

**TOWN OF FALMOUTH**  
**SELECT BOARD**

**AGENDA**

**MONDAY, FEBRUARY 28, 2022 – 6:00 P.M.**

**SELECT BOARD MEETING ROOM**

**TOWN HALL**

**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

**6:00 p.m. OPEN SESSION**

**6:00 p.m. EXECUTIVE SESSION**

1. M.G.L. Ch. 30A, s. 21(a)(3) – Discuss strategy with respect to pending litigation, Scanlon Finton v. Falmouth Public Schools
2. M.G.L. Ch. 30A, s. 21(a)(6) – Discuss value of real property easements for Martha’s Vineyard cable requested by NStar Electric dba Eversource
3. M.G.L. Ch. 30A, s. 21(a)(3) - Discuss strategy with respect to collective bargaining with Falmouth Firefighters Local 1397

**7:00 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment
6. Affirm appointment of Information Technology Director

**7:15 p.m. TOWN MANAGER’S PRELIMINARY REPORT**

**7:30 p.m. PUBLIC HEARINGS**

1. Flow Neutral Bylaw – Evaluation of Request for Variance – Nilton’s Floors, Inc. – 231 Teaticket Highway, East Falmouth (parcel 39 14 026 000)
2. Application for an Alteration of the Licensed Premises of a Seasonal All Alcoholic Common Victualler License – Falmouth Pier 37 Boathouse, LLC located at 88 Scranton Avenue, Falmouth
3. Application for an Alteration of the Licensed Premises of an All Alcoholic Club License – Falmouth Yacht Club, Inc. at 290 Clinton Avenue, Falmouth

**8:15 p.m. BUSINESS**

1. COVID-19 update and discussion of mask mandate – Scott McGann (10 minutes)
2. Update and presentation on total project cost estimate for Sandwich Road Fire Station (10 minutes)  
– Status report on Fire Department staffing
3. Presentation on wastewater-related Town Meeting articles (10 minutes)
4. Vote Article Recommendations for April 2022 Annual Town Meeting (15 minutes)
5. Report – Edward Marks Building Advisory Committee (15 minutes)
6. Request to relocate historic horse trough water fountain(s) (10 minutes)

7. Consideration of vote for the Waiver of the Right of First Refusal of 31.2 Acres on route 151 be in force and effect until up to a potential closing date of December 31, 2024 (10 minutes)
8. Discuss and vote revisions to Special Events Policy (5 minutes)

**9:40 p.m. CONSENT AGENDA**

1. Licenses
  - a. Approve application for a Change of Manager of an All Alcoholic Common Victualler License – The Cape Club located at 125 Falmouth Woods Road, East Falmouth
2. Administrative Orders
  - a. Vote to authorize the Department of Public Works to apply for a Shared Streets and Spaces Grant for a project on Curley Boulevard
  - b. Authorize Town Manager to execute Memorandum of Understanding between the United States Coast Guard and the Town of Falmouth regarding fire protection, protection of life and property from fire, and firefighting
3. Review and Vote to Approve Minutes of Meetings:
  - a. Public Session – January 31, 2022

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

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

**10:00 p.m. DISCUSSION OF FUTURE AGEND ITEMS**

**10:05 p.m. ADJOURN**

Douglas C. Brown, Chair  
Select Board

**OPEN SESSION**

6. Affirm appointment of Information Technology Director

**DAWN LEWIS**  
76 Tickle Road, Westport, MA 02790

## **QUALIFICATIONS SUMMARY**

Hands-on director with 30+ years of progressive experience in managing technology and propensity for consistently delivering results exceeding expectations. Well organized, results-oriented individual with a proven ability to implement standards, procedures, and processes that improve business functionality. Solid management skills, capable of leading and motivating individuals to maximize levels of productivity, while forming cohesive team environments. Utilizing best practices and methodologies resulting in higher productivity and improved system integrity consistently providing creative, practical, and cost-effective solutions emphasizing customer service and satisfaction.

Expert proficiency in Service Management (ITSM), Project Management, Customer Service, and change management. Exceptional communicator focused on building strong client relationships. Committed to quality and service excellence with an aptitude for launching new technology operations, including client and vendor relationships, policies and procedures, business processes and SLA's.

### ***PROFESSIONAL EXPERIENCE***

**2015 – Present**                      **City of Fall River**                      **Fall River, MA**  
**Director, Information Technology**

As Director, responsible for administrative, professional leadership, and managerial work, and direction of the Information Technology (IT) Department. Oversee IT systems for the City of Fall River and manage an IT operating budget of \$1.5 million oversees the monitoring of expenditures under the current budgets. Develop short and long-range plans and strategies to implement new and emerging technology to provide voice and data communications capabilities required to conduct the organization's business effectively and efficiently. Direct the development and implementation of policies, procedures, and programs to protect the organization's data, software, and systems from unauthorized modification, destruction, disclosure, and piracy.

- Achieve Citywide and departmental technology initiatives by recommending networks & systems selections to ensure that the City is positioned to take advantage of emerging technology; encouraging the development of shared departmental technology goals and objectives and ensuring the integration of all City technology resources.
- Confer, advise, and make recommendations to the City Administrator, department directors, managers, and other internal customers to identify information systems needs and determine appropriate applications and technology solutions.
- Designed and built citywide web site (<http://www.fallriverma.org>).
- Develop functional client documentation such as client manuals, reference manuals, handouts, help-files, FAQs, website content and other sources of information to address client needs.
- Developed formalized IT Service desk and procedures to streamline support request and enhance customer service.
- Establish and maintain education and awareness programs on IT security issues, best practices, and vulnerabilities.
- Implemented City-wide centralized IT purchasing for all computer hardware, software and licensing.
- Plan for future technology needs; identify, recommend, develop, implement, and support cost-effective technology solutions, modifications, and upgrades for all aspects of the organization.

- Recommend and implement networks & systems selections, plans major implementations of network and systems equipment, plans and organizes network and system upgrades/maintenance and repairs of all technology systems of the City.
- Recommend, specify, purchase, plan and implement company-wide software applications for server computing, desktop computing, enterprise software, productivity tools, utilities, virtual server applications, cloud services, back-up and recovery.
- Represent the department to outside groups and organizations; participate in community and professional groups; keep the City Manager and City Council advised on departmental activities.
- Responsible for all IT budget management, consultant management, project management, computer systems validation, IT infrastructure and business systems analyst needs.
- Responsible for all IT related operations including network administration, desktop support, contracts, training, security, strategic planning, project management, and all other information technology-related issues
- Responsible for coordinated implementation of major computing installations, upgrades, and management of all centralized computing services for the City including Police and Fire.
- Responsible for overseeing server administration, wired and wireless phone systems, server operations, core systems support, virtualization, storage, data center, and application support services.
- Responsible for the security of the entire networks; developing, instituting and updating the City network disaster recovery plan.
- Support for Munis (ERP) system for Human Resources, Finance, and Payroll.
- Virtualized 90% of systems infrastructure, for the right balance of savings, process efficiencies, and disaster recovery capabilities.

**2005 – 2018    Community College of Rhode Island                          Warwick, RI**  
**Adjunct Professor – Computer Studies**

In the role of Instructor provide the technical guidance to lead students through a series of service desk and customer advocacy programs.

