power Tools

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

5. Zoning which governs area: AGA

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

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

8. Remarks Existing House and Garage to remain as shown. No Alterations are
proposed to structures at this time

9. Project Summary for legal notice: This project is to construct, permit and
license a stairway, walkway and boat launch in the waters of Coonamessett
Pond (A Great Pond).

Owner: Daniel Solien & Kris Horiuchi

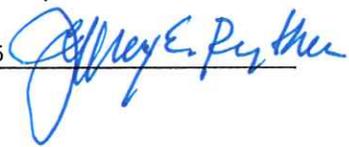
Agent: BSS Design, Inc.

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

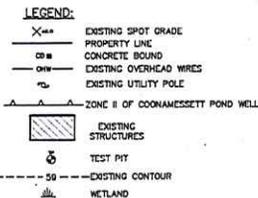
160 Palmer Avenue

Falmouth, MA 02540
(Name & Address)

TEL #: 774-259-4906

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

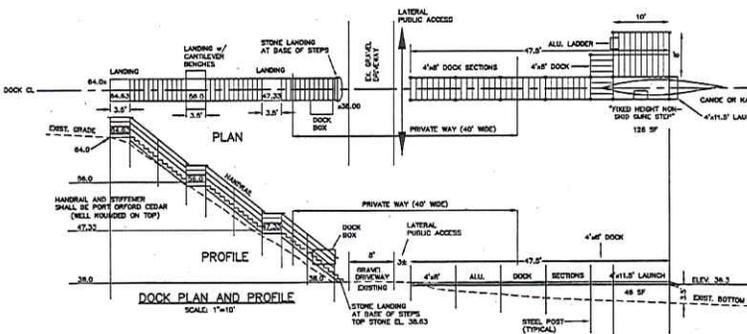
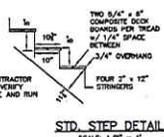
- NOTES:**
- LOCUS IDENTIFICATION:
HOUSE No. 92 ATAMANNISIT ROAD
ASSESSORS No. 17 01 016 031
LOT 31 LAND COURT PLAN 23937 C
 - LOCUS IS WITHIN:
ZONING DISTRICT: AGA
FLOOD ZONE: X
BUILDING CODE WIND EXPOSURE CATEGORY: B
COASTAL POND OVERLAY DISTRICT (GREAT POND)
WATER RESOURCE PROTECTION DISTRICT
LOCUS IS NOT WITHIN:
WIND-BORNE COBBS REGION
RIVERFRONT AREA
HISTORIC DISTRICT
HISTORIC REGISTER DISTRICT
WILDLIFE CORRIDOR OVERLAY DISTRICT
BLACK BEACH / SUPPLEMENT MARCH DOPC
WALQUOT BAY ACEC
ZONE II OF A PUBLIC WATER SUPPLY, EXCEPT SMALL AREA
ENDANGERED SPECIES HABITAT
 - LOT COVERAGE BY:
+ STRUCTURES EXISTING: 2,437 SF 2,492
+ STRUCTURES, PAVING & PAVING: 2,492
ELEVATIONS ARE FROM ON-THE-GROUND SURVEY BASED ON
1975 TOWN TOPOGRAPHIC MAP.
 - EXISTING BUILDING OFFSETS ARE MEASURED TO CORNER
BOARDS, NOT FOUNDATION.



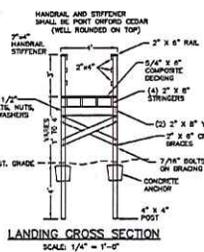
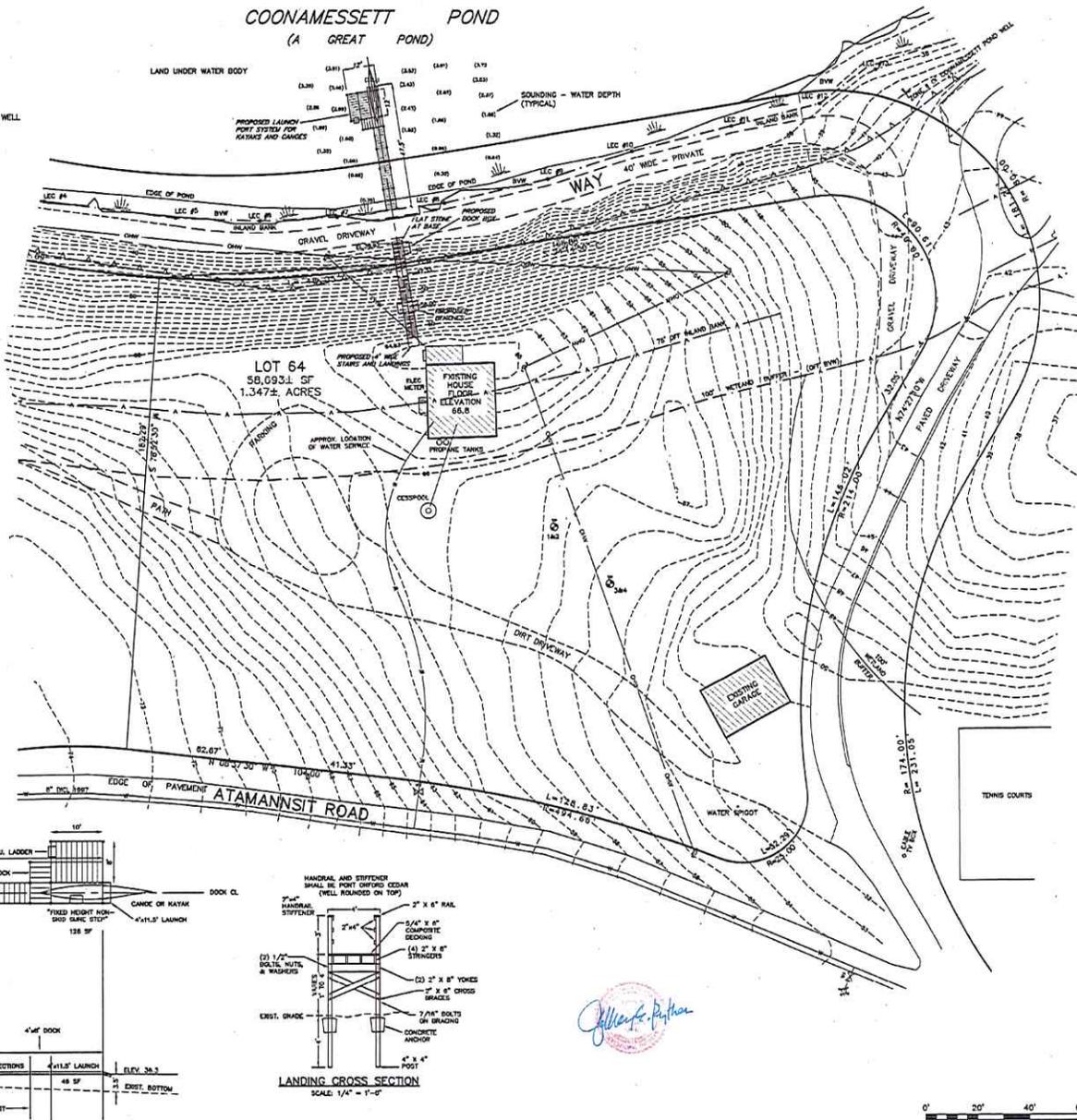
TEST HOLE DATA

PERC. RATE: 2 min./inch in C layer (assigned)
TAKEN BY: Jeffrey E. Ryther, P.E.
WITNESSED BY: Susan McGinn, Falmouth Health Agent
DATE: May 16, 2008

SOIL LOGS			
EL.	TP #1	TP #2	TP #3
97.3	A LOAM SAND 10R 3/2	A LOAM SAND 10R 3/2	A LOAM SAND 10R 3/2
96.3	B LOAMY SAND 10R 5/8	B LOAMY SAND 10R 5/8	B LOAMY SAND 10R 5/8
86.0	C1 COARSE SAND 2.87 7/4	C1 COARSE SAND 2.87 7/4	C1 COARSE SAND 2.87 7/4
48.0	GROUNDWATER NOT ENCOUNTERED	GROUNDWATER NOT ENCOUNTERED	GROUNDWATER NOT ENCOUNTERED



COONAMESSETT POND
(A GREAT POND)



Jeffrey E. Ryther

95 ATAMANNSIT RD

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
January 26, 2022

107 ATAMANSIT RD 17 01 016 063

DUPEE RICHARD M LUC: 101

34 GARRISON ST
APT 50109
BOSTON. MA 02116

0 HATCHVILLE RD 17 01 016 017

FALMOUTH TOWN OF LUC: 932

CONSERVATION COMMISSION
59 TOWN HALL SQ
FALMOUTH. MA 02540

0 HATCHVILLE RD 17 01 016 030

FALMOUTH TOWN OF LUC: 932

CONSERVATION COMMISSION
59 TOWN HALL SQ
FALMOUTH. MA 02540

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

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

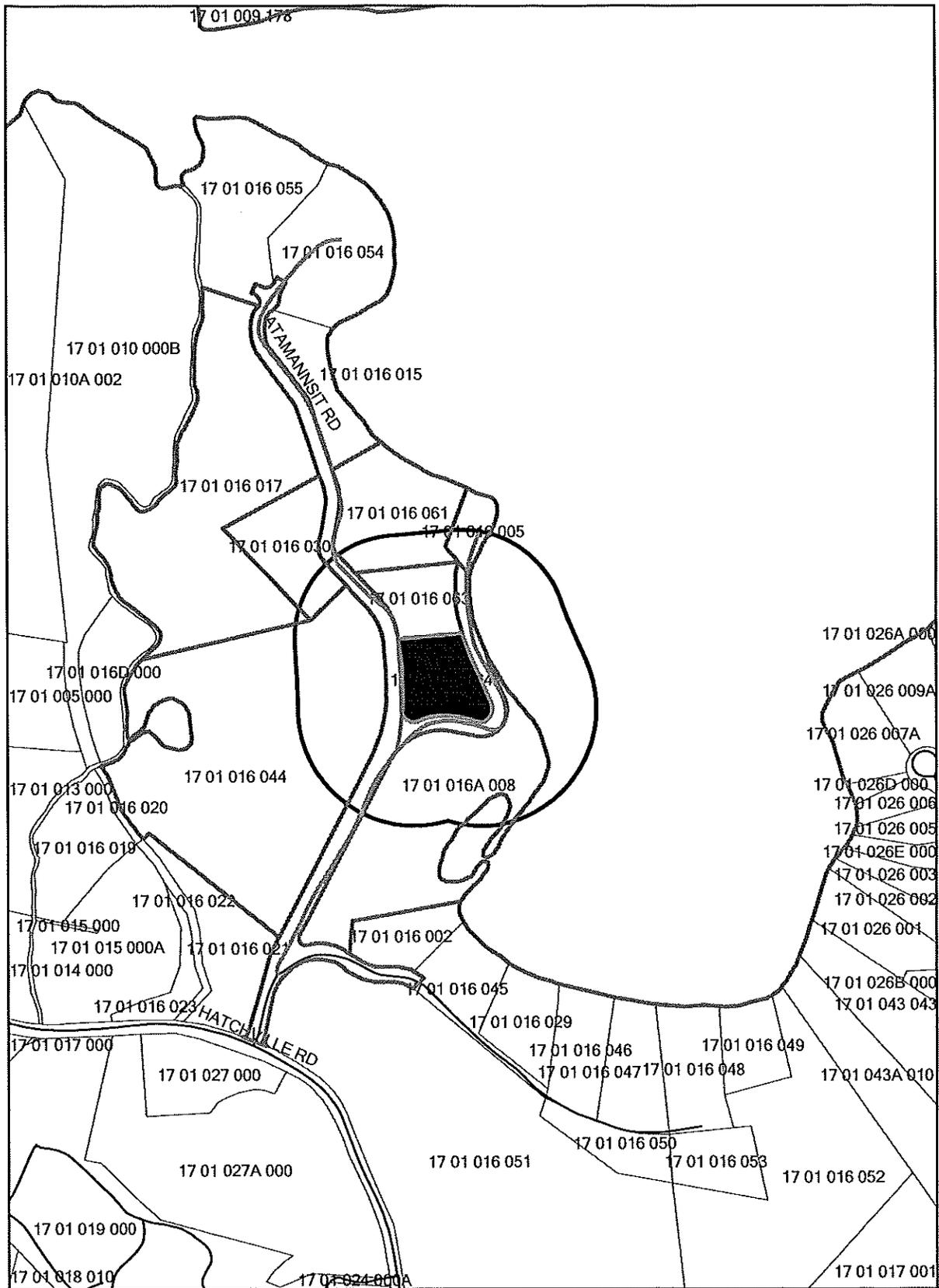
HORIUCHI KRIS M
160 PALMER AVE
FALMOUTH. MA 02540

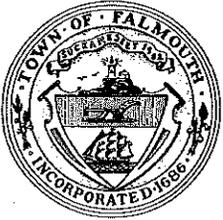
87 ATAMANSIT RD 17 01 016A 008

WILSON TRUSTEE EVERTON LUC: 101

WILSON WEEKS TRUSTEE RENEE
9 ALBERT ST
CANTON. MA 02021

95 ATAMANNISIT RD





Falmouth Conservation Commission

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

January 31, 2022

Daniel Solien & Kris Horiuchi
160 Palmer Ave
Falmouth, MA 02540

RE: 95 Atamansit Rd, Falmouth, MA
DEP# 25-4689

Dear Daniel Solien & Kris Horiuchi:

Enclosed please find a copy of the Order of Conditions. Please obtain the plan of reference for your approved project from your representative. This Order is valid for three years from its date of issuance. The original permit will need to be registered at the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Please read the Order of Conditions and Plan carefully and refer to them often. Your contractor must have a copy of the Order of Conditions and the Conservation Permit posted on-site throughout the duration of the project. As the property owner it is ultimately your responsibility to ensure that work be done according to all Standard and Special Conditions and according to the Plan of Reference. If you decide to sell your property, please transfer the Order and the Plan of Reference to the new owner.

When all work under the approved permit, including landscaping, has been completed on the project, the proper procedure is for your representative (the engineer) to apply to the Conservation Commission for a Certificate of Compliance. The engineer must submit a signed statement that all work has been completed according to the Plan of Reference and noting any deviation from the plan. The representative (engineer) is the point of contact with the Conservation Commission and should coordinate with you throughout the duration of the project until a Certificate of Compliance is issued. Your representative will register the Certificate of Compliance in the Registry of Deeds. Proof of Recording must be submitted to the Conservation Commission office.

Thank you for taking the time to read this letter. By complying with the Wetland Protection Act and the Falmouth Wetland Bylaw and Regulations you are helping to maintain a high quality of life for yourself and others in the Town of Falmouth.

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

cc: BSS Design, Inc.



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:
 25-4689
 MassDEP File #
 1316449
 eDEP Transaction #
 Falmouth
 City/Town

A. General Information (cont.)

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

Barnstable CERT #227745, LC PLAN 23937 T, LOT #64
 a. County

c. Book d. Page

7. Dates: 11/01/2021 11/10/2021 1/31/2022
 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):

Plot Plan Proposed Launch
 a. Plan Title

BSS Design, Inc Jeffrey E. Ryther, PE
 b. Prepared By c. Signed and Stamped by

10/15/2021 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.)

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 checked="" type="checkbox"/> Bank	4 a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	12 a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	286 a. square feet e. c/y dredged	_____ b. square feet f. c/y dredged	_____ c. square feet	_____ d. square feet
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



Massachusetts Department of Environmental Protection
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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 type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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

Provided by MassDEP:
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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 25-4689 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

Provided by MassDEP:
 25-4689
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 1316449
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 Falmouth
 City/Town

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.

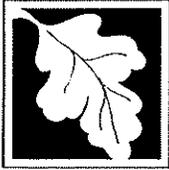
- 18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion 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;



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

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City/Town

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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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:

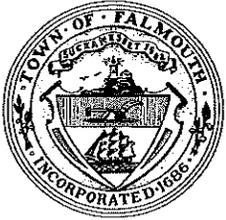
1. Municipal Ordinance or Bylaw

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: Daniel Solien & Kris Horiuchi
Address: 95 Atamansit Rd, Falmouth
DEP #: 25-4689

FINDINGS:

1. The applicant proposes to construct a stairway and a light duty kayak dock on Coonamessett Pond.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Bordering Vegetated Wetland, Inland Bank, and Resource Area Buffer.

STANDARD CONDITIONS

1. Permission is granted to Daniel Solien and Kris Horiuchi, 95 Atamansit Rd to construct a stairway and a light duty kayak dock according to the plans by BSS Design, Inc., dated October 15, 2021 and entitled "Plot Plan- Proposed Launch" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. 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).

5. 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.
6. 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 may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. 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.
9. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions including the plan of reference 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. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
 - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
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 on ground draining into

the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All 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 more than 100 feet from any resource area.
14. No chemically treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
15. Equipment, vehicles or other objects are **not** allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All construction debris shall be removed off-site to an approved upland disposal site.
18. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
19. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
20. Water lines and attached hoses shall have nozzles attached.
21. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
22. 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. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.

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:
 25-4689
 MassDEP File #
 1316449
 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.

1/31/2022
 1. Date of Issuance
 4
 2. Number of Signers

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

Signature *Jennifer Lincoln*

Jennifer Lincoln, Conservation Administrator

Signature *Jamie Mathews*

Printed Name
Jamie Mathews, chair

Signature *Elizabeth Gladfelter*

Printed Name
Elizabeth Gladfelter

Signature *Kevin O'Brien*

Printed Name
Kevin O'Brien

Signature *Peter Walsh*

Printed Name
Peter Walsh

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date # 7020 2450 0000 8608 8051
 1/31/22



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:

25-4689

MassDEP File #

1316449

eDEP Transaction #

Falmouth

City/Town

F. Appeals

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

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

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



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

Provided by MassDEP:
 25-4689
 MassDEP File #
 1316449
 eDEP Transaction #
 Falmouth
 City/Town

G. Recording Information

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

 Conservation Commission

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

To:

 Conservation Commission

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

 Project Location

 MassDEP File Number

Has been recorded at the Registry of Deeds of:

 County

 Book

 Page

for: _____
 Property Owner

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

 Book

 Page

In accordance with the Order of Conditions issued on:

 Date

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

 Instrument Number

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

 Document Number

 Signature of Applicant



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

A. Request Information

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

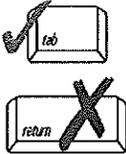
4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

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





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



TOWN OF FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540

PHONE (508) 495-7445

E-mail: concom@Falmouthma.gov

FORM #1

DEP # SE 25-4689

The undersigned confirm that they have read and understand the Notice of Intent, Order of Conditions, and approved plans for the project. The undersigned also understand that the subsequent plan revisions shall require advance approval by the Conservation Commission.

Please sign name on this line.

Please print name on this line.

Property Owner

DATE

Applicant (if different)

DATE

Project Supervisor

DATE

Alternate Project Supervisor

DATE

Other (Please Specify)

DATE

Other (Please Specify)

DATE

Return Form To: Falmouth Conservation Commission
59 Town Hall Square
Falmouth, MA 02540



TOWN OF FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540

PHONE (508) 495-7445

E-mail: concom@falmouthma.gov

FORM #2

DEP # SE 25-4689

Below please find the names, addresses, and business telephone numbers of the project supervisor and alternate project supervisor who are responsible for ensuring on-site compliance with the Order of Conditions for DEP # SE 25-4689.