- Innovative, knowledgeable, and creative Technology Educator with more than 12 years' experience infusing creativity, and technical instruction. Provide direct leadership to a variety of students and foster an environment of open-mindedness and creativity that allows for the flow of innovative technical and service orientated ideas to drive differentiation in highly competitive industries.

**1998– 2015    Community College of Rhode Island                          Warwick, RI**  
**IT Director User Services – IT Service Desk, Desktop Support & Academic Computer Labs**

As Director, directly supervise and manage the user support teams with duties including planning, assigning, and directing project workloads, interviewing, hiring, and training of staff as well as evaluating performance and resolving problems. Works with the Chief Information Officer in the establishment of tactical goals for desktop and service desk technology in line with strategic college objectives. Responsible for the management of the User Support budget.

- Coordinate the installation or reconfiguration of any system with the designated faculty, staff, department, area or area's representative(s) for targeted room(s) to ensure that the capabilities of the facility are maintained with the requirements of appropriate colleagues of the facility. Ensure all installed systems comply with approved College technical policies developed within the Information Technology area.
- Develop functional client documentation such as client manuals, reference manuals, handouts, help-files, FAQs, website content and other sources of information to address client needs.
- Develop workshops and conduct training for faculty, staff, students and other IT staff in the use of IT tools, systems, and services.

- Diagnose technical, physical and theoretical problems, which faculty or staff report (or are self-identified) and develop solutions that successfully address problems. May write programs, scripts, and configure tables; modifies configuration files, replace/install electronic hardware components of all types, which are necessary to restore system functionality.
- Manage multiple projects through the full systems development lifecycle including analysis, design, development, testing, deployment, ongoing support, and termination.
- Participate in development and implementation of policies and procedures related to the Information Technology area.
- Plan, design, order, install, configure, test, document, maintain, perform diagnostics, and repair systems and components including, but not limited to: networking, computer desktop systems, software, peripherals, data, wireless networks.
- Plan, develop, evaluate, recommend, and implement, solutions/innovations to college problems, opportunities, and initiatives. Keep abreast of emerging trends in technology.
- Promote the expanded use of training in information technology for teaching, learning, and administration of the College. Provide staff development training opportunities in the use of technology.
- Provide consultation to the CCRI community, evaluating articulated needs and recommending software and hardware solutions in recognition of best-practices and college-wide technology systems, resources and policies.
- Provide leadership of staff assigned to the Computer Lab, Service Desk and Desktop Support.
- Provide project management for selected IT projects including developing project plans, establishing benchmarks, organizing teams, and monitoring progress.
- Provide strategic, budget/fiscal and technology planning for the User Services, Academic Labs and Service Desk environment suggesting alternatives for day-to-day and long-term enhancements to service delivery to customers.

**1995 – 1998**

**Rhode Island Hospital**

**Providence, RI**

**Systems Administrator**

As the Systems Administrator, developed business process reviews suggesting changes in operations procedures to increase efficiency and effectiveness of existing systems. Worked closely with staff to assist with technical training and orientation regarding new applications and software.

- Document system functions and procedures, including computer operations and client documentation.
- Identify and examine work processes to recommend changes or modifications of automated systems.
- Investigate and resolve sources of error in application software and hardware maintenance.
- Participate in the development and maintenance of computerized data systems.
- Provide client training and orientation; ensure operational integrity of the systems.
- Provide technical consultation to colleagues.

**1988 - 1995**

**Raytheon Company Portsmouth, RI**

**Technical Specialist**

As the Technical Specialist, performed and documented tests, analyses and validation studies on engineering programs adhering to company and military specifications.

- Conduct tests, experiments, and analyses involving principles of engineering.
- Perform analyses of maintenance resources, procedures, operational requirements and training development.
- Perform failure analysis, validation studies, and computer simulations involving statistical and physical analysis of components, test, and design objectives.
- Review design practices, tests, and related documentation for compliance with company and military specifications and standards.

## **EDUCATION**

**1993 ROGER WILLIAMS UNIVERSITY, BRISTOL, RI**  
*Bachelor of Science, Computer Information Science*

**2006 UNIVERSITY OF MASSACHUSETTS, DARTMOUTH, MA**  
*Master of Business Administration*

**2010 EDUCAUSE INSTITUTE, BOULDER, CO**  
*Certificate., Leadership*

**2011 HELPDESK INSTITUTE, ORLANDO, FL**  
*Certificate., Support Center Director*

**2014 PROJECT MANAGEMENT INSTITUTE**  
*PMP Certification*

**Present SOUTHERN NEW HAMPSHIRE UNIVERSITY, NH**  
*Master of Forensic Psychology*

## **PROFESSIONAL MEMBERSHIPS**

**Academic Technology Advisory Committee - ATAC**  
**Association of Information Technology Professionals (AITP)**  
**New England ADA Center - NEADA**  
**National Association of Professional Women – NAPW**  
**Security Workforce Action Team – SWAT**  
**Society for Technical Communication (STC)**

**OPEN SESSION**

**TOWN MANAGER'S PRELIMINARY REPORT**

February 28, 2022

## REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

JMSuso

DATE: February 25, 2022

- The Board will convene in executive session at 6PM on Monday, February 28 to consider a proposed insurance settlement, a proposed mitigation approach with EverSource, and a proposed collective bargaining settlement with the Firefighters Union.
- I am requesting that the Board affirm my appointment of Ms. Dawn Lewis as IT Director for the Town. Ms. Lewis joins us with considerable experience in the academic world as well as very significant experience as a municipal IT director most recently in the City of Fall River. Given that Ms. Lewis currently resides in Westport, I recommend that the Select Board waive the residency requirement.

### PRELIMINARY

- The Board has a flow neutral bylaw public hearing. The proposal appears to generally comply with the guidelines you have set for a variance. This involves a commercial property and I recommend that the Board support it.
- Scott McGann is joining us for a COVID update. Given the continued pattern of recent trends and given that the School Department has dropping the requirement for mandatory masking in classrooms, I recommend that the Board consider changing your mandatory masking in Town Hall and Town administrative buildings and returning to your prior masking advisory, effective tomorrow (March 1).
- Context Architecture will join us to update the Board on their cost estimate for the Sandwich Road Fire Station. This was recently presented to the Building Committee and the Finance Committee. Following this, Chief Smith will present a brief update on the status of Fire Department staffing.
- We bring the Board for your consideration, draft recommendations on various proposed Town Meeting articles.
- You have been inundated with emails regarding the historic horse trough water fountains which Public Works unilaterally acted to preserve for the Town. Peter McConarty will have a brief power point on this matter. I respectfully recommend to the Board that you only consider relocating a

single horse trough, allowing the second one to remain at its current location at the Water Filtration Facility, consistent with the earlier approval of the Select Board for this specific design from the past approval of this \$46 Million landmark public works project. As a reminder, the Long Pond location was the Town's original historic water source at the time that these horse troughs were first donated to the Town in the late 1800's. I understand that the placement of a trough in Woods Hole was representative of the fact that Woods Hole represented the most distant location of the Town's water system at that time. One could reasonably suggest that the placement of these historic troughs – one at the original water source and a second in Woods Hole at the most distant system extension is highly appropriate. As an aside, both of these historic troughs are currently sited in a safe location and are in no danger. Should there be a decision to relocate one or both, there are some significant matters which need to be determined – including the cost of such a relocation and (hopefully) a commitment to replace a "missing" trough from its designed location at the prominent entrance to the Treatment Facility.

- Select Board members are being asked once again to consider allowing a further extension of the timing of the waiver of Right of First Refusal for the 31-acre property off Route 151. When you were asked earlier to take such action, the Board declined to do so. Should you desire to provide the proposed developer additional time beyond one year to assemble his suggested development, a further extension would be in order.
- We are returning to you with the adjustments to the proposed Special Events Policy which you had requested in our last review. We have begun this internal review process in anticipation of the Board's determination that you want us to proceed.
- Under Consent Agenda, I ask that the Board authorize Public Works application for a Shared Streets Grant with the Cape Cod Commission.
- I also request Board authorization to execute an MOU with the Coast Guard regarding fire protection services, which Chief Smith has endorsed.

#### SUPPLEMENTAL

- I have continued to attend the Finance Committee's weekly meetings in their preparation for the upcoming April Town Meeting.
- The Board's next regular business meeting will be Monday, March 14.
- You have a scheduled Work Session set for Saturday morning, March 5.

## **PUBLIC HEARINGS**

1. Flow Neutral Bylaw – Evaluation of Request for Variance – Nilton’s Floors, Inc. – 231 Teaticket Highway, East Falmouth (parcel 39 14 026 000)

### 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 28, 2022



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Falmouth will hold a public hearing on Monday, February 28, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, Falmouth, MA on the application of Nilton Carnevali of Nilton's Floors Inc. for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for redevelopment of commercial/residential property at 231 Teaticket Highway in said Falmouth (parcel 39 14 026 000).

Per Order of the Select Board

*Publication date: Friday, February 11, 2022, Falmouth Enterprise*

# Legal Notices

## LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 135 of the General Laws, as amended, that Falmouth Pier 37 Boathouse, LLC has applied for an Alteration of Premises to its Seasonal All Alcohol Common Victualer License located at 68 Scarriston Avenue, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square, on Monday, February 28, 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  
Orjale Scott Price

February 11, 2022

## Falmouth Zoning Board of Appeals Notice of Public Hearing for March 10, 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, March 10, 2022**

### Continuation(s)

#057-17M Northstar Place LLC, 123 Brick Kiln Road, East Falmouth  
#016-21R Noonan, 163 Surf Drive, Falmouth

Application #002-22 John E. and Mary A. Duffy, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A, (previously 240-3 C.) of the Code of Falmouth to raze and rebuild the pre-existing nonconforming single family dwelling on subject property known as 44 Lake Shore Drive North, East Falmouth, Ma.

Application # 003-22 Ronald W. and Sharon L. Nunes, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.3A (4) and 240-10.2A (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to construct a dormer to the second floor of the pre-existing, non-conforming single-family dwelling on subject property known as 23 Oak Street, Teaticket, Ma.

Application # 004-22 David Alan and Mandi Z. Kurek: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A, (previously 240-3 C.) of the Code of Falmouth to construct an addition and dormer to the second floor of the non-conforming single family dwelling on subject property known as 134 Siders Pond Road, Falmouth, Ma.

Application # 005-22 Thomas J. and Janet C. Chadle, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A (4) (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to construct additions to the 1st floor and construct a partial 2nd floor addition; increasing lot coverage by structures on subject property known as 48 Sunset Point Road, North Falmouth, Ma.

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

February 11, 18, 2022

## Town of Falmouth Historical Commission Public Hearing Notice

The Falmouth Historical Commission will hold a public hearing under Massachusetts General Law Chapter 46C section 11, and Town bylaw section 7.4 as Amended on Tuesday, March 1, 2022 at

6:00PM in the Select Board's Meeting Room, Falmouth Town Hall.

Requests for Certificates of Appropriateness:

22.01 Elizabeth Jones, 273 Quisset Ave – Demol/Reconstruct House

22.02 Elizabeth Jones, 273 Quisset Ave – Deck Addition & Renovations to Barn

22.05 Sarah Connolly, Thee, 148 Gansett Rd – Renovations and Addition to House

22.06 Cynthia M. Crute-Wisch 2003 Revocable Trust, 86 Carey Ln – Proposed Accessory Structure

22.07 Hans Jannasch, 67 Church St – Installation of Solar Panels

Demolition Delay Review per Town of Falmouth Code Chapter 107 (comments from the public will be heard)

328 Waquoit Hwy: Advisory review for request of waiver of 12 month demolition delay

Applicant: Kevin & Patricia Fries

On behalf of the Falmouth Historical Commission

February 11, 2022

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Falmouth will hold a public hearing on Monday, February 28, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, Falmouth, MA on the application of Nilton Carneval of Nilton's Floors Inc. for a wastewater flow variance under Chapter 160, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for redevelopment of commercial/residential property at 231 Teaticket Highway in said Falmouth (parcel 39 14 026 000).

Per Order of the Select Board

February 11, 2022

## TOWN OF FALMOUTH INVITATION FOR BID

THIS PROJECT IS BEING ELECTRONICALLY BID AND HARD COPY BIDS WILL NOT BE ACCEPTED. Please review the instructions in the bid documents on how to register as an electronic bidder. The bids are to be prepared and submitted at [www.biddocsonline.com](http://www.biddocsonline.com). Tutorials and instructions on how to complete the electronic bid documents are available online (click on the "Tutorial" tab at the bottom footer).

The Town of Falmouth, Massachusetts, the Awarding Authority, invites sealed bids from General Contractors for the HEATING RENOVATIONS at the, the MORSE POND SCHOOL in 323 JONES ROAD, FALMOUTH, MA, in accordance with the documents prepared by BLV Engineers, Inc., P.O. Box 1551 - 311 Great Road, Littleton, MA 01460 dated February 15, 2022.

General Bids will be received until March 9, 2022 at 1:00 PM and publicly opened, forthwith online.

Electrical Filed Sub-bids for the trades listed below will be received until March 2, 2022 at 1:00 PM and publicly opened, forthwith online.

A Pre-Bid Conference shall be held on February 23, 2022 at the Morse Pond School, 323 Jones Road, Falmouth, MA, at 12:00 P.M., at which time both job sites shall be made available for inspection.

Plans and Specifications will be available on February 16, 2022. Plans and Specifications will be available for pick-up at [www.biddocsonline.com](http://www.biddocsonline.com) (may be viewed electronically and hardcopy requested) or at Nashoba Blue, Inc. at 433 Main Street, Hudson, MA 01749 (978-568-1167).

The Town of Falmouth reserves the right to reject any or all bids, wholly or in part in accordance with M.G.L. Ch149.

February 11, 2022



# TOWN of FALMOUTH

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

AMY LOWELL  
WASTEWATER SUPERINTENDENT

Date: February 7, 2022

To: Board of Selectmen, Town Manager

cc: Falmouth Health Department, Falmouth Planning Board

Re: Flow Neutral Bylaw Variance Request – 231 Teaticket Highway – Nilton's Floors

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

Based on the existing and proposed site plans prepared for this redevelopment by BSS Design, dated 12/21/21, I estimate the previous and proposed Title 5 design flows as follows (gallons per day, gpd):

	Previous		Proposed	
	Use	Flow (gpd)	Use	Flow (gpd)
Building A	4938 sq ft retail	247	same	247
Building B	1874 sq ft office	141	370 sq ft office + two, 2-bedroom residential units	468
	Total	387	Total	715

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

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

Permitted Average Annual Discharge Flow (gallons per day):	710,000
Projected Average Annual Flow, With Variances Granted To-Date (gpd):	569,109
Projected Average Annual Flow as % of Permitted Flow	80.2%

The currently proposed project, if granted a variance, will increase the total projected average annual flow from the wastewater system to 569,436 gallons per day, which would still be 80.2% of the permitted flow (the small increase does not affect the percentage because of rounding). Therefore, sufficient sewer system capacity currently exists to accommodate the projected additional flow from this property.