Project Supervisor:

Alternate Supervisor:

Name:

Name:

Address:

Address:

Business Telephone #:

Business Telephone #:

Property Owner's Signature:

Date:

Print Name:

Applicants Signature (if different): Date:

Print Name:

95 Atamansit Rd

Return Form To: Falmouth Conservation Commission
59 Town Hall Square
Falmouth, MA 02540

Diane Davidson

From: Diane Davidson
Sent: Wednesday, January 26, 2022 4:22 PM
To: Jennifer Lincoln (jennifer.lincoln@falmouthma.gov); Amy Coughlin; Gregg Fraser - Marine & Environmental Services (gregg.fraser@falmouthma.gov)
Subject: Wetlands/Dock Special Permit Application - Solien - 95 Atamanssit Road
Attachments: Transmittal Select Board App 95 Atamanssit.pdf; PP Prop Launch 95 Atamanssit Rd 10-15-21.pdf; Public Hearing Notice - Wetlands-Dock - 95 Atamanssit - Solien.pdf

To all,

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

Applicant: Daniel M. Solien & Kris M. Horiuchi
Location: 95 Atamanssit Road, Hatchville
Proposed Work: Construct, permit and license a stairway, walkway and boat launch.
Body of Water: Coonamessett Pond

Please email a copy of the Order of Conditions and Harbor Master comments on this application by Thursday, February 10, 2022.

The hearing is scheduled at the Select Board meeting on Monday, February 14, 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

2. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Shipwrecked, LLC located at 263 Grand Avenue, Falmouth

Public hearing checklist:

- Public Hearing Notice
- Presentation by applicant (or representative)
- Discussion/questions
- Public comment in support or against
- Close hearing
- List any findings
- List any conditions
- Motion

February 14, 2022



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

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 Shipwrecked, LLC has applied for an Alteration of Premises to its All Alcoholic Common Victualler License located at 263 Grand Avenue, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, February 14, 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, February 4, 2022; Falmouth Enterprise

Select Board Will Urge County To Give Towns ARPA Money

By CARRIE GENTILE
 After debate among county officials about how to spend \$413 million in federal COVID-19 relief money, the Falmouth Select Board is advocating for the funds to be allocated based on population.

"It is how the funds were distributed to the county in the first place, and it is the basis by which all other counties in the state have distributed the funds," Assistant Town Manager Peter Johnson-Staub told the select board at its meeting on Monday.

The board voted to send a letter to county officials asking for the \$413 million from the American Rescue Plan Act of 2021 be given to each municipality on Cape Cod based on each town's population. Under that scenario, Falmouth would receive \$5.6 million.

Select board chairman Douglas C. Brown abstained from voting to avoid a conflict of interest, as he is also a member of the Barnstable County Assembly of Delegates.

"Those are much-needed funds for a lot of projects that we have been discussing," select board member Megan English-Braga said. "And the longer the county keeps the last it by Congress with the way prices are rising."

The American Rescue Plan Act was signed into law last March and provides \$390 billion in relief

to states and local governments to combat the ongoing impact of the COVID-19 pandemic.

The funding provides \$41,308,099 in funds for Barnstable County. Falmouth has already received \$32 million.

The Barnstable County Board of Regional Commissioners and assembly of delegates are debating how the \$413 million should be allocated.

The county commissioners want to be responsible for distribution of the money to projects in the individual towns. The assembly of delegates believes the final decisions on ARPA grants must go through its ordinance process.

In Massachusetts, ARPA funds are being distributed by counties. Eight of the state's 14 county governments have been dissolved, so the money is being sent directly to the cities and towns that are in those counties, with the amount appropriated based on population.

Barnstable County, which includes Falmouth, is among the remaining six active counties. Currently, the entire ARPA distribution for the county is being sent to the county commissioners to distribute as they see fit to projects across Cape Cod.

Falmouth Town Manager Julian M. Suso said Falmouth is in line

with most other Cape Cod municipalities that have recommended an allocation based on population. However, a few towns disagree, he said, without naming which ones.

"A few of the smaller towns think they should have a larger share, and Falmouth's share should be smaller, but it's obvious what is going on," he said. "Perhaps they think their needs are superior to the Town of Falmouth."

Select board member Samuel H. Patterson said he had a similar thought.

"That is why the commissioners are holding out, depending on where they live," he said.

As the debate continues at the county level over the roles of the legislative and executive branches, the commissioners are asking members of the public for input on how they feel the large earmark should be spent.

A public comment period has been extended through February 11.

Residents have several ways to provide their feedback: visit www.BarnstableCounty.org/ARPA to complete an online survey and provide comments; send an email with additional comments and letters to ARPA@BarnstableCounty.org, or call and leave a voicemail with comments at 508-556-4733.



A Falmouth Department of Public Works crew removes a downed limb on Russell Road during the storm.

The 300 Committee Director To Address Woods Hole Woman's Club

"Connecting People to Beautiful Spaces in Falmouth" is the topic of the next meeting of the Woods Hole Woman's Club. The guest speaker is Jessica Whittenour, executive director of The 300 Committee Land Trust.

For more than 35 years, The 300 Committee has been the driving force behind land preservation in Falmouth. The efforts of this group have helped to preserve 2,500 acres in perpetuity. Prioritized areas serve to protect water, create wildlife corridors, preserve critical habitat or provide recreational opportunities.

The committee believes public access to conservation land is important and works to maintain networks of trails for this purpose. The group makes both maps and education about these areas available to the public. An emphasis will be on the organization and instructions on how to access trail maps and information about group walks will be sent to club members and others attending after the meeting.

The club will meet virtually at 11:30 AM on Tuesday, February 8. Nonmembers are welcome to attend this presentation but must request an invitation to the Zoom meeting by writing

to nancy.walbek@gmail.com by February 7. Attendees will have the opportunity to direct questions to the presenter and then to break into smaller groups for discussion and socialization.

Since its founding in 1934, the Woods Hole Woman's Club has worked to enhance the lives of those in Woods Hole and surrounding communities. Members raise money for college scholarships and support

other community organizations through various club activities.

Most meetings are held at 11:30 AM on the second Tuesday of each month from October through April with occasional events scheduled in the evening. New members are welcomed at any time during the year. Information about membership is available from Mary Fran Buckley at maryfran59@earthlink.net.

County Extends Public Comment Period For ARPA Grants

The deadline for public comment on how Barnstable County should spend more than \$413 million in federal coronavirus relief fund money has been extended to February 11.

The money for Cape Cod is part of the \$390 billion in American Rescue Plan Act (ARPA) funds signed into law by Congress in March 2021. The legislation provides grant money to help states, territories, counties, and

tribal and local governments cope with the COVID-19 public health emergency and its economic impacts.

The Barnstable County Board of Commissioners originally set the deadline for February 4, but has extended the public comment period by a week to get more feedback.

The county commissioners have outlined their four priorities, in order, for the use of the

funds. These are:

- Investments in water, sewer and broadband infrastructure.
- Strengthening public health systems.
- Countering negative impacts of COVID-19 on households, small businesses, nonprofit organizations and other impacted industries and communities.
- And replacing lost public sector revenue, and providing premium pay to essential workers during the pandemic.

Comments about how the money should be spent, according to the above categories, can be presented in three ways:

- Go to <https://forms.office.com/PzLxhbb> to complete an online survey.
- Send an email with comments and letters to ARPA@BarnstableCounty.org.
- Or call 508-556-4733 to leave voicemail comments (not to exceed three minutes).

North Falmouth School Closes After Pipe Bursts

By CALLI REMILLARD
 Students are back in the classroom at North Falmouth Elementary School following a water pipe break during Monday's snow day.

Falmouth Public Schools Director of Finance Patrick Murphy said that custodial staff were in the building on Monday morning when one of the door-way vestibules to the outside of the school sprung a leak. Water seeped into four classrooms and the gymnasium, but the problem was quickly rectified.

"We have to always stay in touch with the vendor who handles the sprinkler system and the fire alarm system, they check on things," he said. "They showed up by 4:15 in the afternoon. Monday was a busy day for them. They had it immediately and it was all good to go. School was open and ready on Tuesday and the classrooms were in good shape."

Damage was minimal—a few classroom rugs and perhaps some bookshelves need to be replaced—and students were able to return

to school as scheduled on Tuesday. "We were only out one day," said Superintendent Lori Duerr. "Including North, even with this issue."

Legal Notices

PUBLIC HEARING NOTICE
 The Falmouth Select Board will hold a public hearing on Section 240-14 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, February 14, 2022 at 7:00 pm in the Select Board Meeting Room, Falmouth Town Hall, 53 Town Hall Square on the application of Daniel M. Solon and Wm. L. Hennessey for a permit to construct, erect and license a stoney, walkway and boat launch in the waters of Coonamessett Pond (A Great Pond) located at 66 Memorial Road, Halesville, MA. Area affected is Coonamessett Pond. Interested parties may review the file on the hearing date at the Office of the Select Board.

Per Order of the Select Board
 January 28, 2022
 February 4, 2022

LIQUOR LICENSE HEARING
 Notice is hereby given under Chapter 138 of the General Laws, as amended, that Shirebrook, LLC has applied for an Alteration of Premises to its AB Alcoholic Common Vintner License located at 203 Grand Avenue, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, February 14, 2022, at 1:30 pm on the above application.

Per Order of the Select Board
 January 28, 2022
 February 4, 2022

Falmouth to allow a home occupation (mobile marina) on a subject property known as 21 Cora Real Avenue, East Falmouth, MA.

Application by: **Michael Erik, C. and Laura Wadsworth**. Applied to the Zoning Board of Appeals for a special permit pursuant to section 240-202 (1)(b) of the Code of Falmouth to construct at 30 x 60 accessory structure on subject property known as 21 Cora Street, East Falmouth, MA.

Application # **2021-22-L-16-B** and **M. Elias Shah, DIMITRI** Applied to the Zoning Board of Appeals for a special permit pursuant to section 240-3 C. of the Code of Falmouth to construct an addition to an existing building on a subject property known as 40 Aster Lane, North Falmouth, MA.

Files are available in the Board of Appeals Office at Town Hall for review by interested parties.

January 28, 2022
 February 4, 2022

Coming This Month!
 New in books, children's books, and paperback

Out Now! MERCY STREET
Out Now! JENNIFER HAIGH
Feb. 22 LUCY POLY
Feb. 22 THE PARK APARTMENT

Out Now! MARCHING HAI
Feb. 8 THE ANTHEM
Feb. 8 THE BENEVOLENT

Out Now! EVERY YOU YOU BREAK
Feb. 15 PETER DAVENSON

169 Main Street • Falmouth, MA 02540 • 508.548.5548
www.eightcousins.com

Real Estate Tax Bills Due

The Falmouth Collector's Office mailed the third- and fourth-quarter tax bills for Fiscal Year 2022 on December 31. Included in that mailing were zero payment stubs. The third-quarter stub was due by February 1; the fourth-quarter stub is due by May 2.

Postmarks cannot be accepted. Payment is considered timely when received by the collector's office. All major credit cards are accepted (fee charged) as well as phone payments and checking account transfers. Go to www.falmouthma.gov and click "Pay Online" on the homepage.

Payments should be mailed to Town of Falmouth, PO Box 904, Falmouth, MA 02541. Payments can also be made at town hall by using the payment dropbox in the front of the building, or online, by text or by phone 844-228-8350.

To receive a copy of the bill, go to www.falmouthma.gov and click "Pay Online."

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Shirebrook, LLC has applied for an Alteration of Premises to its AB Alcoholic Common Vintner License located at 203 Grand Avenue, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall on Monday, February 14, 2022, at 1:30 pm on the above application.

Per Order of the Select Board
 January 28, 2022
 February 4, 2022

Notice is hereby given of the following Public Hearing on 240-14 Open Wetlands in the Select Board Meeting Room, Town Hall on Thursday, February 24, 2022.

Application # 21-21-Kevin J. Hesterman Applied to the Zoning Board of Appeals for a special permit pursuant to section 240-202 (1)(b) of the Code of Falmouth to construct an addition to the existing car port, creating a boatable in the waters of Coonamessett Pond, located at 66 Memorial Road, Halesville, MA. Area affected is Coonamessett Pond. Interested parties may review the file on the hearing date at the Office of the Select Board.

Application # **21-21-Daniel M. Solon** Applied to the Zoning Board of Appeals for a special permit pursuant to section 240-202 (1)(b) of the Code of

4. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may appear remotely and be required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Conservation Commission may request the Department to arrange an alternative means of real-time participation if unable to use the Zoom meeting software. Documents and audio and/or visual presentations should be submitted in advance of the meeting to conservation@falmouthma.gov and they may be displayed in remote public access viewing.

Complete applications are available by request and will be sent via email.

REQUESTS FOR DETERMINATION OF APPLICABILITY
 Inquire: 211 Ashburton Road, Falmouth, MA
 —For permission to conduct vegetation management in three granite-cut basins, which were created under MA DEP 24-102.

REQUESTS FOR A HEARING UNDER A NOTICE OF BRENT
Dean of Falmouth - Wanda Wilentz Applied to request the Comprehensive Permit for the Town of Falmouth to replace (3) existing and (1) new projects.

Woods Hole Business Anticlimax, Woods Hole, MA - **Wanda Wilentz**. For permission to remove all matted dead or dying keel land of the Falmouth Coast Institute. Community should be physically closed to the public to establish group congregations.

Alternative specific access to the meeting shall be provided in the following manner:
 1. The meeting will be televised via Falmouth Community Television.
 2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link at meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be made to record at the appropriate points in the meeting.
 3. Zoom Login instructions.
 Instructions and the meeting link for this specific meeting can be found at the following web address: <https://www.falmouthma.gov>
 4. Please plan on 15-20 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
 5. Additionally public comments may be seen in advance of the meeting by inspecting the **MAR22** at least 48 hours prior to the beginning of the meeting. Documents and audio or video files may be submitted via email to conservation@falmouthma.gov and they may be made a part of the meeting record and may be read into the record, or made a part of the record during the meeting at the discretion of the chair.

By Order of: **Jama Matthews**, Chairman
 Falmouth Conservation Commission
 February 4, 2022

LICENSE APPLICATION REVIEW

Restaurant/Business: Shipwrecked, LLC

Address: 263 Grand Avenue, Falmouth

License Type: All Alcoholic Common Victualler

New or Transfer of License _____

or

Change of License Alteration of Premises

Police No objection

Fire New Certificate of Occupancy required

Building _____

Health Allowed 100 seats based on the septic system

Zoning as long as existing parking in combined area is not decreased

Planning _____

DPW _____

Beach request a reminder that beach parking is locked @ 10pm

NOTES:

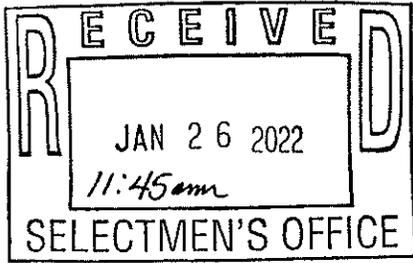
The existing license covers the indoor area only, containing 4,890 sq. ft. and the premise is licensed for 100 seats which will remain unchanged.

The outdoor area to be included by the alteration includes 40 seats in an area of 1,775 sq. ft. Weather permitting 40 will be seats outdoors and 60 seats in dining room, lounge, and bar area.

A Covenant combining lots 263 Grand Avenue and 269 Grand Avenue for licensing is included with the application.

Premises parking between the two locations will not decrease.

Applicants are reminded that Falmouth Heights beach parking closes at 10:00 pm seasonally.

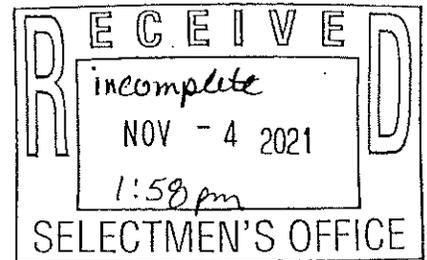


Robert H. Ament, Esq.
Kevin P. Klauer II, Esq.
Matthew M. Terry, Esq.

CK# 5505 \$50
CK# 5506 \$50

PAID

AMENT KLAUER LLP
Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540

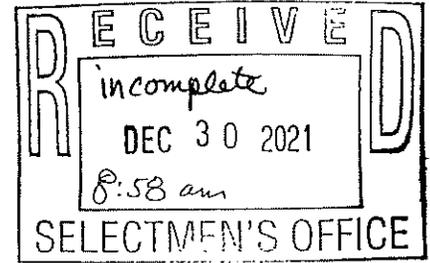


Telephone (508) 540-6555
Fax (508) 457-1293
Website: www.amentklauer.com

November 4, 2021

VIA HAND DELIVERY

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



Re: Alteration of Liquor License Premises
Shipwrecked LLC, 263 Grand Avenue

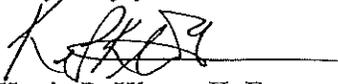
Dear Ms. Downey:

Enclosed please find the following with respect to the proposed alteration of the premises for the liquor license held by Shipwrecked LLC:

- 1) ABCC Application for Alteration of Premises;
- 2) Corporate Vote;
- 3) Floor Plan;
- 4) Lease of Premises;
- 5) Retail Alcoholic Beverages License Application Monetary Transmittal Form for Amendment-Change or Alteration of Premises and receipt;
- 6) Check for \$50.00 made payable to the Town of Falmouth representing the filing fee; and
- 7) Check for \$50.00 made payable to the Town of Falmouth representing the advertising fee.

Please schedule this matter on the Selectmen's agenda as soon as possible. If you require additional information, please do not hesitate to contact our office.

Very truly yours,


Kevin P. Klauer II, Esq.

KPK/
Enclosures



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth
City/Town

00130-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

The existing license covers the indoor area only, containing 4,890 sq. ft. The premise is licensed for 100 seats which will remain unchanged. The outdoor area to be included by the alteration includes 40 seats in an area of 1,775 sq. ft. Weather permitting 40 will be seats outdoors and 60 seats in dining room, lounge, and bar area.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

AMENDMENT-Change or Alteration of Premises Information

Change of Location

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

Alteration of Premises

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

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Shipwrecked LLC	Falmouth	00130-RS-0390

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

Applicant seeks alteration of All Alcoholic Common Victualler license to service 40 outdoor seats with no change in total seating capacity.

APPLICATION CONTACT

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

Name	Title	Email	Phone
Alex Khan	LLC Manager	info@shipwreckedfalmouth.com	(508) 540-9600

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

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

Applicant seeks to permit outdoor seating on a seasonal/weather-permitting basis by placing stools and four tables in the outdoor courtyard.

2B. PROPOSED DESCRIPTION OF PREMISES

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

Premises will include bar area, lounge, dining room, kitchen, outdoor bar and courtyard.

Total Sq. Footage	6,665 sq. ft.	Seating Capacity	100	Occupancy Number	115
Number of Entrances	4	Number of Exits	4	Number of Floors	1

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

263 Grand Avenue, Falmouth, MA 02540

Proposed Street Address

263 Grand Avenue, Falmouth, MA 02540 (no change of premises)

3B. 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 existing liquor license is for the indoor area only, containing 4,890 square feet. The premises is licensed for 100 seats, which will remain unchanged during seasonal/weather-permitting times. The outdoor area to be included by the alteration includes 40 seats and an area of 1,775 square feet.

Total Sq. Footage

6,665 sq. ft.