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

## Diane Davidson

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**From:** Scott McGann  
**Sent:** Tuesday, February 1, 2022 8:49 AM  
**To:** Diane Davidson; Julian Suso  
**Cc:** Amy Lowell  
**Subject:** flow neutral bylaw referral for 231 Teaticket Hwy

On January 31, 2022, the Falmouth Board of Health heard a flow neutral bylaw referral request for proposed apartments (two 2-bedroom units) located at the 231 Teaticket Highway. The Board of Health determined that there is sufficient room on the lot to install a Title 5 compliant, sufficiently sized septic system.

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

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

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

Suggested Process:

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

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

## Chapter 180. Sewers and Septic Systems

### Part 3. Service Areas and Districts

#### Article VIII. Flow Neutral Bylaw for Present and Future Sewer Service Areas

[Added AFTM 11-13-2013, Art. 41, approved 1-27-2014]

##### § 180-51. Purpose.

The Town of Falmouth's Wastewater Treatment Facility on Blacksmith Shop Road (WWTF) has limited treatment and disposal capacity as determined by a discharge permit issued by the Massachusetts Department of Environmental Protection (DEP). In order to comply with the terms and conditions of the discharge permit, to manage present and future wastewater flows, to meet present and future water quality standards, and to support broader community planning objectives, the Town adopts this Flow Neutral Bylaw for Present and Future Sewer Service Areas. This bylaw shall apply to all present sewer service areas of the Town, except for the New Silver Beach Sewer Service Area, governed by §§ 180-37 through 180-50 herein, and it shall apply to any future sewer service areas to be serviced by the Wastewater Treatment Facility on Blacksmith Shop Road. Nothing in this bylaw shall exempt the owner of a property in a present or future sewer service area from all other applicable statutes, bylaws, rules and regulations.

##### § 180-52. Mandatory sewer connection; elimination of septic systems in sewer service areas.

- A. The requirements for mandatory connection in sewer service areas are detailed in § 180-6 of the Code of Falmouth, Sewers and Septic Systems.
- B. Within thirty (30) days of the property's connection to the public sewer, any septic system or other waste disposal system located on the property shall be decommissioned in accordance with Board of Health regulations.

##### § 180-53. Determination of wastewater flow in sewer service areas.

- A. Wastewater flow to the public sewer shall be determined in accordance with either: 1) the provisions set forth in 310 CMR 15; or 2) water meter data provided by the Department of Public Works as adjusted for seasonal occupancy; or 3) any other method acceptable to the Department of Environmental Protection and the Town of Falmouth. Any structure, legally in existence as of January 1, 2014, regardless of its flow, may by right maintain that flow or number of bedrooms. "Bedroom" is defined in 310 CMR 15.002 (Title 5: Standard requirements specified in 310 CMR 15.000, Massachusetts State Environmental Code), and the number of bedrooms in the Assessor's records as of January 1, 2014, are presumed accurate.
- B. The flow allocations for present and future sewer service areas as of January 1, 2014, are as follows:
  - (1) Blacksmith Shop Road Wastewater Treatment Plant: 570,000 gallons per day (excluding Little Pond Sewer Service Area).
  - (2) Little Pond Sewer Service Area: 260,000 gallons per day (subject to approved CWMP).
- C. These flows allocations will be adjusted if additional flow or modifications to sewer service areas are made through (1) approved comprehensive wastewater management plans, (2) approved notice of project change to environmental impact reports for the 2001 West Falmouth Harbor Facilities, or (3) approval from MA Department of Environmental Protection.

##### § 180-54. Allocation of available capacity in sewer service areas.

The Wastewater Superintendent shall periodically notify the Board of Selectmen of the available capacity at the Wastewater Treatment Facility. The Selectmen in consultation with the Planning Board may set priorities for the available capacity.

##### § 180-55. Modifications to existing parcels or changes in use in sewer service areas.

- A. Single-family residences.
  - (1) Existing development. Modifications of an existing single-family dwelling on a parcel of 40,000 square feet or less may increase the total number of bedrooms to four (4) by right. Modifications of existing single-family residences on parcels over 40,000

square feet may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.

- (2) New development. A single-family residence may have four (4) bedrooms by right on parcels of 40,000 square feet or less. On parcels greater than 40,000 square feet, a single-family residence may have one (1) bedroom per 10,000 square feet of lot area by right.
- (3) Addition of bedrooms, beyond those permitted in Subsection A(1) and (2) above shall require a variance from the Board of Selectmen in accordance with § 180-56.

B. Multifamily residences.

- (1) Existing development. Modifications of an existing multifamily residence may increase the number of bedrooms to one (1) bedroom per 10,000 square feet of lot area by right.
- (2) New development. A new multifamily dwelling is allowed one bedroom per 10,000 square feet of lot area by right. In Zoning Districts where up to six (6) units per acre are allowed, up to three (3) bedrooms per permitted unit are allowed by right.
- (3) Addition of bedrooms in multifamily dwellings, beyond which is allowed by right, shall require a variance from the Board of Selectmen in accordance with § 180-56.

C. Nonresidential development.

- (1) Existing development.
  - (a) Modifications or changes of use, including residential to nonresidential, that increase flow to a level that is no more than ten (10) percent above that permitted as of January 1, 2014, by 310 CMR 15 (Title 5) are allowed by right.
  - (b) Modifications or changes of use that increase flow more than that allowed by right in Subsection C(1)(a) require a variance from the Board of Selectmen in accordance with § 180-56.
- (2) New development.
  - (a) New nonresidential development on a vacant parcel with a wastewater flow up to 110 gallons per day per 10,000 square feet of lot area is allowed by right.
  - (b) New nonresidential development on a vacant parcel with a proposed wastewater flow greater than 110 gallons per day per 10,000 square feet shall require a variance from the Board of Selectmen in accordance with § 180-56.

## § 180-56. Variances in sewer service areas.

- A. The Board of Selectmen, after a public hearing of which notice has been given by publication 1) in a newspaper of general circulation and 2) posting with the Town Clerk and on the Town website for a period of no less than fourteen (14) days prior to the date of hearing, may grant a variance, provided both Subsection A(1) and (2) below are satisfied:
  - (1) Sufficient capacity exists in the treatment facility, as determined by the Wastewater Superintendent. If sufficient capacity does not exist then no variance shall issue.
  - (2) Should the Wastewater Superintendent determine sufficient capacity exists the applicant must then demonstrate, through a positive referral from the Board of Health, that a septic system for the total number of bedrooms or nonresidential flow requested, meeting the provisions of 310 CMR 15.000 (Title 5) without significant variances, can be sited on the parcel. If the Board of Health does not make a referral within 45 days of receipt of the request, it shall be considered a positive referral.
- B. The Board of Selectmen may, at its sole and absolute discretion, issue a variance that in its judgment could be granted without substantially derogating from the intent or purpose of this bylaw should the applicant fail to satisfy criteria in § 180-56A(2) above.

## § 180-57. Rebuilding a building because of casualty loss in sewer service areas.

Relating to Article VIII, a property owner may rebuild a structure destroyed by fire, flood, storm or other acts of nature as a matter of right, provided that the new structure does not exceed the wastewater flow and number of bedrooms of the structure being replaced.

## § 180-58. Mandatory water conservation in sewer service areas.

The Board of Selectmen may adopt mandatory water conservation measures, after public hearing, consistent with the purposes of this bylaw.

## § 180-59. Transferability in sewer service areas.

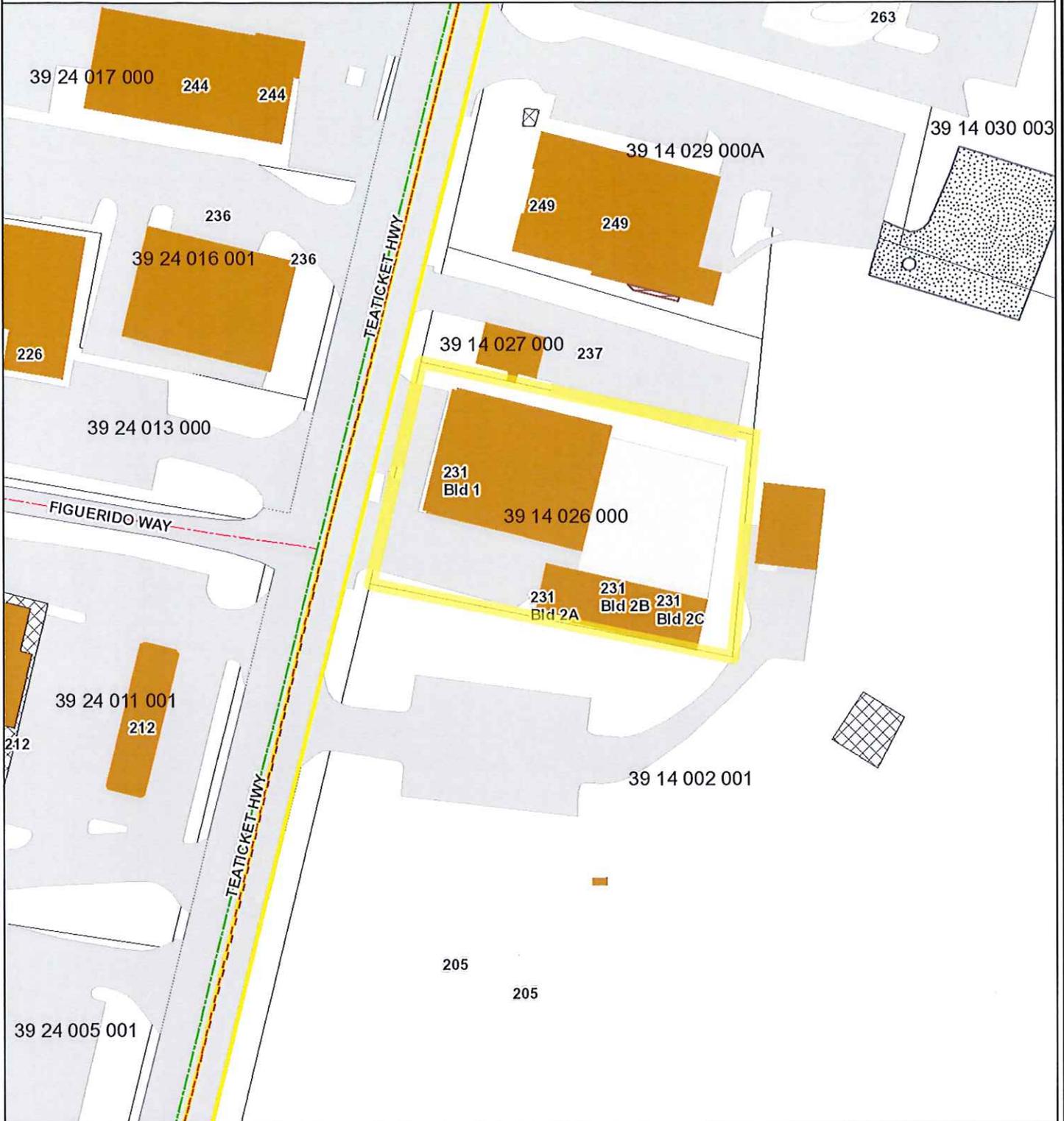
The number of bedrooms or flow on any particular parcel of land cannot be sold, exchanged, transferred, or otherwise used to benefit the number of bedrooms or flow on another parcel or another's right to a sewer connection.

## § 180-60. Severability.

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

## § 180-61. Violations and penalties.

- A. Any person found to be violating any provision of Article VIII shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who shall continue any violation beyond the period permitted in Subsection A shall be guilty of a misdemeanor and subject to a fine in an amount not exceeding fifty dollars (\$50) for each violation. Each day in which such a violation shall continue shall be deemed a separate offense.
- C. This section shall in no way limit the Town's power and authority to seek other remedies at law that it may have. Any person violating any of the provisions contained herein shall be liable to the Town for any expense, loss or damage occasioned the Town by such violation.



1" = 70 ft



- |  |   |  |   |
|--|---|--|---|
| <p><b>Places of Interest</b></p> <ul style="list-style-type: none"> <li>Police</li> <li>Fire Stations</li> <li>Golf</li> <li>Library</li> <li>Medical</li> <li>Municipal Buildings</li> <li>Other</li> <li>Schools</li> <li>Sports</li> <li>BEACHES</li> <li>BOAT RAMPS</li> <li>CCRTA Bus Stops</li> <li>Ferry Routes <ul style="list-style-type: none"> <li>FALMOUTH-EDGARTOW</li> <li>FALMOUTH-OAK BLUFF</li> <li>WOODS HOLE-OAK BLU</li> <li>WOODS HOLE-VINEYAR</li> </ul> </li> </ul> | <p><b>CCRTA Bus Routes</b></p> <ul style="list-style-type: none"> <li>Fall-Win-Spr</li> <li>WHOOSH</li> <li>Summer</li> </ul> <p><b>Decks/Patios</b></p> <ul style="list-style-type: none"> <li>Deck</li> <li>Patio</li> </ul> <p><b>Parking</b></p> <ul style="list-style-type: none"> <li>Asphalt</li> <li>Concrete</li> <li>Gravel</li> <li>Shell</li> </ul> <p><b>Bridges</b></p> <p><b>Road Ownership</b></p> <ul style="list-style-type: none"> <li>COUNTY; TOWN</li> <li>PRIVATE</li> <li>STATE</li> </ul> | <p><b>Road Surfaces</b></p> <ul style="list-style-type: none"> <li>OTHER</li> <li>PAVED</li> <li>Cobblestone; Concrete; Ot</li> <li>Dirt; Gravel</li> <li>Shell</li> </ul> <p><b>Coastal Structures</b></p> <ul style="list-style-type: none"> <li>Deck</li> <li>Groins</li> <li>Jetty</li> <li>Pier/Wharf</li> <li>Revetment</li> </ul> <p><b>Water Features</b></p> <ul style="list-style-type: none"> <li>Craberry Bog</li> <li>Estuary</li> <li>Lake or Pond</li> <li>Sea or Ocean</li> <li>Stream or River</li> <li>Swamp or Marsh</li> </ul> | <p><b>Parcels</b></p> <ul style="list-style-type: none"> <li>Buildings</li> </ul> <p><b>Vegetation</b></p> <ul style="list-style-type: none"> <li>BOG</li> <li>FIELD</li> <li>ORCHARD</li> </ul> <p><b>Layers of Interest</b></p> <p><b>Public Lands</b></p> <ul style="list-style-type: none"> <li>COMMONWEALTH OF M</li> <li>TOWN OF FALMOUTH</li> <li>CONSERVATION</li> <li>STEAMSHIP AUTHORIT</li> <li>UNITED STATES OF AM</li> </ul> |
|--|---|--|---|

**Disclaimer**  
The Town of Falmouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.  
Planimetric features derived from 3/05 Aerials.  
Prepared by Falmouth G.I.S.