Seating Capacity

100

Occupancy Number

115

Number of Entrances

4

Number of Exits

4

Number of Floors

1

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Lease

Landlord Name

Falmouth Heights Real Estate LLC

Landlord Phone

310-463-8500

Landlord Email

akhan@rpost.com

Landlord Address

18 Saint Mary's Street, Newton, MA 02462

Lease Beginning Date

May 1, 2021

Rent per Month

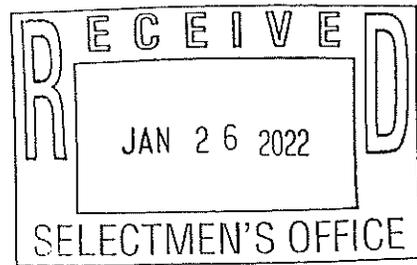
Lease Ending Date

April 30, 2028

Rent per Year

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

Yes No



COVENANT AS TO LOTS FOR LICENSING PURPOSES

WHEREAS Falmouth Heights Real Estate LLC, a Massachusetts Limited Liability Company having a principal address of 18 St. Mary's Street, Newton, MA 02462 ("Owner") own the property at 263 Grand Avenue, Falmouth, MA 02540 which property comprises Lots A and B on a plan of land recorded with Barnstable Registry of Deeds in Plan Book 114, Page 137, being Falmouth Assessor Parcel ID No. 46B 12 019 071 ("263 Grand") and also 269 Grand Avenue, Falmouth, Massachusetts 02540, being shown as Lot No. 72 on a plan recorded at said Registry in Plan Book 25, Page 72, being Falmouth Assessor Parcel ID No. 46B 12 020 000A ("269 Grand"); and

WHEREAS, 269 Grand is presently leased to Shipwrecked LLC, a Massachusetts Limited Liability Company with a principal office located at 18 St. Mary's Street, Newton, MA 02462, which is the operator of a restaurant; and

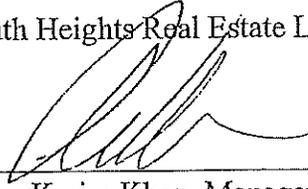
WHEREAS, Shipwrecked LLC has applied to modify their liquor license to allow for outdoor seating in the area between the buildings located at 263 Grand Avenue and 269 Grand Avenue;

NOW, THEREFORE, Owner hereby covenants, for themselves and their successors in title, that said premises shall both be subject to any liquor licensing permit issued to Shipwrecked LLC and that in the event that either 263 Grand and 269 Grand should be transferred to separate ownership an amendment to the liquor license shall be required..

For title, see deed recorded at Barnstable Registry of Deeds in Book 34124, Page 176..

Executed as a sealed instrument on January 26, 2022.

Falmouth Heights Real Estate LLC



By: Alex Karim Khan, Manager

COMMONWEALTH OF MASSACHUSETTS

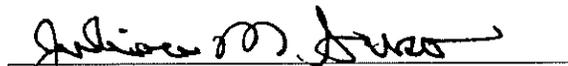
Barnstable .ss.

On this 26 day of January, 2022 before me, the undersigned notary public, personally appeared Alex Karim Khan, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Manager of Falmouth Heights Real Estate LLC.




Notary Public: Emily E Gansm
My Commission Expires: 11/11/2027

The foregoing Covenant is accepted by the Town of Falmouth.


Julian M. Suso, Town Manager



TOWN OF FALMOUTH
ZONING BOARD OF APPEALS

CASE NO: 117-21
OWNER: Falmouth Heights Real Estate LLC
18 St. Mary's Street, Newton, Massachusetts
APPLICANT: Shipwrecked LLC
18 St. Mary's Street, Newton, Massachusetts
SUBJECT PROPERTY: 263 Grand Avenue, Falmouth, Massachusetts (the "Premises")
ASSESSOR'S MAP: Map 46B Section 12 Parcel 020 Lot 000A
SUMMARY: Administrative Approval granted

The Applicant requested permission to modify Special Permits No. 42-93, 31-96, 39-99, and 103-10, to allow outdoor seating, on a seasonal/weather permitting basis, by placing seats and tables in the outdoor area, substantially as shown on the submitted plan "Shipwrecked Building 200, 269 Grand Ave, Falmouth, MA, First Floor Plan", prepared by Longfellow Design Build, 367 Main Street, Falmouth, MA, dated 10/06/2021. The outdoor seating will be in the area identified as "Outdoor Bar & Service".

The Premises currently has a license for 100 seats, including as permitted by the Zoning Board of Appeals. The total number of seats will not change, but may be 'flexed' with the outdoor seating option; the Premises is capped at this 100 seat capacity.

This Administrative Approval is hereby approved, in accordance with the above referenced plans, subject to the following Conditions:

1. The Applicant is limited to 100 seats in total for the Premises. Exceeding this total, without further expressed permission from applicable Boards, will be deemed a violation of the permit issued, and will be subject to enforcement measures by the Town.
2. The Applicant shall continue to monitor the parking on the Premises, which is shared with 269 Grand Avenue, and "O" Central Park Avenue, to minimize impacts on abutting properties.
3. Except as modified herein, all other Conditions of the Decisions 42-93, 31-96, 39-99, and 103-10, for the Premises, shall remain in full force and effect. This approval shall be filed with the Barnstable Registry of Deeds, and a copy of the recording shall be provided to the Zoning Board of Appeals.

True Copy Attest:


Noreen H. Stockman, Zoning Administrator

RECEIVED
DEC 30, 2021 AM 8:54
TOWN CLERK

Date Filed With Town Clerk



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

November 18, 2021

Mr. Alex Khan
Shipwrecked Restaurant
269 Grand Avenue
Falmouth, Massachusetts 02540

Re: Permanent Outdoor Seating Application – Shipwrecked Restaurant

Dear Mr. Khan,

The Planning Department has determined that the application from Shipwrecked Restaurant, for the request to change their temporary outdoor seating approval into a permanent condition, requires no further review or action on our part.

The application materials submitted to the Planning Department on November 11, 2021 indicated that:

1. There will be no change to the total number of tables, seats, or parking spaces at the property.
2. None of the proposed outdoor seating will make use of parking spaces on or near the property.
3. The property is allowed a total of 100 seats and has no dedicated parking spaces.
4. There will be 40 seats located outdoors and 60 seats located in the dining room, lounge, and bar area.

Please note, the Planning Department reviewed the site alteration plans for this application and defers further applicable review to other town departments.

Sincerely,

Thomas Bott
Town Planner

cc: Town Administration
Building Department
Zoning Board of Appeals
Health Department
Wastewater Department

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

VIA HAND DELIVERY

December 16, 2021

Eladio Gore, Building Commissioner
Inspectional Services Department
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

RE: Alteration of Liquor License Premises - Shipwrecked, 269 Grand Avenue

Dear Mr. Gore:

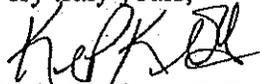
Ament Klauer LLP represents Alex Khan, Manager of Shipwrecked LLC, operator of the restaurant Shipwrecked, located at 269 Grand Avenue. Like many other restaurants, they would like to maintain their outdoor seating on a more permanent basis and are seeking to amend their liquor license so that some of the seating may be located outside as weather permits.

They are not seeking an increase in the overall number of seats, but would relocate some of the interior seats to the outside area located between the restaurant and hotel (also owned by Mr. Khan). A copy of the proposed plan is attached.

As per the instructions from the Selectboard's office, I am submitting this plan to your office. Whereas this change to the seating arrangements does not involved any change to the structure, or current use of the Premises I do not believe any further review by the Building Department is necessary.

Would you please consider the statement on the following page, and if you agree with it please sign it as your determination, and then return this letter to me. If you have any questions, please do not hesitate to let me know. Thank you.

Very truly yours,



Kevin P. Klauer II, Esq.

KPK/
Enclosure

Eladio Gore
December 15, 2021
Page 2 of 2

It is my determination, based on the referenced information submitted, that the proposed alteration of the liquor license premises for the property located at 269 Grand Avenue does not require any further evaluation by the Building Department.



Eladio R. Gore, C.B.O.

Town of Falmouth

Date: December 16, 2021

DRAFT

2022

License Alcoholic Beverages

00130-RS

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 Shipwrecked, LLC
Robert M. Loewen, Manager

263 Grand Avenue, Falmouth, MA 02540

On the following described premises:

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 14th 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-Thursday 11:00 am - 1:00 am; Friday-Saturday 8:00 am-1:00 am;
Sunday Noon to 12:00 am

The license covers the indoor area only, containing 4,890 sq. ft. The premise is licensed for 100 seats which will remain unchanged. The outdoor area to be included by the alteration includes 40 seats in an area of 1,775 sq. ft. Weather permitting 40 will be seats outdoors and 60 seats in dining room, lounge, and bar area. Premises parking between hotel & restaurant will not be decreased.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 14th day of February 2022

Licensing Board

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

BUSINESS

1. Presentation – Complete Streets – Cape Cod Commission **(15 minutes)**

Falmouth Complete Streets Prioritization Plan

CCC Update to Select Board

February 14, 2022

Study Overview

- Select Board kick-off presentation Dec 2020
- Public Meeting #1 Jan 2021
- February 2021 – Public comment period ends; results in over 300 potential complete streets projects identified
- Summer 2021 – Public Survey #1 released June/July to focus on evaluation criteria to be developed on how projects should be ranked. Evaluation criteria developed.
- Fall 2021 – Draft Prioritization List prepared in coordination with DPW and Planning. 50 projects included.
- Jan 2022 – Public Meeting 2 – present 50 potential projects for feedback on ranking and list of projects. Public Survey #2 released.
- Feb 2022 – Public Comment period closes Feb 16, 2022. Currently 150 survey responses to date.
- Feb/March 2022 – Town/CCC will finalize prioritization plan
- April 1, 2022 – deadline to submit prioritization plan to MassDOT for approval

Public Project Viewer Demonstration –

https://experience.arcgis.com/experience/a09e322937414a0ebde7ba548de205dd/page/page_1

Overview of Evaluation Criteria –

Safety
Mobility
Access
Ease of Implementation
Project Support

Prioritization Plan Overview - 50 projects included in Draft Prioritization Plan

Falmouth Complete Streets Prioritization Plan

Select Board meeting

Monday February 14, 2022

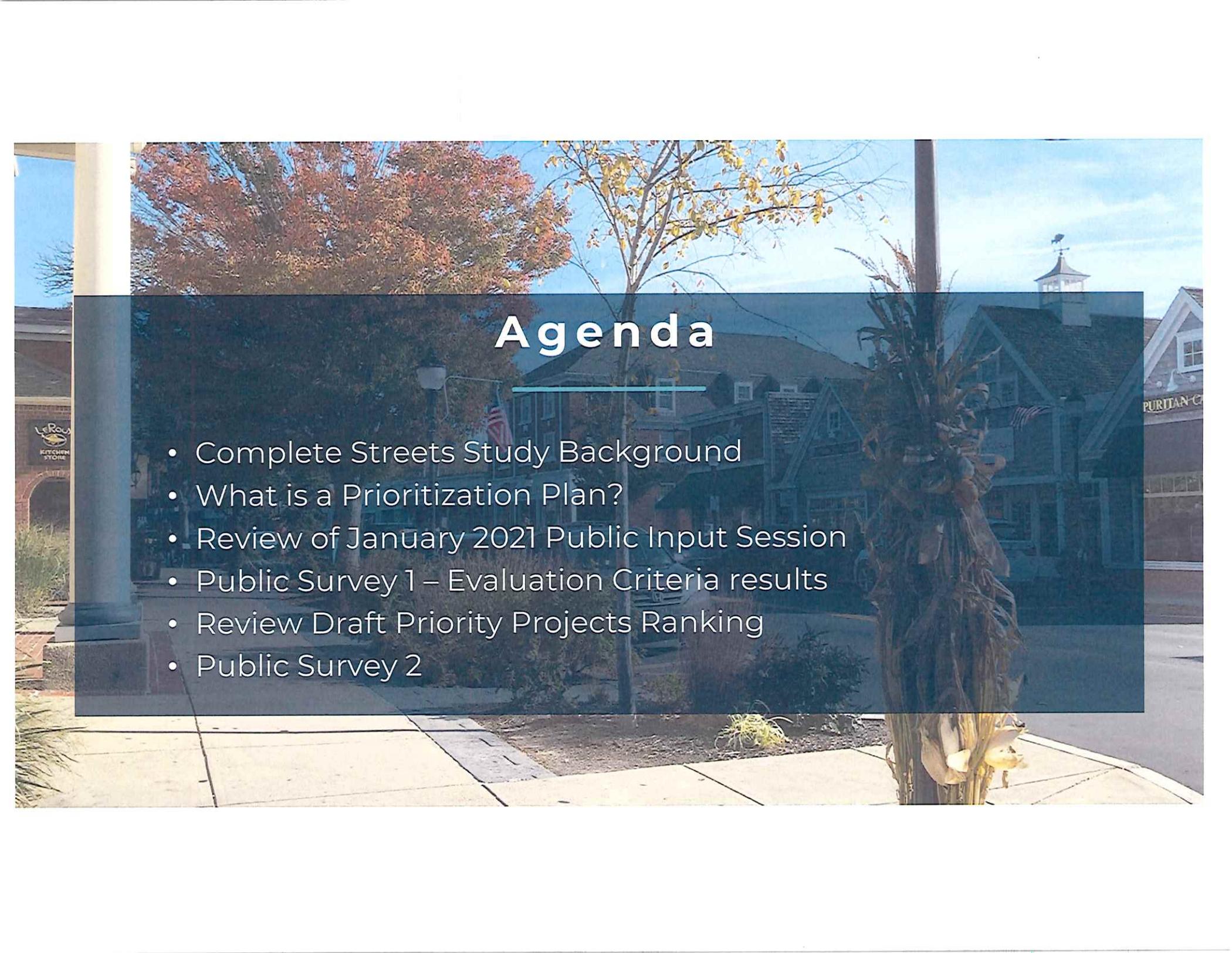
For More Information:

www.capecodcommission.org/FalmouthCompleteStreets



CAPE COD
COMMISSION





Agenda

- Complete Streets Study Background
- What is a Prioritization Plan?
- Review of January 2021 Public Input Session
- Public Survey 1 – Evaluation Criteria results
- Review Draft Priority Projects Ranking
- Public Survey 2

Public Survey Results – Summer 2021

- Commission staff released an online public survey to gather feedback on the types of projects that are more desirable by Falmouth residents. The survey had 275 responses and showed that:
 - Safety-related projects are most desired (along with “Walkability/Bikeability to Schools” and “Access to Destinations/Attractions”).
 - Crosswalks are the most important intersection treatment to improve walking and biking (followed by “Pedestrian Signals” and “Vehicle Signals”).
 - “Bike racks” are the most important amenity to improve biking and walking (followed by “Benches” and “Beach Lockers”).
 - Shared-use paths are the preferred treatment for higher-volume and higher-speed roads, while “Wide Shoulders/bike lanes” are the preferred treatment for most other road types.

Falmouth Complete Streets Evaluation Criteria

Safety Benefit	Points
Highest: Addresses a High Crash Location or RSA location	15
High: Project will improve safety significantly for all modes at a location/roadway with a ped/bike crash history	12
Medium: Project will improve safety significantly for all modes	8
Low: Project provides a moderate safety improvement for all modes	5
Lowest: Project with minimal safety improvement for all modes	1
Neutral: Addresses a location with no known crashes	0

Mobility Benefit	Points
Highest: Provides a regional connection	10
High: Provides accommodations on a high-speed, high-volume roadway	7
Medium: Fills a gap in the existing network or extends an existing network	5
Lowest: Provides a new disconnected link	1
Neutral: Not applicable	0

Access Benefit	Points
High: Project directly supports bike/ped/transit access to a vulnerable population (i.e. school children or seniors)	5
Medium: Project improves ped/bike/transit access to major pedestrian-oriented destinations (beaches, parks) or a large population area	3
Low: Improves bike/ped/transit access to a smaller population area	1
Lowest: Project does not greatly improve multimodal access.	0

Ease of Implementation	Points
Easy: Project under design and needs more funding	5
Simple: Within public ROW; no takings; no wetlands, historic, or archeological issues	3
Moderate: Project is viable with minor impacts to ROW or environmental	2
Negative: Major concerns with ROW and environmental impacts	-1

Project Support*	Points
Highest: Project is supported by town officials/boards	5
High: Project has significant public support	3
Moderate: Project has some public support	1
Negative: Project has mixed or negative public support	0

*Initial scoring for project support may be adjusted based on feedback from the second public meeting and survey



THANK YOU



CAPE COD
COMMISSION

Survey will be live through February 16, 2022

For more information:

www.capecodcommission.org/FalmouthCompleteStreets

Colleen Medeiros
Transportation Program Manager
colleen.medeiros@capecodcommission.org
508.744.1226

Municipality	Falmouth
MassDOT District	5
Name	James McLaughlin
Title	Falmouth Town Engineer
Date	1/3/2022

Public Engagement	
Public Engagement Description	The project was subject to two public hearings (January 2021 and January 2022) as well as an online public comment web tool and a public survey released. The first public meeting along with the online public comment tool allowed the public to identify areas of concern and potential projects while the online survey assisted with the prioritization of those areas of concern.