## **PUBLIC HEARINGS**

2. Application for an Alteration of the Licensed Premises of a Seasonal All Alcoholic Common Victualler License – Falmouth Pier 37 Boathouse, LLC located at 88 Scranton 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 28, 2022



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Falmouth Pier 37 Boathouse, LLC has applied for an Alteration of Premises to its Seasonal All Alcoholic Common Victualler License located at 88 Scranton Avenue, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square, on Monday, February 28, 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 11, 2022; Falmouth Enterprise*

# Legal Notices

## LICENSING BOARD

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Falmouth Pier 37 Boothouse, LLC has applied for an Alteration of Premises to its Seasonal Alcoholic Common Victualer License located at 88 Scanton Avenue, Falmouth, MA.

A hearing will be held in the Select Board Meeting Room, Falmouth Town Hall, 69 Town Hall Square, on Monday, February 28, 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  
Orjale Scott Price

February 11, 2022

### Falmouth Zoning Board of Appeals Notice of Public Hearing for March 10, 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, March 10, 2022

#### Continuation(s)

#057-17M Northstar Place LLC, 123 Brock Kiln Road, East Falmouth  
#016-21R Noonan, 183 Surf Drive, Falmouth

Application #002-22 John E. and Mary A. Duffy, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. (previously 240-3 C.) of the Code of Falmouth to raze and rebuild the pre-existing nonconforming single family dwelling on subject property known as 44 Lake Shore Drive North, East Falmouth, Ma.

Application # 003-22 Ronald W. and Sharon L. Nunes, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.3A (4) and 240-10.2A (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to construct a dormer to the second floor of the pre-existing, non-conforming single-family dwelling on subject property known as 23 Oak Street, Teaticket, Ma.

Application # 004-22 David Alan and Mandi Z. Kunen: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. (previously 240-3 C.) of the Code of Falmouth to construct an addition and dormer to the second floor of the non-conforming single family dwelling on subject property known as 134 Siders Pond Road, Falmouth, Ma.

Application # 005-22 Thomas J. and Janet C. Chadis, Trustees: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A and 240-11.3A (4) (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to construct additions to the 1st floor and construct a partial 2nd floor addition; increasing lot coverage by structures on subject property known as 48 Sunset Point Road, North Falmouth, Ma.

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

February 11, 2022

### Town of Falmouth Historical Commission Public Hearing Notice

The Falmouth Historical Commission will hold a public hearing under Massachusetts General Law Chapter 40C section 11, and Town bylaw section 7.A as Amended on Tuesday, March 1, 2022 at

6:00PM in the Select Board's Meeting Room, Falmouth Town Hall.

Requests for Certificates of Appropriateness:

22.01 Elizabeth Jones, 273 Cutssett Ave – Demol/Reconstruct House  
22.02 Elizabeth Jones, 273 Cutssett Ave – Deck Addition & Renovations to Barn  
22.05 Sarah Connolly, Tee, 148 Gansett Rd – Renovations and Addition to House  
22.06 Cynthia M. Crots-Wisch 2003 Revocable Trust, 85 Carey Ln – Proposed Accessory Structure  
22.07 Hans Jannasch, 67 Church St – Installation of Solar Panels

Demolition Delay Review per Town of Falmouth Code Chapter 107 (comments from the public will be heard)

328 Vraquon Hwy. Advisory review for request of waiver of 12 month demolition delay  
Applicant: Kevin & Patricia Friel

On behalf of the Falmouth Historical Commission

February 11, 2022

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Falmouth will hold a public hearing on Monday, February 28, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, Falmouth, MA on the application of Hilton Carnival of Hilton's Floors Inc. for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for redevelopment of commercial/residential property at 231 Teaticket Highway in said Falmouth (parcel 39 14 025 000).

Per Order of the Select Board

February 11, 2022

### TOWN OF FALMOUTH INVITATION FOR BID

THIS PROJECT IS BEING ELECTRONICALLY BID AND HARD COPY BIDS WILL NOT BE ACCEPTED. Please review the instructions in the bid documents on how to register as an electronic bidder. The bids are to be prepared and submitted at [www.biddocsonline.com](http://www.biddocsonline.com). Tutorials and instructions on how to complete the electronic bid documents are available online (click on the "Tutorial" tab at the bottom footer).

The Town of Falmouth, Massachusetts, the Awarding Authority, invites sealed bids from General Contractors for the HEATING RENOVATIONS at the, the MORSE POND SCHOOL in 323 JONES ROAD, FALMOUTH, MA, in accordance with the documents prepared by BLY Engineers, Inc., P.O. Box 1551 - 311 Great Road, Littleton, MA 01460 dated February 15, 2022.

General Bids will be received until March 9, 2022 at 1:00 PM and publicly opened, forthwith online.

Electrical Filed Sub-bids for the trades listed below will be received until March 2, 2022 at 1:00 PM and publicly opened, forthwith online.

A Pre-Bid Conference shall be held on February 23, 2022 at the Morse Pond School, 323 Jones Road, Falmouth, MA, at 2:00 P.M., at which time both job sites shall be made available for inspection.

Plans and Specifications will be available on February 16, 2022. Plans and Specifications will be available for pick-up at [www.biddocsonline.com](http://www.biddocsonline.com) (may be viewed electronically and hardcopy requested) or at Nashoba Blue, Inc. at 433 Main Street, Hudson, MA 01749 (978-568-1167).

The Town of Falmouth reserves the right to reject any or all bids, wholly or in part in accordance with M.G.L. Ch149.

February 11, 2022

**TOWN DEPARTMENT COMMENTS**

**LICENSE APPLICATION REVIEW FORM**

February 28, 2022

**Restaurant/Business:** Falmouth Pier 37 Boathouse

**Address:** 88 Scranton Avenue, Falmouth

**License Type:** Seasonal All Alcoholic Common Victualler License

New or Transfer of License \_\_\_\_\_

or

Change of License Alteration of Premises

Application sent to the departments, indicated below, for comment:

Police Police has concerns with the increase in occupancy numbers. See attached.

Fire Fire Rescue has concerns with the increase in occupancy numbers. See attached.

Building No comments received.

Health No comments received.

Zoning No comments received.