Project Priority Ranking	Project Name	Project Description	Project Source	Location		Modes Served				Project Types																	Assessment						Funding Request			Construction Schedule																							
				Project Location	Google Maps Link	Transit	Vehicle/Freight	Intersection Redesign	Street Reconfigurations & Traffic Calming	Pedestrian Crossing Modifications	Pedestrian & Bike Network Connections	Transit Investments	Environment & Streetscape Investments	Network Gap	High Crash Location	Environmental Justice	Safe Routes to School	Safe Routes for Seniors	Accessibility	State-owned ROW	Estimated Project Cost Range	Funding Requested from MassDOT	Other Funding Source(s) & Amount (if applicable)	Anticipated Construction Duration																																			
								Roundabouts/Mini Traffic Circle	Intersection Reconstruction	Tighten Curb Radius/Curb Extension	Intersection Signalization	Road Diet/Lane Elimination	Lane Narrowing	Other Traffic Calming Elements	ADA-compliant Curb Ramps	Pedestrian Hybrid Beacon/HAWK	Ped-Activated Warning Device/RRFBs	Pedestrian Signal Upgrades	Crossing Islands	Raised Intersection or Raised Crosswalk	Crosswalk Improvements	Sidewalk	Shared-Use Path/Separated Bike Lane	On-road Bike Lane	Bicycle Boulevards	At-grade Rail Crossing Improvements	Transit Station/Stop Access Improvements	Transit Service Improvements	Street Lighting	Wayfinding for Pedestrians/Bicyclists	Bicycle Parking	Bicycle-Friendly Drain Grates	Stormwater Management	Street Trees/Landscaping	Is a Network Gap being filled?	Pedestrian	Bicycle	Vehicle	Is an Environmental Justice Population Served? (See MassGIS Map)	Does this project improve safety or accessibility within one mile of a school?	Does this project improve safety or accessibility within 1/4 mile of a Senior destination?	Does this project improve conditions for people with disabilities?	Does this project include any state-owned right-of-way?																
1	Katharine Lee Bates shared use path	Convert existing sidewalk into a shared use path. Upgrade the Route 28 crossing with a RRFB. This will meet the limits of the recent Katharine Lee Bates sidewalk project.	Falmouth Bike Plan	Katharine Lee Bates Rd from Route 28 to Post Office Rd	https://www.google.com/maps/dir/41.5521461,-70.6202168/41.5527313,-70.6170398/@41.5556408,-70.620236,734m/data=!3m1!1e3!4m2!1s4m1!1s3e0	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	\$250,000 - \$400,000	\$	300,000	12													
2	Brick Kiln Road at Sandwich Road Intersection Improvements	Intersection improvement project to improve vehicular safety and incorporate missing multi modal accommodations.	Safety/Pedestrian/Bicycle Audit	Brick Kiln Rd at Sandwich Rd	https://www.google.com/maps/place/41.5911207,-70.5911207/@41.5911207,-70.5911207,15m data=!3m1!1e3!4m5!1s4m1!1s0x89e4d7330e0e49e110:859f74f25a471998113e411581043914e	Yes	Yes	No	Yes	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	>\$400,000	\$	400,000	24									
3	Jones Rd at Gifford St Intersection Improvements	Intersection improvement project to improve vehicular safety, reduce congestion, and incorporate multi modal accommodations, including bike lanes.	Falmouth Route 28/Main St Transportation Master Plan	Jones Rd at Gifford St	https://www.google.com/maps/place/41.5054842,-70.6150923,342m/data=!3m1!1e3!4m1!1s4m1!1s0x89e4d765856a6e10:6f4e931a0e095e7218m713d41.5605214d	Yes	Yes	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	>\$400,000	\$	400,000	24									
4	Extension of Shining Sea Bikeway	Extension of the Shining Sea Bikeway to connect to the planned Bourne Rail Trail.	Falmouth Bike Plan	From County Rd to Bourne Town Line	https://www.google.com/maps/@41.6504945,-70.6091904,1675m/data=!3m1!1e3!5m1!1e3?hl=en	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	Yes	>\$400,000	\$400,000	Transportation Improvement Program (TIP), MassTrails, Community Preservation Funds	24									
5	Route 151 at Boxberry Hill Road/Sam Turner Road/Cloverfield Way Intersection Improvements	Intersection improvement project to improve vehicular safety and incorporate multi modal accommodations.	Safety/Pedestrian/Bicycle Audit	Rt 151 at Boxberry Hill Rd/Sam Turner Rd/Cloverfield Way	https://www.google.com/maps/place/41.5492272,-70.5859276,352m/data=!3m1!1e3!4m1!1s4m1!1m7!1m6!1s0x89e4d1a41e3a170:4089e13615091a6572080b03910	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	>\$400,000	\$	400,000	24								
6	Gifford St Shared Use Path (South End)	Convert existing sidewalk into a shared use path from Goodwill Park south to Main Street.	CS Needs Assessment	Gifford St South of Goodwill Park to Main St	https://www.google.com/maps/dir/41.569579,-70.606642/41.5522447,-70.6109677/@41.5608321,-70.6109677,2537m/data=!3m1!1e3!4m2!1s4m1!1s0x89e4d1a41e3a170:4089e13615091a6572080b03910	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No	>\$400,000	\$	400,000	24							
7	Brick Kiln Road Shared Use Path	Installation of a shared use path on the northern side of road. Project will likely need to be phased. The Rt 28 interchange would be excluded from funding request.	Falmouth Bike Plan	Brick Kiln Road between the two portions of Route 28 via the western section of Oxbow Road.	https://www.google.com/maps/dir/41.593918,-70.625944/41.5774841,-70.575251/@41.5849066,-70.6114409,3740m/data=!3m1!1e3!4m2!1s4m1!1s3e0	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	>\$400,000	\$	400,000	TIP, MassTrails	36						
8	Gifford St Shared Use path (North End)	Widen the existing sidewalk into a shared use path from Goodwill Park to Falmouth High School. Install an ADA compliant crossing with a RRFB at Goodwill Park. Consider installation of speed feedback signs.	Falmouth Bike Plan	Gifford St North of Goodwill Park to Falmouth High School	https://www.google.com/maps/dir/41.5905519,-70.6057279/41.5695927,-70.606641/@41.5792723,-70.614319,3008m/data=!3m1!1e3!4m2!1s4m1!1s3e0	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No	>\$400,000	\$	400,000	18						
9	Route 151 Shared Use Path	Extension of the planned shared use from Mashpee to connect to the Shining Sea Bikeway. The area within the state right-of-way would be excluded from a funding request. Project may need to be phased.	CS Needs Assessment	Route 151 from Route 28A to Mashpee Town Line	https://www.google.com/maps/dir/41.8466585,-70.6126502/41.617074,-70.593918/@41.838202,-70.5960102,2988m/data=!3m1!1e3!4m2!1s4m1!1s3e0?hl=en	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes	>\$400,000	\$	400,000	TIP, MassTrails	36				
10	Crosswalk upgrade at intersection of Gifford St and Dillingham Ave	Install additional pedestrian warning signage and consider installation of a flashing pedestrian warning beacon/sign to improve visibility for this crosswalk which is along a designated bike and school route.	CS Needs Assessment	Gifford St at Dillingham Ave	https://www.google.com/maps/@41.551765,-70.6118532,282m/data=!3m1!1e3?hl=en	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	No	<\$50,000	\$20,000		3				
11	Curley Blvd Road Diet	Road diet on Curley Blvd to restripe roadway and allocate a space for on-road buffered bicycle lanes. Install RRFB at existing mid-block crosswalk at Old Main Rd. Consider minor geometric upgrades to Quaker Rd intersection.	CS Needs Assessment	Curley Blvd from bike path overpass to Quaker Rd	https://www.google.com/maps/dir/41.6350283,-70.6311363/41.633752,-70.619557/@41.63433,-70.629375,1024m/data=!3m1!1e3!4m2!1s4m1!1s3e0?hl=en	Yes	Yes	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	\$50,000 - \$100,000	\$50,000		3			
12	Jones Rd Bicycle Lanes	Widen roadway to install bicycle lanes on Jones Road between Route 28 north and Route 28 south	CS Needs Assessment	Jones Rd between both ends of Route 28	https://www.google.com/maps/dir/41.5610027,-70.5991154/41.564038,-70.6187467/@41.5610039,-70.6166424,1733m/data=!3m1!1e3!4m2!1s4m1!1s3e0?hl=en	No	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No	>\$400,000	\$	400,000	18			
13	Dillingham Ave Shared Use Path	Widen existing sidewalk into a shared use path on Dillingham Ave to encourage this alternate bicycle route from Route 28.	Falmouth Bike Plan	Dillingham Ave from Route 28 to Gifford St	https://www.google.com/maps/dir/41.5373962,-70.5996817/41.55519,-70.611004/@41.5562519,-70.6089695,1169m/data=!3m1!1e3!4m2!1s4m1!1s3e0?hl=en	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	\$250,000 - \$400,000	\$	400,000	8		
14	Scranton Ave sidewalk installation	Install sidewalk along the eastern side of the road. Consider widening western sidewalk to a shared use path.	CS Needs Assessment	Scranton Ave from Robbins Rd to Clinton Ave	https://www.google.com/maps/dir/41.5522225,-70.6025418/41.5441168,-70.607112/@41.5482762,-70.6066796,1215m/data=!3m1!1e3!4m2!1s4m1!1s3e0?hl=en	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No	>\$400,000	\$	400,000	10	
15	Seacoast Shore Blvd Pedestrian Improvements	Install missing crosswalk signage along Seacoast Shore Blvd. Install traffic calming measures such as feedback signs.	CS Needs Assessment	Entire length of Seacoast Shores Blvd	https://www.google.com/maps/dir/41.5804433,-70.6339124/41.5522274,-70.549819/@41.5686277,-70.5482075,2986m/data=!3m1!1e3!4m2!1s4m1!1s3e0?hl=en	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No	<\$50,000			3

BUSINESS

2. **Petition Article Presentations for April 2022 Annual Town Meeting
(5 minutes each)**
 - a. Present Petition Article #23 – Victoria H. Lowell
 - b. Present Petition Article #24 – Patricia P. Johnson
 - c. Present Petition Article #25 – Courtney Bird (FalmouthNet, Inc.)
 - d. Present Petition Article #26 – Courtney Bird (FalmouthNet, Inc.)
 - e. Present Petition Article #28 – Rosemary Carey
 - f. Present Petition Article #29 – Jordan Frye



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

Diane Davidson

From: Jordan Rose Frye [REDACTED]
Sent: Wednesday, February 9, 2022 4:30 PM
To: Falmouth Selectboard
Subject: Article 29

Dear Falmouth Select Board,

I submitted the following article for April Town Meeting:

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 request of the Select Board.

I submitted this article because it was the next viable option on the list in the Funding Enhancement Plan Report that the Affordable Housing Committee submitted to you in the summer of 2021. I submitted it personally because I needed to meet the January 14th 2022 article submission deadline, and brought it to the AHC at the next possible opportunity. The AHC's next step would have either been to write to you suggesting that you adopt the article as your own, or to choose not to pursue the matter further.

At a meeting on January 25th and at another one on February 3rd, the AHC decided not to pursue this article. The committee feels, based on feedback it has received, that this is not the right time to pursue more money, and that we should turn our attention to researching implementation options for the funds that are now available to support affordable housing in our community.

However, as you know, the sum of money in the Falmouth Affordable Housing Fund may seem like a lot but in fact as much or more would be needed annually in order to truly tackle the situation we are in. We hope that you see this meal and restaurant tax suggestion as a potential source of funding in the future, should you choose to pursue it. The lack of affordable housing in Falmouth has had a dramatic effect on staffing for our restaurants, which is why we see this tax as being directly related to the issue.

Along those lines, I wanted to share with you that when I submitted the above article I did not fully understand how money allocation happens in our town, and I have since been informed that only a dollar amount can be allocated. This funding source would therefore have to be pursued differently, should you choose to pursue it.

Thank you very much for your support on this important aspect of our community. Unfortunately I will be out of town on Monday the 14th so I will not be able to attend your meeting. Please feel free to reach out if you would like to speak with me further.

Best,
Jordan Frye
[REDACTED]

**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	Tow n 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 the 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.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hand this 31st day of January in the year of our Lord Two Thousand Twenty-Two.

Douglas C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English Braga

Onjalé Scott Price

BUSINESS

3. Discuss and vote revisions to Special Events Policy **(5 minutes)**



**FALMOUTH SELECT BOARD
SPECIAL EVENTS USE POLICY
DRAFT ONLY -- February 14, 2022 – DRAFT ONLY**

1. Purpose

The purpose of this policy is to regulate events that take place on Town property in a manner that balances public enjoyment of Town property and support for local businesses while protecting public health and safety, limiting negative impacts to surrounding neighborhoods such as noise and traffic, and preventing an undue burden on Town departments.

2. Special Events Policy

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads, municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Department (Gus Canty Recreational Building; Grounds and Recreational Facilities and Fields), Library Trustees (all public libraries and grounds), Parks Department (Goodwill Park), and Beach Department, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

SPECIAL CONSIDERATION:

- a. During the Months of July, August and September, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*

An individual or group seeking to sponsor an event must submit a 'Special Event Application' form to the Town Manager's Office **at least 60 days in advance of the event date**. Exceptions may be made for small events at the discretion of the Town Manager (e.g. a small wedding, etc.). All applications will be reviewed by the 'Special Events Internal Staff Working Group' appointed by the Town Manager. The Internal Staff Working Group review will include at a minimum a posted public meeting at which the public is invited to comment on the application. The Internal Staff Working Group shall provide its recommendation to the Town Manager who may deny or approve the application with any conditions deemed necessary to meet the purposes of the Policy. See 'Internal Staff Working Group Charge' for further details regarding the composition and review procedure. No Special Event shall be held without the approval of the Town Manager and any other Town department that has jurisdiction over the facility at which the event takes place.

For Special Events on Town beaches, please also see the Beach Use Policy.

The Town Manager's Office will maintain a calendar of Special Events on the Special Events page of the Town website and submit a list of events approved and denied to the Select Board for informational purposes.

All applicants agree to restore the site to its original condition, removing all trash, equipment, etc., immediately following the event, regardless of the source. The permitted group will compensate the Town for any clean-up or repairs required as a result of the approved activity.

The Event Sponsor / Applicant shall acknowledge this policy by returning a signed copy with the Special Event Request Form.

3. Minimum Conditions

The following are minimum conditions:

- a. Special Events Fees (see attached Fee Schedule) shall be submitted upon approval of the event.
- b. In addition to the Special Events Fee, a \$300 minimum deposit check, made payable to the Town of Falmouth, is required of all special events. The deposit check shall be submitted upon approval of the event and will be held in the Select Board's office and returned to the organizer(s) at the conclusion of the special event, provided no damage or litter has occurred.
- c. Payment of a \$10.00 filing fee shall be submitted with an application.
- d. Signs: Approval for one (1) on-premise special event/promotional sign may be approved by the Building Commissioner. Off-premise signs that are within the Town's Sign Code requirements must be approved by the Select Board. Off-premise signs that are not in compliance with the Town's Sign Code requirements must be submitted to the Building Department in writing with a design or photograph of the proposed sign(s). Off-premise signs requested on private property must receive approval from the property owner in advance of approval by the Select Board. Requests for off-premises signage must be received by the Select Board at least one month in advance of the special event.
- e. Raffles must be performed by licensed non-profit organizations only.
- f. Parking is available in designated public parking lots and as allowed on the street. There are no special exceptions to posted parking regulations or fees.
- g. Portable toilets are allowed upon request.
- h. The Police Department will recommend the number, location, and duration of police details required.
- i. The Fire Department and Marine and Environmental Services Department may recommend details as may be required to ensure the safety of an event.
- j. Events proposing the sale of liquor must apply separately for a one-day liquor license. The one-day liquor license is issued by the Select Board
- k. Events will be permitted on a first-come, first-serve basis. Recurring events such as road races, village association events, festivals, etc., will notify the Town as soon as annual dates are set to reserve the time needed.
- l. The Applicant agrees to Hold Harmless the Town of Falmouth and will sign and return the Hold Harmless agreement provided in the Application Packet.
- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:

- Building Permits for tents and structures;
- Health Inspections for food service;
- Select Board for off-premises sign approval.
- n. Special Event coverage—a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
 - Events Proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Select Board
February 14, 2022

I, _____, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.

Special Events Internal Staff Working Group Charge
DRAFT ONLY -- February 11, 2022 – DRAFT ONLY
(No Select Board Vote Required)

The Town Manager shall appoint a staff working group to review Special Events. The Working Group will review all Special Event Applications per the Select Board Special Events Policy, meet with the applicants and host public meetings to solicit community input on each application. The Working group will then submit its recommendations to the Town Manager who shall make the final decision on the disposition of each application.

This Internal Staff Working Group will generally hold public meetings quarterly and more frequently as needed. In addition to these public meetings, the Working Group may discuss applications via email or in meetings that are not open to the public. As this is an internal staff working group reporting to the Town Manager, it is not subject to the Open Meeting Law.

It is anticipated that the Working Group will include a representative of the Police Department, Fire Department, Health Department, Department of Public Works, Recreation Department, and Beach Department and other staff members as the Town Manager may determine. A liaison member of the Select Board shall be welcome to attend. The purpose of the Working Group will be to consider conflicts with other events and recommend conditions consistent with the purposes of the Select Board Special Events Use Policy. The Working Group will dialog with applicants to modify event plans to limit the impacts of planned events on the site and the community. The Working Group may recommend approval of the application with conditions and/or a change of event date, or denial of the application.



Previous Version
Adopted 1/6/14

TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

SPECIAL EVENTS USE POLICY

January 6, 2014

1. Purpose

The purpose of this policy is to promote the enjoyment of Town Property without negatively impacting the site or our neighbors and to reduce the Town's liability for private activities authorized on public property.

2. Special Events Policy

The Town of Falmouth hereby establishes the following policy to govern Special Events. This policy shall apply to applications for use of public roads closed upon request and in all municipal parks, grounds and beaches.

Additional policies and procedures may apply depending on the scope of the Special Event Proposed. The Recreation Committee (Gus Canty Recreational Building; Grounds and Recreational Facilities and Fields) and Library Trustees and Library Department (all public libraries and grounds) and the Parks Department (Goodwill Park), and Beach Committee, have standing policies and fees related to use of related facilities. Any board, committee or commission so enabled to approve events will issue permission in conformance with the minimum conditions of this policy.

SPECIAL CONSIDERATION:

- a. *During the Months of July and August, approval of Special Events will be made only after careful consideration of the effect that the event will have on parking and traffic congestion in the proposed area. For example, special events on the main streets of the villages of Falmouth will be given careful consideration and will be avoided if at all possible during July and August.*
- b. *The Town Manager's Special Events Working Group will provide its recommendation to the Board.*

Each event must be approved by a vote of the permitting authority. Any individual or organization planning an event must complete a "Special Event Application Form" provided by the designated agency. The Permitting Authority will consider each complete application, including referrals from the Police Department, Fire Department, Department of Public Health and any other Town Department or Agency that may be involved in the event

requested. To allow for the review period, Special Event Request forms are requested at least **60 days in advance of the event date.**

For special events on Town beaches, please also see the Beach Use Policy.

All applicants agree to restore the site to its original condition, removing all trash, equipment, etc., immediately following the event, regardless of the source. The permitted group will compensate the Town for any clean-up or repairs required as a result of the approved activity.

The Event Sponsor / Applicant shall acknowledge this policy by returning a signed copy with the Special Event Request Form.

3. Minimum Conditions

The following are minimum conditions:

- a. Special Events Fees (see attached Fee Schedule).
- b. In addition to the Special Events Fee, a \$300 deposit check, made payable to the Town of Falmouth is required of all special events. The deposit check will be held in the Selectmen's office and returned to the organizer(s) at the conclusion of the special event.
- c. Payment of related fees shall be submitted with an application
- d. Signs: Approval for one (1) on-premise special event/promotional sign may be approved by the Building Commissioner. Off premise signs that are within the Town's Sign Code requirements must be approved by the Board of Selectmen. Off premise signs that are not in compliance with the Town's Sign Code requirements must be submitted to the Design Review Committee in writing with a design or photograph of the proposed sign(s). Off-premise signs requested on private property must receive approval from the property owner in advance of approval by the Board of Selectmen. Requests for off-premises signage must be received by the Board of Selectmen/Design Review Committee one month in advance of the special event.
- e. Raffles must be performed by licensed non-profit organizations only.
- f. Parking is available in designated public parking lots and as allowed on the street. There are no special exceptions to posted parking regulations or fees.
- g. Portable toilets are allowed upon request.
- h. The Police Department will recommend the number, location, and duration of police details required.
- i. The Fire Department and Marine and Environmental Services Department will recommend details as may be required to ensure the safety of an event.
- j. Events proposing the sale of liquor must apply separately for a one day liquor license. The one day liquor license is issued by the Board of Selectmen
- k. Events will be permitted on a first-come, first-serve basis. Annual events such as road races, village association events, festivals, etc., will notify the Town as soon as annual dates are set to reserve the time needed.
- l. The Applicant agrees to Hold Harmless the Town of Falmouth and will sign and return the Hold Harmless agreement provided in the Application Packet.
- m. The Applicant will obtain all necessary permits for the event proposed, including, but not limited to:
 - Building Permits for tents and structures;
 - Health Inspections for food service;
 - Design Review Committee for off-premises sign approval.

- n. Special Event coverage –a certificate of Insurance in the amount of \$1,000,000 is required.
- o. Additional Insurances, including Auto Liability in the amount of \$1,000,000 and Workers Compensation insurance will be required for events with auto and employee liability exposure.
 - Events Proposing the consumption or sale of alcohol shall provide Liquor Liability Insurance in the amount of \$2,000,000 in the aggregate and \$1,000,000 per occurrence.
- p. All Special Events require review by the following departments:
 - Board of Selectmen (as specified)
 - Department of Public Works
 - Police Department
 - Fire Department
 - Any other permitting departments required, based on event proposed including, but not limited to:
 - Recreation Director
 - Building Commissioner
 - Design Review Committee
 - Health Department
 - Beach Department

A copy of all approved requests with special conditions shall be filed with the referring departments.

Per Order of the Board of Selectmen
January 6, 2014

I, _____, have read and agree to all of the conditions of this policy and to any other conditions that may be required by the permitting authority.

Town Manager's Internal Staff Working Group for Special Events

(No Board Vote Necessary)

The Town Manager intends to create a working group to review Special Events. The internal working group will meet no less than quarterly and more frequently as needed.

It is anticipated that the working group will include the Town Manager or his Designee, a representative of the Police Department, Department of Public Works, Fire Department, Recreation Department, Beach Department and Marine and Environmental Services Department. A liaison member of the Board of Selectmen shall be welcome to attend. The purpose of the Task Force will be ensure public safety, consider conflicts, annual calendar of events and to recommend strategies to limit or mitigate the impact of planned events on the site, the neighborhood and the community.

- The working group will review all pending applicants and events.
- The working group will develop policies and procedures and will maintain an annual calendar of events.
- A record of all events considered, approved and denied, will be maintained and provided to the Board of Selectmen as requested.

Quarterly meetings of the working group will be posted including a list of all pending and special events as may have been approved by the Town Manager. Applicants will be notified of the time and place for the meeting. Applicants are advised that additional coordination with municipal agencies may be required and applicants are encouraged to contact relevant Town Departments in advance of working group meetings as needed.

The Town Manager may propose the dissolution of the working group at such time that policies and procurers necessary have been developed to offer adequate review and coordination of Special Events prior to approval by the Town Manager.

BUSINESS

4. Discuss Pilgrim Nuclear Power Plant decommissioning elements and possible letter of concern **(10 minutes)**

Diane Davidson

From: JANET AZAROVITZ [REDACTED]
Sent: Tuesday, February 8, 2022 9:46 AM
To: Falmouth Selectboard
Subject: Radionuclides in Cape Cod Bay?

Good morning. I would like to ask for a few minutes at the next Board of Select to present my thoughts regarding the dumping of radioactive wastewater accumulated at the Pilgrim Nuclear Power Station into Cape Cod Bay by the Holtec International Corporation. I would ask that the Board of Select, as the voice of the residents of Falmouth, consider sending a letter to the Governor, the Massachusetts Nuclear Decommissioning Citizens Advisory Panel (NDCAP), and our Federal and Cape Legislators, to go on record as opposing any plan to discharge radioactive wastewater into Cape Cod Bay.

There are other towns, on and off Cape, that have written a letter asking to do this and I am hopeful that Falmouth BOS will do this as well.

Hoping to hear back from you, sincerely,

Janet Azarovitz
20 Shapquit Bars Circle
West Falmouth
Precinct 5, Town Meeting Member



December 17, 2021

Andrew Gottlieb
Executive Director

RE: Opposition to Pilgrim Discharge of Radioactive Water into Cape Cod Bay

BOARD OF DIRECTORS

Dear Local Leader:

Eliza McClennen
President

As the Cape Cod region's leading nonprofit environmental advocacy and education organization, the Association to Preserve Cape Cod is very concerned about the recent proposal by Holtec International, the owner of the Pilgrim Nuclear Power Station, to discharge up to one million gallons of radioactive water from the plant's reactor vessel and spent-fuel pool into Cape Cod Bay.

Steven Koppel
Vice President

Bob Ciolek
Treasurer

Jack Looney
Clerk

The release of this contaminated water directly threatens our region's public health, the environment, and our local economy. The impact such a discharge would have on Cape Cod Bay's diverse and fragile ecosystems is unknown. Human exposure through the consumption of contaminated shellfish and finfish raises troubling health concerns that also lead to ramifications for our coastal economy, our commercial fisheries, and the many businesses that rely on tourism dollars.

John Cumbler

Margo Fenn

Joshua Goldberg

DeeDee Holt

Although Holtec has walked back from its plans for near-term discharge of contaminated water into Cape Cod Bay in 2022, APCC believes it is imperative that state and federal regulatory agencies and our elected officials understand that Cape Cod communities stand in firm opposition to any future proposal by Holtec to release radioactive water from Pilgrim into the bay.

Thomas Huettner

Pat Hughes

Elyse Magnotto-Cleary

Blue Magruder

APCC encourages your town to go on record as opposing any plan to discharge radioactive wastewater into Cape Cod Bay. We have included a sample letter to act as a guide in communicating to policy makers on this issue, along with the contact information for recommended recipients.

Stephen Mealy

Wendy Northcross

Kris Ramsay

Robert Summersgill

If you have any questions, please do not hesitate to contact me.

Charles Sumner

Taryn Wilson

Sincerely,

Andrew Gottlieb
Executive Director

Sample Letter

Dear ___:

The (town body) voted on (date) to go on record as opposing Holtec International's plan to discharge one million gallons of radioactive water from the Pilgrim Nuclear Power Station's reactor vessel and spent fuel pool into Cape Cod Bay.

As a Cape Cod community, we are very concerned about the potential adverse impacts Holtec's proposed action would have on our region's public health, the environment, and the local economy.

Designated as a State Ocean Sanctuary in 1970, Cape Cod Bay is recognized for its ecological diversity and significance. Its marine and coastal habitats support many commercially important fish and shellfish species, as well as state and federally listed birds and marine mammal species. In late winter and spring, the bay serves as a rich feeding ground for the critically endangered North Atlantic right whale.

Yet Cape Cod Bay's ecological bounty also underscores its environmental fragility. Cape Cod Bay is unique in that it is a semi-enclosed embayment that is not conducive to dilution and disbursement of pollutants. The cumulative effects of radiation combined with the enclosed nature of the bay translate into too many unknown risks to make the proposed discharge acceptable. From a human health perspective, the potential for bioaccumulation of radiation in shellfish and finfish that are used as food sources is of great concern to us. These health concerns also translate into potential threats to our coastal economy, with ramifications for our commercial fisheries as well as the many businesses that rely on tourism dollars.

Discharging the contaminated water into Cape Cod Bay is not the only option available to Holtec. Instead of releasing the water into the bay, the company has other alternative actions to take that include storing the water at the site, employing evaporation, or trucking the water to another location. There is too much at stake to gamble with the health of the region's environment and its residents by permitting Holtec to use Cape Cod Bay as its dumping ground simply because it is cheaper for the company to do so.

We therefore state our strong opposition to any plans by Holtec International to discharge water containing radiation or other contaminants into Cape Cod Bay.

List of Contacts

Governor Charlie Baker
Massachusetts State House
24 Beacon St.
Office of the Governor
Boston, MA 02133

Massachusetts Attorney General Maura Healey
Attorney General's Office
1 Ashburton Place, 20th Floor
Boston, MA 02108

U.S. Senator Elizabeth Warren
309 Hart Senate Office Building
Washington, DC 20510

U.S. Senator Edward Markey
255 Dirksen Senate
Office Building
Washington, DC 20510

U.S. Representative William Keating
2351 Rayburn HOB
Washington, DC 20515

State Senator Julian Cyr
State House, 24 Beacon St.
Room 312-E
Boston, MA, 02133

State Senator Susan Moran
State House, 24 Beacon St.
Room 506
Boston, MA, 02133

State Representative Sarah Peake
State House, 24 Beacon St.
Room 7
Boston, MA, 02133

State Representative Timothy Whelan
State House, 24 Beacon St.
Room 542
Boston, MA, 02133

State Representative Kip Diggs
State House, 24 Beacon St.
Boston, MA, 02133

State Representative David Vieira
State House, 24 Beacon St.
Room 167
Boston, MA, 02133

State Representative Dylan Fernandes
State House, 24 Beacon St.
Room 472
Boston, MA, 02133

State Representative Steven Xiarhos
State House, 24 Beacon St.
Boston, MA, 02133

Christopher T. Hanson, Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Deborah Szaro, Acting Region 1 Administrator
U.S. Environmental Protection Agency, Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Martin Suuberg, Commissioner
Massachusetts Department of Environmental Protection
1 Winter St.
Boston, MA 02108

RADIOACTIVITY

Attorney General Says Permits Forbid Release of Reactor Water

The company argues against the alternatives to ‘overboarding’

BY CHRISTINE LEGERE FEB 9, 2022

PLYMOUTH — The Mass. attorney general’s office has doubled down on a recent statement saying that Pilgrim Nuclear Power Station’s permits prohibit the release of radioactive water into Cape Cod Bay.

The news that the plant is on Attorney General Maura Healey’s radar brought some relief to opponents. But those who are determined to stop Pilgrim’s owner from dumping a million gallons of contaminated water into the bay remain wary.

Holtec International, the company that owns Pilgrim and is decommissioning it, said last fall that there are three options for getting rid of the water from the spent fuel pool and other systems: “overboarding” it, which means releasing it into the bay; shipping it to a disposal facility; or evaporating it, which entails its dispersal into the clouds and eventual return in the form of precipitation.

Healey’s office issued a statement on Feb. 2 saying that Pilgrim’s permits prohibit the discharge of spent fuel pool water and wastewater into Cape Cod Bay, and the attorney general expected Holtec to “abide by those rules.”

Further information provided by Healey’s office to the *Independent* this week elaborated on its earlier statement. The office cited the water discharge permit for the plant, issued by the state Dept. of Environmental Protection (DEP) and the federal Environmental Protection Agency (EPA) in January 2020, as the basis for its conclusion that release of contaminated water into the bay during decommissioning was not allowed.

“Our office will take any violation of Holtec’s permits seriously — especially one that could pose a threat to public health and safety,” said Chloe Gotsis, Healey’s spokeswoman. “We are continuing to coordinate with our state agencies to monitor this and are prepared to take action if needed.”

The federal Clean Water Act prohibits the discharge of a wide array of pollutants into waterways unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. But radionuclides are not on the statute’s list of pollutants, nor are they in the plant’s discharge permit. Those are under the jurisdiction of the Nuclear Regulatory Commission, which has historically allowed such releases into waterways by nuclear plants.

The DEP and EPA have the power to prohibit the release of the water based on the presence of pollutants other than radionuclides. But the water has yet to be tested and its components identified.

“If this option were to proceed to the next step, scientists and regulators would need to have more detailed information about what exactly would be contained in the discharge,” said Richard Delaney, former executive director and now senior adviser to the Center for Coastal Studies in Provincetown. The bay and coastal waters are already affected by a wide array of pollution ranging from excessive nitrogen to other chemicals like PFAS, Delaney said. “To add another accumulated insult to the Cape Cod Bay ecosystem makes no sense at all,” he said.

The fishing communities both on and off Cape Cod have been loudly protesting any release of radioactive water into the bay, saying it will have a devastating effect on the industry.

Mark DeCristoforo, executive director of the Mass. Seafood Collaborative, said his organization was “appreciative” of the attorney general’s statement, but added, “We need more.”

“Holtec has dug their heels in on this, based on every public statement the company has made,” DeCristoforo said. “It’s important for the legislature to pass one of the two bills now in committee and for the governor to sign it.”

Emergency bills prohibiting the release of radioactive water into any of the state’s waterways have been submitted by the region’s legislators. Their provisions carry fines for violators. It’s not the fines that might cause Holtec to think twice, DeCristoforo said, it’s the negative press a violation would generate.

Legislators, environmental activists, and the general public all oppose the plan to release the water, said Andrew Gottlieb, executive director of the Association to Preserve Cape Cod. His organization will focus on the ways the state can legally block the option.

“How do we get in Holtec’s way, and how do we get the NRC out of the way?” Gottlieb asked.

Public reaction has had some effect, said Gottlieb. Facing protests, Holtec backpedaled, saying it would not release any water into the bay in 2022 while it studied all its options.

But after this year, the release of the water into the bay still appears to be the company’s top choice. Kelly Trice, president of Holtec Decommissioning International, has argued against the alternatives, citing in a recent open letter the potential for accidents in trucking the water away. And evaporation, he said, would require large quantities of electricity and possibly the use of a diesel generator to produce heat.

DeCristoforo said even smaller entities like local governments can help stop Holtec’s plan by implementing their own ordinances, which is being considered in Duxbury.

Holtec should be thinking long-term, because it has acquired several reactors and will be decommissioning all of them, said Gottlieb.

“They are going to run into this every place they are decommissioning, so it would behoove them to set a standard here that they can replicate elsewhere to avoid this kind of conflict,” he said.



Stop Pilgrim's Plan to Dump a Million Gallons of Radioactive Water into Cape Cod Bay

Holtec, Pilgrim's owner, says it has two options to "dispose of" (1) million gallons of Pilgrim's radioactive water - dump it directly into Cape Cod Bay or send it out-of-state to an existing radioactive waste site. Vermont Yankee asked and received permission from NRC to send its (2) million gallons of radioactive water to a waste site in Idaho rather than dumping it into the Connecticut River.

There is no acceptable reason for Holtec not to do the same. Experience makes clear, Holtec will take the cheap route. The Nuclear Regulatory Commission (NRC) says that Holtec can dump whenever it wants to, and Holtec says it will do anything the NRC allows, but that does not make it safe.

Cape Cod Bay, Plymouth Bay, Duxbury Bay and Kingston Bay are all protected ocean sanctuaries. Cape Cod Bay is a critical habitat for right whales. Dumping this radioactive water into them is not safe. It would cause incalculable economic damage, and would harm both the environment and public health

Economic Damage:

The economic harm from dumping cannot be overstated. It has caused outrage in the fishing and aquaculture industries. It is not and will not be a secret so best to raise a ruckus while there is still time.

These industries correctly fear that the dumping will contaminate the water, and millions of oysters, lobsters, mussels, clams, scallops, and fish. They also rightfully believe that public perception of radioactive contamination of our waters could destroy a hundreds-of-millions-of-dollars aquaculture and other fishing industry. The state's premier aquaculture industry is here. There are millions of oysters in Duxbury Bay alone. Holtec's planned dumping also will have similar serious impacts on many boat and marine industries, to say nothing of tourism and our beaches, on which the livelihoods of our towns depend.

Our economic viability depends on the waters in Cape Cod Bay and Plymouth, Duxbury, and Kingston Bays being clean - not polluted with long-lived and highly toxic radiation. Public health, the environment, and the right whales that regularly swim past Pilgrim, require uncontaminated water.

Dumping is not safe:

The NRC says that Holtec's dumping is safe. Not so, among other things, the NRC allowable release

- Ignores more recent scientific evidence showing much greater risk from radiation.

- Allowable doses focus only on cancer and underestimate its actual impacts. The increased risks to pregnant women and the embryo/fetus include early miscarriages, malformations, and genetic defects.
- Does not calculate harm to the wider population, only to an individual.
- Forgets that it is not possible to filter some very harmful radionuclides such as Tritium. And forgets organically bound tritium produces more serious health risks than tritiated water for the same amount of tritium intake
- Does not consider the economic or environmental effect of the release.
- NRC relies on what Pilgrim reports, and only reviews Pilgrim's discharge program and past releases annually. MDPH does not monitor the releases at all.

Authority - The NRC does NOT have exclusive authority over all nuclear reactor issues. The Commonwealth CAN prevent Holtec's planned dumping if it wants to. It is up to all of us to make the Commonwealth act.

First, the U.S. Supreme Court has decided four Nuclear Preemption cases: *Pacific Gas and Electric; Silkwood; English; and Virginia Uranium*. In each, the nuclear industry tried to use preemption to avoid state laws. In all four, the nuclear industry lost. The Supreme Court decisions seem clear.

- The NRC does not have exclusive authority over "all things nuclear."
- Companies like Holtec must comply with state laws intended to protect a state's economic interests.
- They also must pay for the damages they cause.

Second, the EPA agrees that Massachusetts has the authority it needs. An EPA publication explicitly says that States do have the authority to establish limits on radionuclides in discharges.

https://cfpub.epa.gov/safewater/radionuclides/radionuclides.cfm?action=Rad_Disposal%20Options

Third, Holtec has given up any right it might otherwise have to use preemption to justify its proposed dumping.

The attorney general sued Holtec to stop Holtec from buying Pilgrim. When Holtec settled that suit, it AGREED in the **Settlement Agreement** between the Commonwealth and Holtec Pilgrim LLC and Holtec Decommissioning International LLC (June 2020) to "comply with all applicable environmental and human-health based standards and regulations of the Commonwealth." Section III, 10 (I).

And what do these state laws and regulations with which Holtec agreed to comply say? Three examples:

1. It is a crime to deposit or discharge "waste or other material of any kind ... or in or upon coastal or inland waters...." MGL ch 270, Sec. 16.
2. Our bays are protected Ocean Sanctuaries . You cannot dump commercial or industrial waste into them, particularly if the dumping would adversely affect marine fisheries. MGL ch 131A; 301 CMR 27.05 and 27.06.
3. Holtec is "liable, without regard to fault" to both the Commonwealth and to any person damaged by a radioactive release or the threat of one. (MGL ch 22E, Sec 5).

WE CAN STOP THE DUMPING - WILL YOU JOIN THE FIGHT TO SAVE THE BAYS?

ACTION

Support Mass Legislation SD 2971/ HD 4754 [For Bills & Legislator Contact information <https://malegislature.gov/>]

Contact Governor Charles Baker Request that he make a public statement opposing dumping; and direct the Secretaries of EOE and HHS to immediately look at its applicable environmental and human-health based standards and regulations, amend if necessary, and enforce.

Contact Attorney General Healey: Request that the office file suit against Holtec Pilgrim LLC and Holtec Decommissioning International LLC to prohibit dumping. [Contact: Seth Schofield, AGO Sr. Appellate Counsel seth.schofield@state.ma.us]

Contact Local Towns: Request that they amend its regulations regarding disposal of hazardous materials to include radioactive materials and disposal in waters within its authority.

Media: Write letters to the Editor and ask for regular coverage of this important topic.

Demonstrate do not procrastinate

Questions/Information: Mary & James Lampert, mary.lampert@comcast.net;

james.lampert@comcast.net - Pilgrim Watch Duxbury, MA

Diane Turco, tturco@comcast.net - Cape Downwinders Harwich, MA.

Henrietta Cosentino, henrietta.cosentino@gmail.com - League of Women Voters of the Plymouth Area

Partners: Clean Water* Community Action Works * MassPirg * Greater Boston Physicians for Responsibility * Sierra Club MA * UU Mass Action: Cape Downwinders * Pilgrim Watch * Town of Duxbury Nuclear Advisory Committee * Mass Seafood Collaborative * Mass Lobstermen's Association * Letters of support from Senators Markey and Warren, Congressman Keating;; Mass Aquaculture Association * Cape Cod Regional Government Assembly of Delegates; and many more.

PILGRIM WASTE

Shape of Bay Means Poisons Would Linger

Activists, legislators look to stop release of radioactive water from closed reactor

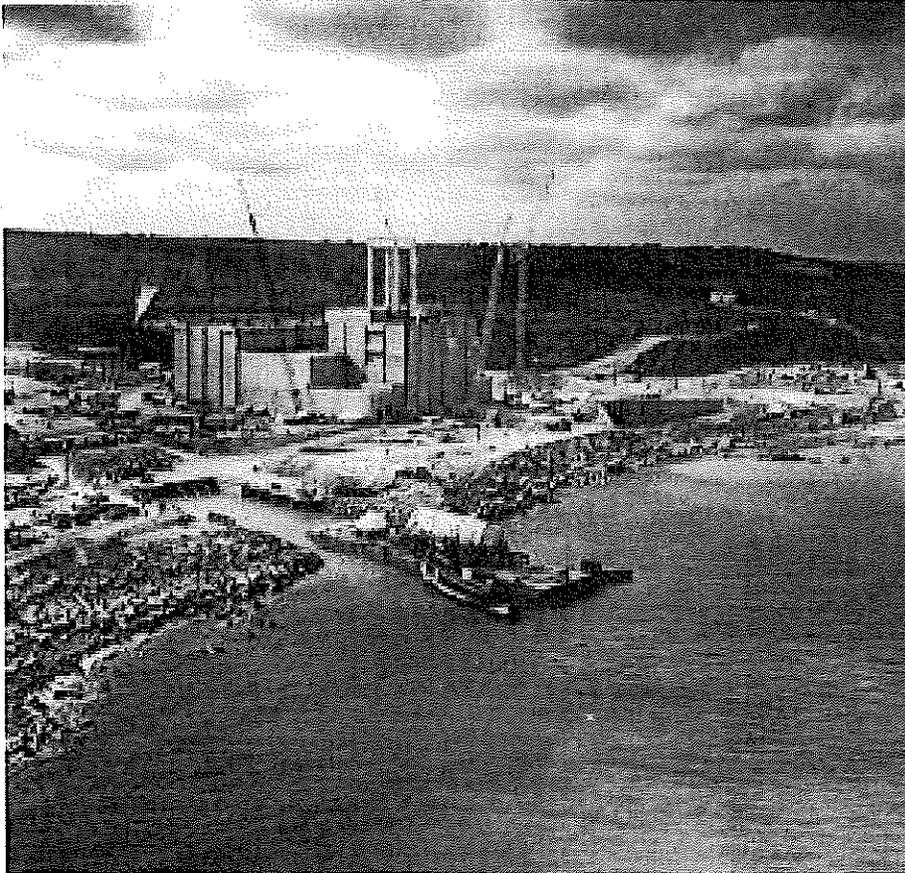
BY CHRISTINE LEGERE JAN 26, 2022

PLYMOUTH — Cape Cod Bay is not a good place to dump one million gallons of radioactive effluent from systems at Pilgrim Nuclear Power Station, according to an expert on ocean currents at the Woods Hole Oceanographic Institution. The contaminated water would be trapped there rather than filtering quickly into the ocean.