Planning No comments received.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES:

## Diane Davidson

---

**From:** Boyd Demello  
**Sent:** Friday, February 25, 2022 8:43 AM  
**To:** Diane Davidson  
**Cc:** Timothy Smith; Craig O'Malley; Edward Dunne; Brian Reid; Boyd Demello  
**Subject:** Boathouse reports for Selectboard Packet  
**Attachments:** Building Safety Checklist August 30 September 1.pdf; OCCUPANCY COMPLIANCE CHECKS.pdf; Service of Non-Criminal Fire Code Notice and Building Safety Checklist Review.pdf

Diane,

The Fire Rescue Departments has concerns with the increase of occupancy. Twice last year the Pier 37 Boathouse was found in noncompliance with crowd manager regulations. See attached documents. Also there is no mention in the Alteration Application of the leased property at 110 Scranton Avenue, which was used last year by the establishment. That area was referred to as the "Pocket" it served pizza and other food and has its own outside bar and seating area. The 2021 Occupancy Certificate included this area. Are the new occupancy numbers including this area as well?

Boyd W. DeMello  
Fire Prevention Inspector  
Falmouth Fire Rescue Department  
[boyd.demello@falmouthfirema.gov](mailto:boyd.demello@falmouthfirema.gov)  
508-495-2534 - Office  
774-836-2436 - Cell Phone

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## FALMOUTH FIRE RESCUE DEPARTMENT

### FIRE PREVENTION BUREAU

399 MAIN STREET  
FALMOUTH, MA 02540  
PHONE: (508) 495-2530  
FAX: (508) 495-2540

LT. CRAIG B. O'MALLEY  
FIRE PREVENTION OFFICER

BOYD W. DEMELLO  
FIRE PREVENTION INSPECTOR  
ALLEN RIVERA  
FIRE PREVENTION INSPECTOR

Building Safety Checklist Inspection

August 30, 2021 & September 1, 2021

The undersigned along with FPO Lt. Craig O'Malley conducted a follow up inspection of the Pier 37 Boathouse Restaurant's Building Safety Checklist records on August 30, 2021. This follow up inspection was a result of the findings on June 30, 2021, inspection.

Kristen Humphries (Certification # q7b28N1TtjFDhO expires 03/24/2024) was one of the crowd managers on duty. Ms. Humphries was asked for the building safety checklist records. We were handed a loose bunch of completed checklists that were in no order by date. These checklists are usually maintained in a binder. Ms. Humphries was asked to produce the binder as well, which she did.

Sorting through the binder and loose checklists there are sixteen days since the last inspection that have not had building safety checklists completed prior to opening. The days are 7/28/2021, 8/10/2021, 8/15/2021 – 8/20/2021 and, 8/22/2021-8/29/2021.

Based on the findings Falmouth Fire Rescue Department is issuing a Non-Criminal Fire Code Violation Notice under 527 CMR 1.00 The Massachusetts Comprehensive Fire Safety Code, section 20.1.5.6.4. This will be the third offense for the Pier 37 Boathouse. Previous code violations for the same offense were issued on 8/12/2013 and 8/30/2014. This was a one thousand dollar fine.

The undersigned completed Building Safety Checklist Inspections on September 1, 2021, at the following locations

Falmouth Raw Bar 56 Scranton Avenue- Two days were found missing from the records. A verbal warning was given to the manager Mark Ricciardi, that it checklist must be completed for each day.

Liam McGuire's Irish Pub, Grumpy's Pub and Landfall Restaurant were found in compliance.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "B. DeMello".

Boyd W. DeMello



**FALMOUTH FIRE RESCUE DEPARTMENT  
FIRE PREVENTION BUREAU**

399 MAIN STREET  
FALMOUTH, MA 02540  
PHONE: (508) 495-2530  
FAX: (508) 495-2540

LT. CRAIG B. O'MALLEY  
FIRE PREVENTION OFFICER

BOYD W. DEMELLO  
FIRE PREVENTION INSPECTOR  
ALLEN RIVERA  
FIRE PREVENTION INSPECTOR

**OCCUPANCY COMPLIANCE CHECKS  
JUNE 26, 2021**

Falmouth Fire Rescue Department and Falmouth Police Department conducted Occupancy Compliance Inspections at seven establishments on Saturday night.

The following locations were inspected from the exterior and did not require an Interior Inspection. No large number of patrons noted to be inside.

Anejo Mexican Bistro, 188 Main Street  
Grumpy's Pub, 29 Locust Street  
Liam Maguire's Irish Pub, 273 Main Street  
Soprano's by the Sea, 286 Grand Avenue  
Shipwrecked (former British Beer Company), 269 Grand Avenue.

All referenced locations that are required to follow the Massachusetts Crowd Manager requirements of the Massachusetts Comprehensive Fire Safety Code 527 CMR 1.00 will be checked for compliance during the upcoming week.

The following establishments after exterior observation had interior occupancy compliance inspections conducted due to the number of patrons inside and outside the establishments.

Pier 37 Boathouse, 88 Scranton Avenue  
Falmouth Raw Bar, 56 Scranton Avenue

Pier 37 Boathouse- The Inspection Team advised Connor McLaughlin manager of the establishment that an interior occupancy inspection will be conducted, prior to entering. Pier 37 Boathouse has an occupancy of 300 patrons with tables and chairs in use. The occupancy increases to 476 patrons with tables and chairs removed.

The time of the inspection was approximately 11:15 pm. Security staff at the main entrance was asked for the patron count. Security staff stated, "Maybe 450 patrons, but I'm working on it". It didn't appear that the equipment for checking IDs and managing the occupancy count was being used, as in previous visits. A manual count was conducted by Fire Rescue personnel and found to be at 497. While the

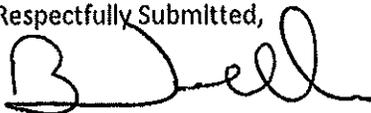
manual count found the establishment to be over by 21 patrons, some latitude needs to be given, due to the fact the patrons are moving around during the count and could be counted twice. However, it was observed noted tables and chairs were still in use on the deck, which is not allowed under the increased occupancy use. Based on this fact that tables and chairs were found in use, a determination was made that they were over the allowed occupancy of 300 patrons and staff. A non-criminal Fire Code violation was issued for "Failure to comply with the requirements to prevent overcrowding, 527 CMR 1.00 section 10.4.2.1".

An unpermitted tent was located on the rear deck. A 30'x30' tent has been installed on the rear deck, covering the outdoor bar area. This tent requires permitting with Building Department and Fire Rescue Department approvals. Mr. McLaughlin stated the tent was installed earlier in the day, as part of his proposed temporary outside seating application. He states that the tent company could only install them now or after the July 4th weekend. NOTE: the application package states that one 20'x60' tent will be installed in a different location, not on the rear main deck. One open flame patio heater was found on the deck (not in use) but located too close to combustible material. Open flame heaters must have 36" of clearance to combustible material at all times. Mr. McLaughlin was advised of the inspection findings before departing the property and the results of the inspection would be forwarded to the Office of the Fire Chief.

Falmouth Raw Bar – The Inspection Team spoke with Michael Ricciardi, Manager prior to entering the establishment. Mr. Ricciardi stated that there were 219 patrons inside the establishment. A manual count by Fire Rescue personnel was conducted and a total of 205 patrons were counted. Falmouth Raw Bar occupancy is 172 patrons with tables and chairs between the inside area and the outside deck. The occupancy increases to 291 patrons without tables and chairs. Tables and chairs were in use on the rear deck and some barstools were in use inside, which are not allowed under the increased use. A current Occupancy Certificate for this year was not posted as required under Massachusetts Comprehensive Fire Safety Code 527 CMR 1.00. Mr. Ricciardi was advised of the findings and that the results of the inspection would be forwarded to the Office of the Fire Chief.