The shape of the land creates a semi-enclosed space. “Whatever is put in the bay would stay there a long time,” said senior scientist and oceanographer Irina Rypina. “It wouldn’t flush out quickly.

“A tracer released into Cape Cod Bay would recirculate and stay in the waters within the bay for a long time,” Rypina continued, “and then will likely end up in the sediment on the ocean floor or on the beaches inside the bay.”

The same thing would happen to the radionuclides in the released water, said Rypina, confirming the fears of the Cape’s fishing community and coastal property owners.



This week one legislator launched his own pre-emptive attack.

State Rep. Josh Cutler, a Democrat from Duxbury, filed an emergency bill that prohibits the discharge of “any solid or liquid radioactive material directly or indirectly in any coastal or inland waters.” Violators would be fined \$5,500 for a first offense and up to \$15,000 for each subsequent offense.

The bill would also hold Holtec liable for any damages incurred by a discharge of the radioactive water, both to private citizens and the state.

The Nuclear Decommissioning Citizens’ Advisory Panel, a group of citizens and state agency representatives offering advice on Pilgrim’s decommissioning, learned at its November meeting that Holtec saw “overboarding” the nuclear waste as an option. Panel member Seth Pickering,

deputy regional director of the state Dept. of Environmental Protection, said the release of the effluent would be under the authority of the federal Nuclear Regulatory Commission rather than the state.

The state's water discharge permit for the nuclear plant, called the National Pollutant Discharge Elimination System, regulates a whole array of contaminants, which will be looked at prior to any release, but not radionuclides, Pickering said.

Mary Lampert, president of Pilgrim Watch and an advisory panel member, believes the state isn't powerless. Holtec wants the state and the community to believe they have no authority, Lampert said in a phone interview. "We have to take away the myth that you can't do anything," Lampert said. "The big issue is for the state to exercise the authority it has and stop hiding behind 'the NRC controls all factors to do with nuclear.'"

Lampert and her husband, Jim, an attorney, plan to submit a statement to the advisory panel at its Jan. 31 meeting that includes a half dozen ways the state can exert its authority to stop any dumping of radioactive water into the bay. The Lamperts cite past court rulings that establish that the federal laws regulating the nuclear industry do not preempt state laws regarding the health and safety of citizens.

The Lamperts also point to provisions in the settlement agreement hammered out between the Baker administration and Holtec in 2020, in which Holtec agreed to "comply with all applicable environmental and human-health based standards and regulations of the Commonwealth."

State Agreements

A total of 37 states, including Massachusetts, have agreements with the Nuclear Regulatory Commission that allow them to oversee the use of nuclear materials within their borders that would otherwise be under the oversight of the federal agency. But the agreements are limited, according to an NRC spokesman.

"Agreement States do not take on responsibility for activities at power and research reactors that, under the Atomic Energy Act, are under the jurisdiction of the NRC," said Neil Sheehan. That is why, he said, "the NRC remains responsible for overseeing any discharge of radioactive effluents from a nuclear plant."

Vermont officials took a different approach for discharges at Vermont Yankee, forging the state's own agreement with plant owner Entergy Corp. and prohibiting release of radioactive effluent into the Connecticut River. Vermont Yankee shut down in late 2014 and NorthStar Group Services purchased it from Entergy in 2019.

NorthStar was aware of the agreement with Entergy on plant effluent and has continued to comply with it, according to a company spokesman. NorthStar shipped about two million gallons of radioactive water off site last year to disposal facilities in Tennessee and Idaho.

What's in the Water?

Woods Hole senior scientist Ken Buesseler, a marine radiochemist, said, "Until we have an accounting of what different radioactive elements will be released and their concentrations, the impact of one million gallons is impossible to evaluate." What's needed are the actual values, by isotope, detection limit, and volume, for the stored water today, not the amounts after the required dilution before the release.

"Radioactive contaminants have vastly different fates in the ocean depending on their chemical nature," Buesseler wrote in an email. "Some dilute and mix and are transported the same as the water (like tritium), others are more likely to be associated with marine sediments (like cobalt-60) and others accumulate in marine biota (usually cesium isotopes and strontium-90 are of concern)."

Yvonne Barocas of Wellfleet voiced a perspective expressed by many residents on Cape Cod. "The entire list of potential hazards from dumping water with radioactive waste is dismal — harm to our sea life that we work so hard to protect, economic damage to our shellfishermen's livelihoods, and health hazards in our environment," Barocas said.

Legislators Mobilize

The region's legislators at all levels are applying pressure on Holtec. Congressmen Bill Keating and Seth Moulton and Senators Edward Markey and Elizabeth Warren sent a letter to Kelly Trice, president of Holtec Decommissioning International, saying the proposed discharge "would only further burden the community surrounding Pilgrim, which has already borne the negative environmental impacts of the nuclear plant for more than 40 years."

On the Cape, the County Commissioners and Assembly of Delegates wrote to Gov. Baker and the region's legislators, urging them to act to protect the public and economic health of the Cape.

In its letter, Wellfleet's select board wrote: "From a human health perspective, the potential for bioaccumulation of radiation in shellfish and finfish that are used as food sources is of great concern to us. These health concerns also translate into potential threats to our coastal economy, with ramifications for our commercial fisheries and the many businesses that rely on tourism dollars." Just the perception that shellfish from here could be "somehow tainted" will significantly affect the livelihoods of the fishing community, the select board wrote.

Senators Cyr and Moran and Rep. Sarah Peake plan to meet on Jan. 28 with representatives from the Dept. of Environmental Protection, Dept. of Public Health, and the Attorney General's Office to discuss the situation.

Cyr plans to "get confirmation concerning the status of the environmental monitoring program." Under the agreement between Holtec and the state, money provided by Holtec to the Dept. of Public Health for monitoring food crops, milk, sediments, fish, and shellfish for levels of radioactivity will drop dramatically now that all the spent fuel is stored in dry casks. Payments to DPH were over \$500,000 for 2021, but will drop to \$250,000 in 2023. Cyr questioned whether that latter amount would be adequate.

Cyr said he was aware the practice of releasing radioactive water into the bay had been ongoing during the plant's operation. "I fear we may be limited in what we can do as a state, given the NRC oversees decommissioning, and this is why I have pushed so hard for monitoring," he said.

Public Input

"Citizens Speak Out to Save the Bay" has been set for 5 p.m. on Monday, Jan. 31 at Plymouth Town Hall, organized by the Cape Downwinders, Pilgrim Watch, and the Plymouth Area League of Women Voters. Sen. Markey and Rep. Keating plan to send video statements that will be played. Other speakers include Mark DeCristoforo, executive director of the Mass. Seafood Collaborative; Beth Casoni, executive director of the Mass. Lobstermen's Association; state Sen. Susan Moran; other legislators; and representatives from several environmental organizations.

CONSENT AGENDA

1. Licenses

- a. Approve applications for an Entertainment License and for a Sunday Entertainment License – Woho, LLC d/b/a Provisions, 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 Entertainment & Sunday Entertainment Licenses

or

Change of License _____

- Police No objection
- Fire _____
- Building _____
- Health _____
- Zoning No issues for ZBA
- Planning _____
- DPW _____
- ConCom No comment
- _____
- _____
- _____
- _____

NOTES:



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 # 508-566-5655 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 musicians)

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 public 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. Arment, Attorney, Authorized Agent
OWNER, MANAGER OR AUTHORIZED AGENT

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

BOARD OF SELECTMEN

State Fee, \$ 50.00
 Municipal Fee, \$ 75.06

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	1:00 PM - 11:00 PM MIDNIGHT*	(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.

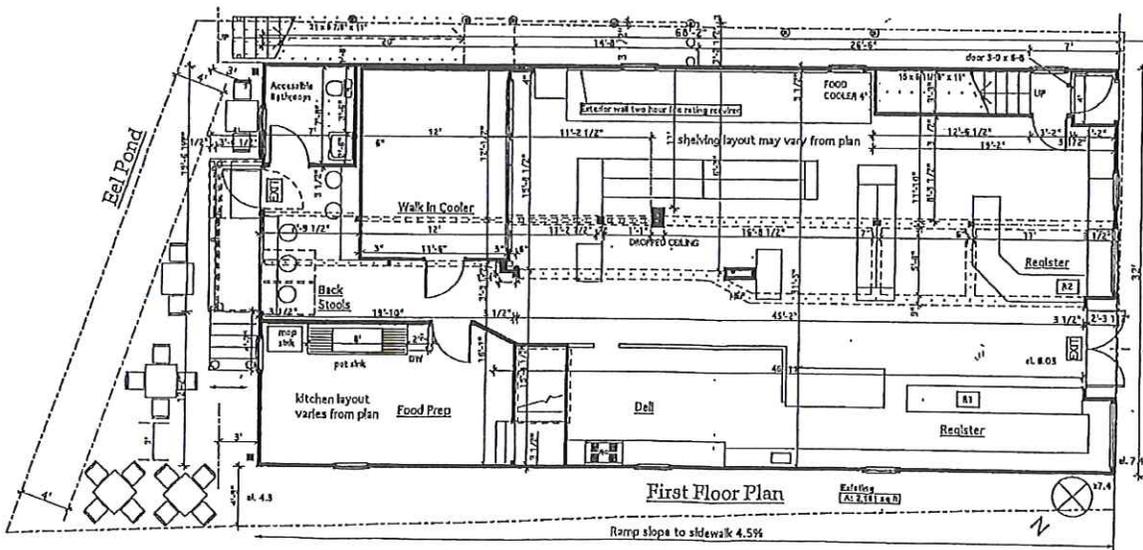
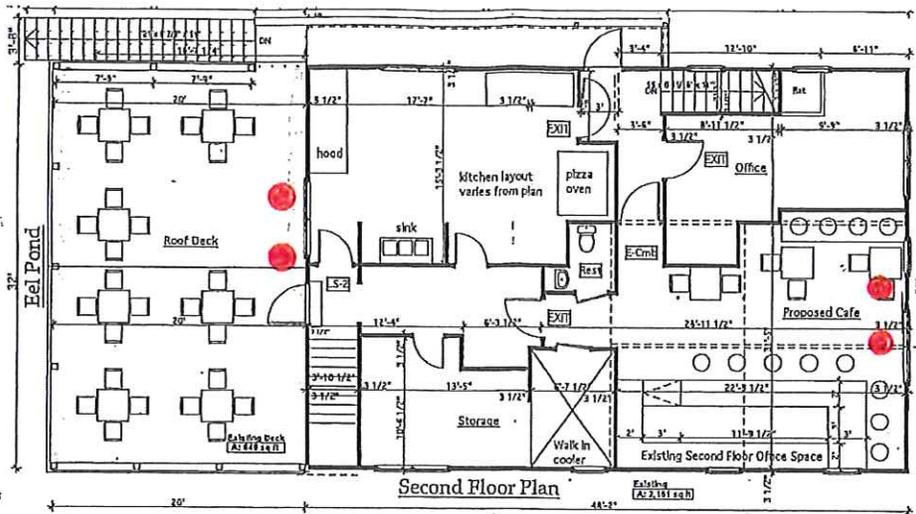
THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

PROVISIONS RESTAURANT

FLOOR PLAN SHOWING LOCATIONS ON THE PREMISES FOR LIVE MUSIC, TO ACCOMPANY APPLICATION FOR ENTERTAINMENT LICENSE AT 87 WATER STREET, WOODS HOLE, MA, SECOND FLOOR

INTERIOR LOCATION: CAFÉ AND BAR AREA

EXTERIOR LOCATION: SECOND FLOOR DECK



CONSENT AGENDA

1. Licenses

- b. Approve application for a Change of Manager of a Common Victualler License – The Stand, located at 75 County Road, North Falmouth



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 :

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

**DATE:

Kathryn A. Hickey

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**

Kathryn Hickey
337 Old Main Road
North Falmouth, MA 02556

January 24, 2022

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

To Whom It May Concern:

I am writing to you requesting a Change of Manager for a Common Victualler. Sarah Hannon has taken on the role as manager of the Stand and is highly qualified for the role. Sarah has a bachelor's degree in Business as well as 14 years in the restaurant business where she has worked as a hostess, waitress, expeditor, busser, caterer, dishwasher, cashier, and manager. Sarah currently manages the Daily Brew Coffee House where she oversees operations and scheduling.

Please feel free to contact me should you like to discuss Sarah's qualifications and experience further.

Sincerely,

Kathryn A. Hickey
Daily Brew Coffee House & The Stand, Owner

CONSENT AGENDA

2. Administrative Orders

- a. Vote to allow Auto Camp to withdraw its application for a liquor license at 896 Palmer Ave. without prejudice and waive the one year limitation of G.L. Ch. 138, s. 15A for resubmission of the same

NOTE: The attorney for Auto Camp, Jean Kampas, will be in attendance to say a few words about this request and to answer any questions the Board may have.



Jean L. R. Kampas
Direct Line: (508) 790-5434
Fax: (617) 310-9689
E-mail: jkampus@nutter.com

February 8, 2022
120668-1

By Electronic Mail and Overnight Delivery

Town of Falmouth Select Board
Attn: Ms. Diane Davidson, Office Manager
59 Town Hall Square
Falmouth, MA 02540

Re: PHM Bev Co LLC d/b/a AutoCamp Cape Cod – 836 Palmer Avenue
Request to Withdraw Liquor License Application Without Prejudice

Dear Members of the Select Board:

I submit this correspondence on behalf of my client, PHM Bev Co LLC, d/b/a AutoCamp Cape Cod (“AutoCamp”) with respect to its recently submitted application for a General On-Premises Alcohol Beverages Local Retail License (the “Application”) for AutoCamp’s campground located at 836 Palmer Avenue (the “Campground”). Although AutoCamp is eager to proceed with its Application, it is currently focused on addressing operational issues with the septic system at the Campground. AutoCamp is fully committed to resolving those issues and wants to ensure the same before proceeding with the instant Application. Accordingly, on AutoCamp’s behalf, I respectfully request that the Select Board allow the Application to be withdrawn without prejudice and waive the one-year limitation set forth in G.L. c. 138, § 15A for resubmission of the Application. See G.L. c. 138, § 15A (providing that the Board may, in its discretion, allow an applicant to resubmit an application within one year).

I would ask that this request be considered at the Board’s next meeting, scheduled for February 14, 2022. I will be in attendance that evening to answer any questions the Board may have. Thank you very much for all of your assistance.

With best regards, I remain,

Very truly yours,


Jean L. R. Kampas

cc: AutoCamp Cape Cod

5443012.1

CONSENT AGENDA

2. Administrative Orders

- b. Vote to approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from St. Barnabas Church, 91 Main Street

*Town of Falmouth, MA
Friday, February 11, 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.

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.

CONSENT AGENDA

2. Administrative Orders

- c. Retroactive authorization to submit grant application request to Cape Cod Commission for Recreation/Open Space Plan update and Economic Development Guide



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

February 9, 2022

Kristy Senatori, Executive Director
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

RE: 2022 District Local Technical Assistance Application

Dear Ms. Senatori,

I am writing to formally apply for 2022 District Local Technical Assistance (DLTA) funding to help our community develop and distribute an Economic Development Guide and complete an Open Space and Recreation Plan. These best practices will help Falmouth provide a clear vision for future economic development and a predictable path for applicants seeking to participate in that endeavor while positioning the town to continue its long-standing open space protection efforts and tradition of developing recreational opportunities.

Like many communities in the Commonwealth, and especially on Cape Cod, Falmouth has seen a substantial increase in development projects over the past two years, and that trend is expected to continue. While the town is welcoming to development, balancing that with ongoing conservation initiatives is a daily challenge.

To better handle that development demand, the town recently launched a fully integrated new online permitting system that creates efficiencies, enhances communication, and improves the customer experience. Although this online system is an improvement, more needs to be done. As many will attest, the local permitting process can be challenging for homeowners, contractors, and business owners to navigate.

Meanwhile, our current Open Space and Recreation plan has expired, and we are ineligible for important grant funding to continue implementing our goals. This new effort will update the inventory of protected land and recreation facilities, outline changing demographics, analyze the needs that remain unfulfilled, and layout a plan of specific actions to meet those needs over the next five years.

In closing, developing both an Economic Development Guide and an Open Space and Recreation Plan are extremely important for Falmouth moving forward, and we look forward to any assistance you can offer. Thank you for your consideration of this request for assistance, and I look forward to hearing from you soon.

Sincerely,

Julian M. Suso
Falmouth Town Manager

cc: Falmouth Select Board

CONSENT AGENDA

3. Review and Vote to Approve Minutes of Meetings

– Public Session – January 10, 2022

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 10, 2022
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

Present: Doug Brown, Chair; Nancy Taylor, Vice Chair; Onjalé Scott Price; Sam Patterson.

Participating Remotely: Megan English Braga.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Peter McConarty, DPW Director; Edward Dunne, FPD Chief; Scott McGann, Health Agent; Cathal O'Brien, Water Superintendent.

1. Chair Brown called the open session to order at approximately 6:30 p.m. and motioned to convene the executive session under 1. M.G.L. c.30A, s.21(a)(1) – To review the draft minutes of executive session of November 8, 2021, because to not go into executive session could prejudice ongoing negotiations. The motion was seconded. 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: English Braga, aye; Chair Brown, aye; Patterson, aye; Taylor, aye; Scott Price, aye.
2. Chair Brown reconvened the Open Session at 7pm.
3. Pledge of Allegiance
4. Recognition
Patterson attended the 1/2/22 Eagle Scout Court of Honor for Ricky LaRuffa. The Select Board noted the contributions of the Boy Scouts' contribution to improving the Town with their Eagle Scout Projects.
5. Announcements
Chair Brown said there was an article about the opioid litigation in the newspaper and asked Atty. Duffy to provide an update on the litigation. .

Atty. Duffy explained that in 9/2018 the Town joined the MA Opioid Litigation Consortium which filed claim against manufacturers and distributors of Opioids in US District Court for the District of OH. The Attorneys General in several states realized not every community participated in this litigation, so they intervened in the cases that for towns not represented in this litigation. Falmouth did not opt in because we did not have to, we are already in, and have a claim on file. It is unlikely any claims will go to trial, there will be a global settlement, all parties with claim will participate in the settlement. There are proposed settlements, but none have been accepted at this time. It will likely be in the billions of dollars, paid into a fund over 15-20 years by manufacturers and distributors from their operating revenue. It will be distributed in an unknown amount via an unknown formula. Atty. Duffy continues to update Suso.
6. Public Comment-none.

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Approve Eversource petition to install one (1) 1-3" PVC conduit and cable of approximately 37' feet under town road, Nickerson Street, approximately 901' (feet) east of Maravista Avenue, southerly from handhole 384/H6-A at the base of pole 384/6. This work is to be done to provide electric service to #49 Nickerson Street, Falmouth.

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

- b. Approve Eversource petition to install approximately 55' feet of conduit and cable under town road near the intersection of Bridge Street and Menauhant Road and to install one (1) new handhole labeled 235/H15 in public ROW on westerly side of road. This work is to be done to provide electric service to #2 Bridge Street, Falmouth.

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

- c. Vote to approve letter of support of Woods Hole Diversity Action Committee's grant proposal for NSF INCLUDES

Scott Price volunteers for the committee but does not receive any financial benefit.

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

Suso will forward letter of support on behalf of the Select Board.

- d. Vote to approve request from The 300 Committee for a Conservation Restriction for the Florence Sylvia Woodland, 0 Millstone Street, Falmouth, MA 02556

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

- e. Vote to waive fees for Conservation Commission 'Request for Determination' applications for eleven osprey pole installations by the Osprey Project and Together We Can at various locations

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

- f. Vote to approve application to MA Department of Housing and Community Development for Local Initiative Program for Local Action Units and related documents consistent with Special Permit approved by the Zoning Board of Appeals for 533-539 Woods Hole Road

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

- g. Vote to increase the spending limit for the Senior Services revolving account to \$250,000 for FY2022

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

Increase from \$60k to \$250k. Johnson-Staub explained the revolving accounts mean they can only spend the money they bring in, so there is a limit to what can be expended. Here they were cautious about what the café and programs would be, so in order to buy the supplies needed, the limit needs to be increased.

- h. Vote to sign Petition to the General Court to effectuate the vote on Art. 18 of the November 2021 Annual Town Meeting to remove the Falmouth Police Department from Civil Service

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

- i. Authorize the Town Manager to transmit a letter of support for a grant for the Friends of Nobska Light from the Massachusetts Cultural Commission

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

PUBLIC HEARINGS

1. 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

The applicant requested an extension to 1/31/22.

Patterson motion to continue to 7:30 pm on 1/31/22. Second Taylor. Roll Call Vote: Taylor, aye; Patterson, aye; Scott Price, aye; English Braga, aye; Chair Brown, aye.

BUSINESS

1. COVID-19 update and recommendation – Scott McGann (10 minutes)

McGann reviewed the PCR testing weekly case trend. Case count pushing 400 for one week, this does not count home tests. Moving towards more home testing. Reviewed Barnstable County 3-day average, about 12% positivity rate; this is 3-4 times more cases we have ever seen. Any one individual’s risk of being hospitalized and risk of death for vaccinated individuals is trending lower. Reviewed the types of Covid 19; Delta, Omicron. Omicron has taken over, appears to be more transferable; more upper respiratory, less deeper lung symptoms. Vaccination rates: 94% of all Falmouth residents have had one dose, about 84% are fully vaccinated. Encouraged all looking for boosters to get one. Vaccine availability and testing is being done by local pharmacies, homebound folks may contact his office. The Health Dept. will begin hosting booster clinics. Testing continues at pharmacies, Falmouth Hospital, ConvenientMD, Community Health Center, Barnstable Fairgrounds, home tests, and the Melody Tent. More likely to contract Covid-19 now, but your outcome will be a slightly lower risk.

English Braga asked about appointments being made at a pharmacy and upon arriving there for their appointment, the pharmacy told some people they were out of the booster vaccine. McGann said he has no involvement with the pharmacies, they are tied into the State or the federal government.

McGann put a link to sign up for the VNA clinics and noted that clinics are being done at the schools.

McGann noted on 1/3/22 meeting, the Board of Health voted to encourage the Select Board to adopt an indoor mask requirement in Town-controlled facilities and encourage private entities to consider requiring it in their locations as well.

Patterson motion approval to require masks be worn indoors at all Town-controlled facilities. Second Taylor. Roll Call Vote: Taylor, aye; Patterson, aye; Scott Price, aye; English Braga, aye; Chair Brown, aye.

Taylor motion to encourage private entities to consider having masks worn inside their buildings. Second Scott Price. Roll Call Vote: Taylor, aye; Patterson, aye; Scott Price, aye; English Braga, aye; Chair Brown, aye.

Comment:

Mark Finneran, Grand Ave., read from a document he prepared regarding wearing of masks; facemasks had no effect as personal protective equipment or spreading to others. Several trials

were noted that facemasks did not seem to be effective against lab confirmed respiratory or clinical respiratory infections. He learned the other day that the home test kits, the reagent used is sodium azide, which is highly toxic, and he encouraged those using the home test kits make sure to read the instructions and be careful using them.

Patterson questioned the sources Finneran was citing.

English Braga noted that doctors, nurses, and first responders are begging people to get vaccinated and take every precaution because they are exposed to the enormous number of fatalities over the last couple years. They are asking for a simple thing to be done; to get a vaccine and wear a mask, these are frontline workers doing the work; they get paid a fraction of the value of their work over the last couple years. There is no reason not to honor that and make their work a little easier. This is a work environment that could not be much worse than it is right now.

Johnson-Staub noted anyone looking for studies to demonstrate efficacy of masks, can go to the Centers for Disease Control website.

McGann has noticed there has not been as much transmission in the schools that there should have been with as many people close together in classrooms with masks. There are many studies that say whether masks work or not, a doctor is not operating without a mask for a reason. Masks were effective in the 1918 pandemic. A study can show a lot of different things, it does not increase transmission, would generally decrease because it keeps droplets closer to your face.

Barbara Schneider said today the State released a vaccination site where your vaccine records would be available to you. She looked, her booster from November 2021 was not listed, she called the store and was referred to an 800#, the 800# sent her back to the store. She also got something from a travel company to make sure in the future you will need that QR code in order to travel. She just returned from a place where masks are required everywhere.

McGann said the Town has no control over what the pharmacies do.

2. Vote to adopt FY2023 budget and submit it to the Finance Committee

Chair Brown asked how Beach position advertisement will reflect the flexibility in hiring in regarding pay? Suso noted they will note a bonus system in the lifeguard position advertising and range of pay available.

Taylor motion to adopt the FY2023 budget and submit it to the Finance Committee. Second Patterson. Roll Call Vote: Taylor, aye; Patterson, aye; Scott Price, aye; English Braga, aye; Chair Brown, aye.

3. Status Report/Update on Fresh Pond Well and PFAS issues

Cathal O'Brien, Water Superintendent, noted the project is on schedule, bids open 1/14/22. There are 4 homes with wells, they will be tied into Town water by end of the project. At Fresh Pond they will do a temporary system to filter out the PFAS. The Town was able to collaborate with the Airforce and Army Corps of Engineers because the Town has a permit. Airforce will pay all equipment, consultant engineer, give payment for operations and maintenance. Up to a five-year commitment. The Airforce has not given details regarding tracking the plume, however they are committed to close out any issues with plumes, they expect the monitoring to continue. They are spending significant money and will keep the wells running and putting respectable amount of money into the Town.

Atty. Duffy reminded the public the Select Board authorized joining the multi-district litigation pending in the US Federal Court for South Carolina. Claim was filed in December 2021 and pursuing the PFAS problem on several levels.

Brown thanked Congressman Bill Keating for assisting the Town in having the Airforce take over something they did not really have to take over.

4. Interview, vote and appoint committee members

a. Human Services Committee – Tanya Kohli

Director of Prevention and Screening at AIDS Support Group of Cape Cod, since last year, oversees the harm reduction program, which does outreach to the community. She worked for a local substance use treatment center, lived in Falmouth since 2017, originally from Vancouver.

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

b. Steamship Authority Board of Governors – Peter James Jeffrey (5 minutes)

Jeffrey DC licensed federal employment law Atty., he lives in Falmouth with his family. Neighborhood member of the Resilient Woods Hole Steering Committee, living in maritime town relying on the working ports.

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

5. Discussion on disposition of Police Department weapons

Richard Duby, Blacksmith Shop Rd., said this is disposal of property, but unique and the Select Board needs to understand the property is an AR15 weapon. Provided background of the AR15; it was never designed for civilian use. That is the gun we are considering turning back to the private market; a gun originally designed for the military. He would like the Town to find another way to dispose of these weapons. There are 21 rifles, each valued at about \$500 each. We have placed a \$500 value on these 20 year old rifles; you can buy a new one for \$850; more than likely these will go to private individuals. The fact the weapons cannot be destroyed is something he hopes the Select Board can find a way around. We are basically distributing the firearms. Unless we act to prevent them from ending up in private hands, that is what will happen.

Atty. Duffy has been in touch with the Attorney General's Office (AGO), the Town has limited options under the law that is set at the State level. There is no particular transaction scheduled at this time. There was a Town Meeting Action that appropriated \$86,000 for new weapons, no contracts at this time, no requirement to trade in. He is guided by the Uniform Procurement Act, covers purchase of new rifles and disposal of old rifles. Under 30B, disposal of surplus property is controlled by the Uniform Procurement Act. Three methods of disposing of property pending value: 1. If valued at \$10,000 or less, the Town may determine by policy by the Select Board. 2. If valued at \$10,000-\$50,000, 3 quotes are needed by companies in the business of selling. If more than \$50,000, it's subject to new bids. Second part is disposal of the surplus, there is no special provision for firearms and value is determined by aggregating all property together in the transaction at its market price. Chief determined aggregate value of all to be disposed of is more than \$10,000. If greater than 10k, either 1. Sealed bids, 2. Auction, but these do not work because the FPD is not a licensed dealer. 3. Trade in. Trade ins are allowed as part of the sealed bid or auction. According to the AGO and a former counsel from the Chiefs of Police Association, most police departments trade in their surplus weapons because they are not licensed to sell these; they could be traded in and the dealer would follow the applicable choice. Trade in has been determined to be most appropriate. Private sale with another police department, municipal town can have deal with other municipal, but the Town is not a licensed firearms dealer.

Chief Dunne said the AGO several years ago did an act of law, it is illegal for residents of MA to buy assault rifles.

English Braga asked if the Town has ever had a policy and is there an objection or reason why we would not hold onto the guns?

Atty. Duffy's understanding is that the Town has not adopted a policy for disposal of property valued below \$10,000.

Chief Dunne said they would need to maintain and store these weapons, they have followed procurement laws for all the firearms they have disposed of over the years. They would need to have a vendor that could determine the value of the firearms; which are 20 years old and could fail; however, the FPD maintain their equipment very well. The actual value will not be known until we have the process go through.

Sgt. Benjamin Guthrie, FPD, explained that the State defines the assault rifle, and it is prevented from being bought by private citizen. In 2016 the AGO put out a notice they cannot do that anymore, there are many copies of other assault weapons, she put criteria out that set forth what the federal licensed dealers can and cannot sell. State legislature has taken this on, the citizen cannot possess these guns. This is regarding the 1994 pre ban law. The AR15's that were prebanned, private citizens cannot purchase after 2016 unless the dealer had it in possession before 2016.

English Braga said that we will have a difficult choice to make, she would like to have that information in front of them. Need a value that comes from the actual procurement process and then they will know what options are available to them. We should have a disposal policy and it is not that difficult to come up with a policy.

Chief Dunne will continue with the procurement process and value of what they would receive if they traded them in.

7. Status report on Woods Hole Oceanographic Institution (WHOI) CWATER Project

Request for support of this project, wanted the Select Board to send a letter. Suso noted the Select Board has already voted support of this project; this is question regarding the Conservation Commission review of permit to go forward under the local flood plain regulations.

Jennifer Lincoln, Conservation Administrator, explained that at this time the project is before the Conservation Commission, includes Maintenance dredging, demolition of several buildings, and construction of the new waterfront building on the facility. This is a working waterfront and there are complex issues that affect this project. Peer review of the issues, additional hearing will be held, and a continuance date of 1/19/22.

There are some issues the Conservation Commission is going to have to deliberate on, including the construction of a new waterfront building within Falmouth's velocity zone. The project is a vast improvement from what is there, the size in the velocity zone will be reduced by about 2500 sq. feet. Community rating system is a system through FEMA to provide percentages off federal flood insurance, list of criteria the Town will be provided credits for; Falmouth's wetland regulations require that they have the 25 foot offset, the board has consistently applied velocity zone offset of 25%.

Chair Brown asked if there is any way of knowing if the Town will be injured by the approval of the rating system? Lincoln said it remains to be seen; regardless of this project, there will be some issues that will need to be worked through with FEMA, FEMA is willing to work with communities to address these types of issues to correct practices and incentive is that communities work with FEMA for percentages off federal flood insurance. FEMA will look at building records, survey the coastline, and buildings in the velocity zones.

Patterson said every property owner who needs flood insurance in the flood plain area will benefit with lower cost insurance.

Lincoln said this is a nationwide program, 2 communities nationwide that meet the 45%, Falmouth will never get there. Average savings in MA is 10% based on many different factors outside of the Town's control. FEMA may begin their review in Falmouth within a year or so.

8. Status Report on Woods Hole Oceanographic Institution CWATER Project

Leslie-Anne McGee, WHOI Program Manager, read a statement describing the initiatives, contribution, and importance of a new, modern pier. The Conservation Commission is one of the boards that will require review for this project. This will come back to the Select Board for a special permit. CWATER, this is important to the institution. Current waterfront has been in place for 52 years. The dock must be replaced, will be modern and adaptable technology. WHOI is dedicated to the understanding of the ocean. The pier is both a port for vessels and a research platform. \$50 million contributed to the local economy from activities just on the pier. They are 18 months into permitting and regulatory process at this time. Ask for patience and trust that they will deliver a high quality redevelopment project.

Catherine Bumpus, Woods Hole resident, property owner, and pays for flood insurance. It would be a real benefit for her to save 10% on her flood insurance.

9. Eversource status update (10 minutes)

Ronit Goldstein, Community Relations for Eversource Energy; Katie Cook, Terri Feuersenger, Alexis Ane, and Andrew Burton all of Eversource were present. Providing an update on the work they have done with the Bike path.

Terry Feuersenger, meeting with 1/5/22 with Bike/Pedestrian Committee. The meeting was very productive, was the third meeting, shared visuals of redesign using the feedback from the previous meetings. That collaboration resulted in a better project for the bike path users and Eversource. They will continue future meetings with the Committee and other members of the Town. Advancing their survey, then engineering will overlay design, then work with Town officials with refining and will have scalable plans.

Cook noted meeting last week with Town officials to discuss mitigation items that could be part of this project and benefit the Town. Suso, Johnson-Staub, and McConarty were all present to assist with the discussion, most important item brought up the utility poles along Palmer Ave. in middle of sidewalk causing accessibility issues, they will look at those, bring back to the team, work with their leadership team, and see what Eversource can do. They will work to address the double poles.

Feuersenger has been working, she will provide comments if their Atty. has any. By the time to Town Meeting, the items, mitigation, and plans will be ready to move forward.

English Braga noted their Town Meeting will need a high level of detail and certainty of the process and where it will be is important for the success of the project at Town Meeting. Without that detail, Town Meeting is not comfortable supporting projects.

Dan Hubbard, Legal Counsel for Mayflower Wind, they are committed to delivering clean, low cost energy to MA. They have 1200 megawatts and plan to develop the rest of their lease which will be 2,000 megawatts. Described the work they have done to consider potential routes, Mayflower ultimately filed routes at 2 locations. They were informed by Eversource that the routes would negatively impact reliability and security of the project on two locations. Mayflower noted Eversource has been consistent that co-location in the area would be negative, and no co-location could be assumed. He asked that Eversource provide the Town with all information the Town deems necessary to be needed to fully explore that issue.

Johnson-Staub noted if Mayflower wants to comment on the Eversource Project, that is okay; however, the Mayflower project was not on tonight's meeting agenda.

Chair Brown noted they received information from Eversource regarding the conflict. Members of the Disability Commission expressed the need to address the poles.

8. Status update on Old Burying Ground

Peter McConarty reported that over the past year, the DPW has met with Atty. Duffy and Julian Suso. Discussed all burial grounds the DPW maintains in Town since November Town Meeting, had an additional meeting and, as a result, the DPW will move forward with reaching out to a preservation consultant to gather more information. This is a new endeavor, he reached out to original engineering consulting company the Town consulted with in 2005, Fannin/Lehner Preservation Consultants (Fannin). Fannin inventoried the markers, damage of headstones, inventory of grounds/area and came up with spreadsheet of critical areas and priority areas for restoration of headstones and markers. The Town at that time did not move forward with it, he is trying to put it back on track so this project will be under DPW administration portion. Goal is to meet with this company, do another inventory, update the information, and come up with plan to move forward, cost estimate and plan. His understanding is there are not a lot of preservation companies in MA that do this work. A cost estimate will be put together, there are over 700 stones in the burial ground, many are damaged. The Parks Department, when working in that area, if there is a damaged headstone/marker, they will put it on pallets, so it is not sitting on the ground. May take several months to put this information together. Goal is to start with burial ground on Mill Rd. DPW will gather information and put it together and get it started. There is a lot of information out there. Have to be a registered preservation contractor to do this kind of work. The oldest gravestone in that burial ground is about 400 years old.

9. Review and Vote to Approve Minutes of Meetings

a. Public Session – December 20, 2021-none.

b. Executive Session – November 8, 2021

Patterson motion to approve and release as edited. Second English Braga. Roll Call Vote: Taylor, aye; Patterson, aye; Scott Price, aye; English Braga, aye; Chair Brown, aye.

10. Individual Select Board Members' reports

Taylor reminded the Select Board they should look at the tool she sent before the holidays for the evaluation of the Town Manager. Asked for Select Board comments and Suso's self-evaluation.

11. Town Manager's report

Suso reported the Sandwich Road Fire Station Committee met in the last week, anticipate public information meeting date to be determined, likely early February and at the Main Library Branch. Suso joined the Finance Committee meeting as well. West Falmouth Station progress on water heater, there were major electrical items, the generator will also need to be replaced. New boiler had to be replaced as well, working on the plumbing and he understands it will be fired up late this week. Also looking at insurance claim to recover some of the related costs due to the damage. Next meeting for the Select Board will be Saturday at Town Hall.

Taylor requested future agenda item: update on hiring for the open vacancies.

English Braga motion to adjourn at approximately 9:33pm. Second Patterson. Roll Call Vote: Taylor, aye; Patterson, aye; Scott Price, aye; English Braga, aye; Chair Brown, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

CONSENT AGENDA

3. Review and Vote to Approve Minutes of Meetings

– Public Session – January 15, 2022

NOTE: These minutes are still being prepared and will be emailed to you separately.

February 14, 2022

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
SATURDAY, JANUARY 15, 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.

1. Call to Order at 8:00 am by Chair Brown.
2. Pledge of Allegiance

SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to exempt Nancy R. Taylor, a member of the Select Board, from certain provisions of the Conflict of Interest Law, M.G.L. Ch. 268A, s. 20(b).

Taylor recused herself.

Patterson asked about the nature of the contract, English Braga said it is way of a grant for supplemental learning services that she would be directing and working; it is short term and funded by the grant. Taylor will act as an Education Advocate to work with dropout prevention, working with kids and families from January to June 2022.

Patterson motion approval. Second English Braga. Vote: Yes-4. No-0. Recused-1 (Taylor).

BUSINESS

1. Discussion of Charter Review Committee recommendations

Taylor said the Charter Review Committee did nice work regarding recommendations of how they function as a board and work on their agenda. She made notes on an article Dr. Clark put in the newspaper. She looked at other communities on the Cape and how they structure their agendas. She looked at 1. Town Manager's report to guide some of their conversations. 2. Staff prepare analysis/precedent/legal constraints when considering the Town Manager's report. Need to go from huge discussion to a funnel; the Town Manager's Office would show what options, homework they did, and why it is recommended. They do not have the guiding questions that need to be answered to make a good recommendation. The Town Manager Report should be earlier in the agenda. Suggested streamlining so they can spend more time on policy and their 5 top priorities. This would be for items they will have a discussion about, major points, and the Select Board's 3-4 top options, and what the Town Manager recommends. Need to guide the conversation and process a little tighter.

The Select Board discussed the agenda, there is a process structure piece: run the meeting, order of items. Unless someone has flagged a licensing issue concern, why ask them to be present. There is so much detail in the form and all departments check it out before. Put stuff that requires public input at the front of the agenda. If there are 2-3 involved issues where they will vote and set policy, it is helpful to make the conversation productive, it should not be at entry level, it should be on the third tier. This will not be for every issue. It may prevent staff from having to be here until late at night. It can be done and be more respectful of time of staff and the public.

The Select Board needs to get the policy clear, so it is clear to staff what is expected of them.

Taylor noted the Harwich agenda uses the form of a consent agenda. Items that do not need a lot of discussion would be voted as one and done. Spend more time talking about policy which is what they are charged to do. Like the time, reinforce the time, look into assignment of liquor licenses and get information on creating or electing a liquor commission.

Discussed getting out of beach wedding business. Johnson-Staub said that it could be put on the administrative agenda to vote to delegate to the Town Manager approval of weddings or if they want to do it for all special events. The Select Board would like the Special Events Committee to take care of this and maintain a calendar of events. If there are clear grievances and concerns about the events, those items may come to the Select Board. Special events take up a lot of time, however these are vetted, and the Select Board does not track a calendar of events. Spending an hour of their meeting on special events is not a good use of the Select Board's time. The Special Events Committee would need to have a public meeting of the Special Events Committee; the current process allows for public input of those who may have a concern. Johnson-Staub will get information to the Select Board about the public meeting component and will craft a proposal. The Special Event Committee has been holding meetings as needed 2-3 times per year, applicants are invited in to talk with the committee, technically the public meeting laws do not apply, but needs to be publicly posted so the public is notified of the events and dates; post the events within the same calendar day.

Taylor provided Select Board members with notes she was referencing.

Taylor asked that when policies are adopted, can they be on the website and accessible? It is difficult to get to the policies. The Select Board discussed whether Wetlands and Special Permits need to go to them. Johnson-Staub said the Select Board has a role under the current bylaws, but that is unusual; most other towns do not. Chair Brown thinks it is important to keep an eye on it.

Charles McCaffrey, Precinct 5, member of Charter Review and Coastal Resiliency Action Committee. As the shoreline becomes more dynamic due to sea level rise, review of this may be very important. He would like more exploration to be done. At the Charter Review meeting, they discussed a dock issue for over an hour, the Select Board did not have analysis of the relevant issues; it puts more work on the administration, but it is important to understand; took a lot of discussion to get to it.

The Select Board discussed having their own binders with information about what the Select Board's responsibility is for some things, such as the 25% rule regarding docks/waterways; it will help when Select Board members onboard there will be less of a learning curve of what needs to be considered when the issues come forward. The resource binder should include fiscal policy, the strategic plan, Local Comprehensive plan and it should be an available reference each member has at each meeting. Staff will need to do specific stuff, the background information should be available to the Select Board. The reference guide will be a lot of work to create, but as they move forward it will become less work for staff in some ways.

Patterson would like it cited in the presentation--staff can list the issues so that the Select Board can go to their binder and find the guiding information. He does not want to rely on the applicant and their engineer.

Taylor would like to look into how a liquor commission could be set up.

Specific action steps:

1. Town Manager report at beginning of the agenda.
2. Special Events Committee taking over review, approval, and maintaining a calendar of special events. Johnson-Staub will look into public meeting component.
3. Creating reference manual for the Select Board.
4. Liquor Commission
5. Order of the agenda
6. Policies on the Town website and easy to find.
7. Consent agenda for some items; innumerate all items and take a vote.

The Select Board will have a timekeeper, this will allow the Chair to focus on what is being said.

Put the people who are present to interview for volunteer committees at the beginning of the agenda.

Add consideration for Town employees having to wait, they have worked all day because they have been asked to be there; if there is a way to move it up sooner, Taylor requests that be done.

2. Discussion of short-term rental revenue – allocation of rooms excise tax revenue including short-term rentals and hotel/motel

Jennifer Mullen, Finance Director, noted much has been done in the last few months and explained what she understood to have occurred. The Town would like to approach affordable housing, recommendations to approach this that have been voted for; one recommendation was to increase the 1% of the hotel/motel rental and put it towards affordable housing, this was passed by Town meeting. There were two articles in warrant book, short term rental and community impact fee that were to be allocated to affordable housing. There was a lot of discussion regarding the recommendation: many wanted in to include that this money was going to affordable housing. However, this was just increasing the tax and needs to go to the DOR; the money comes in and has to go in the general fund. Mullen went to Town Meeting and was told there was a different Select Board vote taken the night of Town Meeting and it confused her. When looking at the actual calculation; 1% short term and hotel/motel, you need to figure out what how much 1% was. Her other concern is that she has been working here for 9 years and is governed by what was the intent of Town Meeting. After this vote was taken by the Select Board, she was concerned that we are not giving the extra 1% to affordable housing, it was actually all short-term rental. She gets concerned that we brought to Town Meeting and told them what we were going to do and wants to make sure we give Town Meeting what they understand. During budget proposal the Select Board said it is all short-term rental.

Chair Brown felt it was discussed before printing of warrant book, he thought the consensus was that all the short term rental go to affordable housing.

Johnson-Staub said it was discussed and raised, but there was no disagreement to the Select Board at that time, after it may have been raised, however not voted until the vote before Town Meeting. Legally the only thing Town Meeting did was increase the tax by 1%. The intent of the legal action is an important element, for a month or so Town Meeting members had written explanation of the 1%. There was no opportunity for dialogue/question, it was on the consent vote. What did Town Meeting really understand and come away with; it may not have been clear to Town Meeting.

Johnson-Staub noted the Town meeting vote for 1% increase to all the room tax rentals. Sequence of events; written explanation in the Town Meeting warrant book and the moderator suggested there be a Select Board vote to implement that explanation, motion was recommended and crafted by Town Counsel, however the Select Board went with a different motion.

Taylor said when the Select Board is talking about something that may impact a fiscal policy, they need to include the Finance Director so that we are not in this position again.

Mullen said if she does not understand what they are trying to do, then no one else will; so, she tried to simplify it. When the State legislature voted to tax short term rentals, when it finally passed, we never knew how much money this would bring in; there was no way to estimate that revenue. During a joint meeting with School Committee, the School Committee wanted some of the money, there is a certain formula used to allocate an amount to the schools. Mullen's recommendation at that point was she does not know how much money that will bring in, so to give it a year, see what the revenues are, then discuss allocation. Then pandemic hit, they were developing a budget and had no idea the impact on the economy that the pandemic would cause. When she looked back at the revenue: DOR does not split it, you have to request that information split. \$990,000 short term rental tax was received in fiscal year 2021, that amount was used as a base figure. When money comes in it has to go to the general fund, eventually want to get it into the Affordable Housing Trust Fund, estimate it for fiscal year 2022 so it becomes part of the budget. What she recommends at this time is to take the \$1 million and

delegate \$500,000 to Affordable Housing Trust Fund and \$500,000 to the Schools. The additional 1%, about \$350-400,000 estimated amount into the Affordable Housing Trust Fund for a total into that fund of \$850,000 from recurring revenues. Write that into the fiscal policies; right now, the revenues are strong. When you set your budget, have conservative estimated revenue, that is where hotel/motel is; that supports your budget. Anything over the estimates becomes the free cash at the end of the fiscal year. We could write the policies in a way to have a conservative estimate amt of \$850,000 to the Affordable Housing Trust Fund on a recurring basis, which can be reviewed yearly. There is over \$6 million in the Affordable Housing Trust Fund, no real large scale projects; that does not include the \$2 million voted for the affordable housing project on Scranton Ave. This results in doing what Town Meeting voted.

Megan English Braga asked of the \$850,000, can we write in our policy that we are estimating this conservatively? If the revenue from that tax is more, than the policy is free cash allocation to affordable housing. Mullen said there is a yearly budget policy voted in September yearly, she suggests putting that there because they look at it every year. When you do this and take the short term rental tax, this will decrease the free cash which takes away from capital projects. It is based on the Select Board's priorities.

Brown felt it was more a symbolic vote; if the short-term rentals are creating a shortage of affordable housing; to have \$6 million now is good, but we need \$6 million every year if they want to be on target to have 74 units every year. Mullen stated we do not have that kind of money and questioned where it would come from.

English Braga noted that if could budget out affordable housing, we would. Trying to think of ways to help to chip away at it; no way to fund that amount of building as a community without massive cuts. Scott Price would like to look at renovating existing homes without building new buildings and without taking up open space. Patterson noted this is a land use issue, there is not a lot of available vacant land already owned; there is a choking of the opportunity. Need a developer to apply for subsidy for their projects, he is not aware of the applications submitted to the Town. Johnson-Staub said there are no applications at this time and the Select Board is informed when there is an application. Chair Brown feels they should look at inventory of Town parcels to do our own projects.

English Braga likes what Mullen laid out, it makes sense to have a basement level and the Select Board makes policy decisions each year. The Select Board has to balance all competing needs; capital projects/infrastructure, need to look at the whole picture. This can always be revisited.

Patterson wants something from staff to look at Town property and come to the Select Board working with Planning Board/staff to present an opportunity and put out an RFP. Suso said the staff did so several years ago and can do it again; there is a small amount of land the Town has, relative few opportunities; there are some for single family housing with little impact on the inventory. Patterson would like to include the school department property, population going down, and they have a vested interest in the number of students.

Taylor said the School Department has to be part of the conversation about affordable housing and how it impacts schools overall. Mullen's plan gets the Select Board out of a bit of a mess. If a previous Select Board committed money for schools, the current Select Board needs to honor that; this was discussed at a joint meeting with the School Committee. No projects are in the queue, she agrees with putting the money in there but need to balance and think about the competing interests.

Mullen will amend the overall fiscal policies and bring back to the Select Board. In September she will amend the budget policy, it will be effective for fiscal year 2024. They can look at free cash at the end of fiscal years 2022 and 2023.

English Braga asked that when the amended policies are done, can it be articulated the commitment and piece on the allocation; still want to try to allocate available funds in fiscal year 2023 to affordable housing.

Scott price motion approval of a one percent increase in short term rental/hotel motel be allocated to the Affordable Housing Trust Fund and \$500,000 from the short term rental tax go to affordable housing and \$500,000 to the schools. Second Taylor. Vote: Yes-5. No-0.

3. Discussion of potential future large-scale infrastructure projects

Patterson concerned about having operating budget, but he is not sure it includes sea level rise, affordable housing. He looks to staff to make plans and propose how those will be implemented; he feels this is an element that has been missing. The budget should reflect the processes of addressing these strategic risks.

Patterson would like staff to provide the executive plan with narrative on how they got to the estimates.

The Select Board talked about identifying what the projects might be, start with budgeting for the engineering and planning now.

English Braga suggested the Select Board, staff, coastal resiliency, DPW, and MES create some priority projects, have a discussion on a Saturday like this where they discuss what projects make us more resilient and protect key infrastructures. Some of these projects are policy driven, potentially have to abandon some property in Town and make hard decisions that impact residents. The Select Board needs to outline their priorities, tell staff what their priority is; for large scale projects, the Select Board needs to direct it. Look at the strategic plan and give priorities to the Town Manager to develop.

The Select Board noted they have not prioritized projects.

Taylor suggested they identify their priorities and then task the Town Manager with finding out more information.

Chair Brown said they have \$60 million for sewerage, now WQMC to spend \$30 million on land-based discharge, maybe we should spend \$60 or \$100 million on the outfall pipe, that cost will be shared by the entire Town.

Mullen has the Capital Facility Plan graph, she showed overhead graph of projects they have planned. These are large projects paid for by debt exclusions: money raised over 2.5%, vote the exclusion on the ballot. Always want to pay same amount yearly, but when structuring debt, the interest decreases over time, gives opportunity for other large scale projects that are debt exclusions. Bournes Pond project is \$6 million and to begin in the Spring 2022. This was voted in 2014. Wastewater Treatment Plan upgrades \$20 million. Teaticket School roof replacement in the summer 2022. Sandwich Road Fire Station going to this Town Meeting for debt exclusion. When the Select Board voted the fiscal policies, they are the Select Board policies and if there is a big project the Select Board wants to do, it may seek to raise taxes for it. The Northwest Fire station is not included in the Capital Facility Plan. This is a plan, plans change all the time. \$60 million in sewerage includes betterments. There was a presentation by Amy Lowell and Wwater Quality Management Committee, the article will be presented to the Select Board about the beginning of the outfall; that will start the conversation. These are the large scale borrowing projects over \$2 million. She recommends not getting into the practice of wanting to do so much that we do not have the cash on hand and then start borrowing for smaller projects. The School Department wants to rehab the FHS tennis courts for about \$1 million, free cash. An override would be recurring expense, debt excluding is for debt excluded from Proposition 2 ½ .

English Braga noted as debt falls off, there is a window of opportunity to take on new projects.

Chair Brown noted the West Falmouth Fire Station is back online from the water main break. Asked how a \$100 million project would affect the tax rate.

Johnson-Staub noted a \$100 million project would require a lot of calculations.

English Braga noted when they do their strategic plan a good topic would be setting priorities for large infrastructure, will require a lot of background information and would be a good use of the Select

Board's time and oriented towards action. If we had something in the spring where the Select Board gives direction of priorities and then in the summer for weigh in from staff. Taylor would like a meeting to measure progress towards those actions.

Scott Price would like to have the strategic planning meeting over the course of two days.

Patterson would like spring and summer strategic planning meetings.

4. Coastal Resiliency report

McCaffrey said that adding expertise to Town staff is critical at this stage and one of the most important things the Select Board can do. Need to develop what are the specific projects; including moving the sewer line from Trunk River. Difference between sea level rise, occurring gradually over the next 50 years, need to have done the action before the rising. Also facing a significant impact from a major storm; we could get one at any time. Talked about a berm to protect Town Hall from sea level rise and Main Street from a category 3 hurricane; redevelopment planning of the area where the berm may go could be important. He will speak at the 1/25/22 Planning Board Meeting regarding the planning studies that need to be done. Significant data in the study, DPW could begin establishing priorities. At this stage, adding expertise onto Town staff, how it will be structured and how the Town will be organized across departments to provide the type of data needed to make those decisions. Maybe the Town could hire consultants. There may be grant opportunities for projects. More research is needed on how the shoreline will evolve as we experience sea level rise; can Surf Drive maintain itself as a barrier? The geomorphology of the shoreline will be important; how do we have a shoreline that is valuable, wide beaches, dunes? There are places where you raise a road a little and protect several homes; other areas where it is not possible. Need to refine what can be protected and what has to be let go in the neighborhoods?

Chair Brown wants a second vulnerability assessment that addresses residential properties. He would like to look at the areas at risk, assessment value, tax income, and how to protect it. Need delineation of what is likely to be salvageable and what is not.

Patterson would like to look long term for future generations.

Action items on p. 19-21 that are clear and constructive; Chair Brown would like to adopt the policy, however he is concerned that if they adopt it there may be roads that need to be elevated, not just the ones that should be abandoned.

English Braga saw this as data used to create a policy. Initially a consultancy component, then address whether they need a resiliency director and create priorities for the Select Board to focus on.

McCaffrey suggested integrating the departments that are responsible for the physical development and future. This is about community development, some position such as Community Development Director, needs to be more focused on this issue to pull people together so it is not lost.

McCaffrey suggested replacing the bathhouses with portable structures.

Taylor suggested changing the way we think through all Town departments, look at sustainability, resiliency, and smart growth.

Chair Brown said they asked not to have another study, this one has more action items in it, but what he wanted was a list of what to do and where to start. He is unclear on the priority and where to begin. What is our first action item? According to McCaffrey that would be to move the sewer from Trunk River and consider physical protection somewhere south of Main Street. The Planning Board could do an assessment of the area and opportunities. Work in Woods Hole is important.

English Braga thinks if we focus in our next area of action and more specificity of possible options, what do we do about Surf Drive and what are options the idea of a berm for Town Hall and Main Street. These are two enormous projects and undertaking. Focus on the area that damage would

prevent the Town from providing vital services. Give a specific directive to come back to the Select Board for specific options.

Sam Patterson asked, how do we make decisions to use taxpayer money for long term vulnerability for businesses and residents. The consultant could provide information and options to the Town.

Nancy Taylor said the report is accepted, but not as policy.

English Braga motion to accept the report as submitted. Second Taylor. Vote: Yes-5. No-0.

Mark Finneran said natural erosion and sea level rise are the issues. Next time we have a consultant, could the sea level rise be quantified in a future report. The technology exists to tell us what the rate has been. We have the largest coastline of the 15 towns on cape, but 13th in the use of Barnstable County dredge; we are not maintaining our beaches enough.

Dan Shearer, member of the Beach and Waterways Committees, The Town has in the past 6-7 years not taken care of things. Beaches are in bad shape, beach houses falling down, and the Town has not spent any money on the harbors which are in bad shape. We will lose what we have now if we do not start taking care of our stuff. We are doing and building things, we are a tourist town, the residents are here because of the harbors and beaches, they pay the taxes to pay all of this.

Paul Dreyer, a coastal resource person is important, there are other assessments around Town that need to be done.

Dave Moriarty noted that we should take as much care of protecting the residents, home values, tax base, and health and safety of the community. He would like a presentation by Mayflower Wind. Johnson-Staub said the Select Board will bring Mayflower Wind in for a presentation of what they plan to do.

Chair Brown noted potential offshore reef was not included, suggested considering an offshore reef, maybe a program they could develop to have a standing capacity to make these jar shaped boulders out of concrete, they could then be deposited.

Finneran noted the actions are different on all beaches, Chair Brown's suggestion is good; you could take the central location where the actions pivot from and start doing what is proposed there. It would almost be immediately measurable.

5. Discussion of FalmouthNet Board

Vote to create the municipal electrical plant and second vote on creating an elected 5 member internet board, it may be early to introduce the second vote. If votes are not made at the same time, the Select Board will make operational decisions.

Johnson-Staub said ideas were reviewed by Frank Duffy, it would be timely to have Town Meeting vote along what he is suggesting. If the Select Board does not want to sit as trustees, they could have that second vote. The earliest the board will be elected is April 2023, because they cannot elect officers for something that does not allow it yet. They looked at possibility of November, it would require a special act of the legislature to hold an election for the plant by November. Election of officers for a new entity are held at a Town election, not a special election; that would require an act of legislature.

Mr. Gaylord said first he heard it would be May 2023 they could elect a board. Other towns have done the process much faster. There are huge federal/state funding opportunities now, many will go away. From point of electing the board, there is still a process. Looking at 6 months or more beyond that that the Select Board can do anything, also need planning, developing budgets; so, they are talking about delay of about 1-1.5 years. Two articles submitted, second vote to create the Municipal Light Company and elect a 5-member board. In the article submitted, they did not put a date for an election; he urges it be no later than November 2022.

Patterson motion that strategically they plan to submit a request to the State legislature to allow Falmouth to go forward and proceed with an MLP board at the November 2022 State election. Second Scott Price. Vote: Yes-5. No-0.

David Moriarty, Falmouth Resident, asked the extent of the MLP? It was explained the Select Board have the choice to create their own internet based with communications. There is State legislation that creates an MLP, it is a way to create broadband internet for the Town. The warrant article booklet voted last April has information in the explanation.

Johnson-Staub said that typically if the Town will petition the State legislature, it requires Town Meeting Vote to petition the legislature to hold a special election in November and place the election of officers on the State ballot.

Gaylord was asked if FalmouthNet will share their financials with the Select Board. When FalmouthNet talks about hiring a manager, where are the funds coming from?

Gaylord said this would not be a new Town department, the Town may be asked to partially fund the MLP manager for a year or two as it gets going. State or federal grants could be an option to fund the position. This is FalmouthNet, Inc., is nonprofit as an advocacy group to promote this, but do not seek to operate the MLP. They had the engineering study, and they expect the report draft next Friday, which will include a more accurate budget and costs.

English Braga said that if a contribution from the Town, earliest it could occur is April 2023.

Patterson motion to adjourn at approximately 11:15 am. Second English Braga. Vote: Yes-4. No-0. Absent-1 (Scott Price).

Respectfully Submitted,
Jennifer Chaves
Recording Secretary