Mr. Ricciardi stated that with the Pier 37 Boathouse Closing at 12AM since they opened this year the Falmouth Raw Bar experiences a large increase in patrons attempting to gain entry around the time of the Pier 37 Boathouse closing. This increase of patrons was witnessed by the Inspection Team while we were on site after the interior inspection. Additionally, Fire Rescue responded for a victim who was assaulted at the request of Falmouth Police Department just before 1:00 AM on Sunday morning June 27th in the area of the Windfall Market.

Respectfully Submitted,



Boyd W. DeMello  
Fire Inspector  
Falmouth Fire Rescue Department



**FALMOUTH FIRE RESCUE DEPARTMENT**  
**FIRE PREVENTION BUREAU**

399 MAIN STREET  
FALMOUTH, MA 02540  
PHONE: (508) 495-2530  
FAX: (508) 495-2540

LT. CRAIG B. O'MALLEY  
FIRE PREVENTION OFFICER

BOYD W. DEMELLO  
FIRE PREVENTION INSPECTOR  
ALLEN RIVERA  
FIRE PREVENTION INSPECTOR

Service of Non-Criminal Fire Code Notice and Building Safety Checklist Review

June 30, 2021

The undersigned delivered a Non-Criminal Fire Code Violation Notice for the overcrowding found during the June 26, 2021 occupancy inspection to the Pier 37 Boathouse. The notice was hand delivered to Kristen Humphries (Certification # q7b28N1TtjFDhO expires 03/24/2024), one of the day shift crowd managers.

While there I requested to check the Building Safety Checklist. There were several days missing from the binder. Missing were June 27, 2021 through June 30, 2021. I informed Ms. Humphries that a Building Safety Checklist was required to be filled out for each day that the establishment is open and must be completed prior to opening. The checklist was not completed for the day this day (June 30, 2021) and the establishment was open and serving customers.

Neither Conor McLaughlin or the restaurants general manger were on the premises at this time. Ms. Humphries was given a verbal warning in regards to the missing checklists and advised to let management know that I was in and what I found.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "B. DeMello".

Boyd W. DeMello  
Fire Inspector  
Falmouth Fire Rescue Department

## Diane Davidson

---

**From:** Brian Reid  
**Sent:** Friday, February 25, 2022 8:56 AM  
**To:** Boyd Demello; Diane Davidson  
**Cc:** Timothy Smith; Craig O'Malley; Edward Dunne  
**Subject:** RE: Boathouse reports for Selectboard Packet

Hello Diane,

The Police Department shares the concerns of the Fire Rescue Department regarding the requested occupancy increase at the Boathouse. They have historically failed to enforce existing occupancy restrictions, and their patrons have spilled over to the surrounding area causing a variety of other issues (most notably loitering outside the nearby Raw Bar, creating disturbances). We are not in favor of increasing their capacity.

Captain Brian L. Reid  
Falmouth Police Department  
750 Main Street  
Falmouth, MA 02540  
774-255-4527 ext. 4502

---

**From:** Boyd Demello  
**Sent:** Friday, February 25, 2022 8:43 AM  
**To:** Diane Davidson <diane.davidson@falmouthma.gov>  
**Cc:** Timothy Smith <timothy.smith@falmouthfirema.gov>; Craig O'Malley <craig.omalley@falmouthfirema.gov>; Edward Dunne <edward.dunne@falmouthpolicema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>  
**Subject:** Boathouse reports for Selectboard Packet

Diane,

The Fire Rescue Departments has concerns with the increase of occupancy. Twice last year the Pier 37 Boathouse was found in noncompliance with crowd manager regulations. See attached documents. Also there is no mention in the Alteration Application of the leased property at 110 Scranton Avenue, which was used last year by the establishment. That area was referred to as the "Pocket" it served pizza and other food and has its own outside bar and seating area. The 2021 Occupancy Certificate included this area. Are the new occupancy numbers including this area as well?

Boyd W. DeMello  
Fire Prevention Inspector  
Falmouth Fire Rescue Department  
[boyd.demello@falmouthfirema.gov](mailto:boyd.demello@falmouthfirema.gov)  
508-495-2534 - Office  
774-836-2436 - Cell Phone

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## Diane Davidson

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**From:** Diane Davidson  
**Sent:** Thursday, February 17, 2022 12:18 PM  
**To:** Gary Street; Eladio Gore; 'Tim Smith - Falmouth Fire Rescue Department (timothy.smith@falmouthfirema.gov)'; Boyd Demello (boyd.demello@falmouthfirema.gov); Brian Reid (brian.reid@falmouthpolicema.gov); Sean Doyle (sean.doyle@falmouthpolicema.gov); Jed Cornock; Noreen Stockman; Scott McGann  
**Cc:** Pamela Marshall (pamela.marshall@falmouthma.gov); Katie Pierias; Julie Parker; Linda Kinchla; Mallory Langler; Kristin Nickerson  
**Subject:** Alteration of Premises - Pier 37 Boathouse, 88 Scranton Avenue  
**Attachments:** LIQUOR LICENSE NOTICE - ALTERATION OF PREMISES - Falmouth Pier 37 Boathouse.pdf; Falmouth Pier 37 Boathouse-Alteration of Premises Application.pdf; Falmouth Pier 37 Boathouse-Plan.pdf

To all,

The Select Board has received an application for an Alteration of Premises of the Seasonal All Alcoholic Common Victualler License at Falmouth Pier 37 Boathouse, 88 Scranton Avenue, Falmouth.

Attached is a copy of the application and a revised plan. The application is for approval of the alterations made to the premises since the last approved alteration of premises approved by the Select Board on 5/21/12.

The new plan shows two views:

1. Floor plan for restaurant setup – occupancy of 476 people – during the hours of 11:00 AM to 9:00 PM.
2. Floor plan for bar/lounge setup – occupancy of 539 people – during the hours of 9:00 PM to 1:00 AM.

Please review and provide your comments by Wednesday, February 23.

If you have any questions, please let me know.

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](mailto:diane.davidson@falmouthma.gov)  
(508) 495-7321*

## Diane Davidson

---

**From:** Diane Davidson  
**Sent:** Friday, February 25, 2022 10:24 AM  
**To:** pcg  
**Subject:** Falmouth Pier 37 Boathouse - Application for Alteration of Premises  
**Attachments:** AGENDA - 2022-02-28.pdf

Paul,

Attached is a copy of the agenda for the Monday, February 28, 2022 Select Board meeting. The application for an alteration of licensed premises for Falmouth Pier 37 Boathouse is scheduled under "Public Hearings" which begins at 7:30 p.m.

I received two reports (from Fire and Police) with concerns about the application, they are:

1. The increase in the occupancy number.
2. Failures to enforce existing occupancy restrictions, patrons spilling over to the surrounding areas.
3. It was found that the property at 110 Scranton Ave. was being used during the temporary outdoor seating time and was referred to as the "Pocket". It served pizza and other food and had its own outside bar and seating area. This is not part of the licensed premises, 88 Scranton Ave. Please verify that this is not part of the application and will not be used.
4. Do the occupancy numbers on the plans refer to 88 Scranton Ave. only?

Thank you for review and response.

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](mailto:diane.davidson@falmouthma.gov)  
(508) 495-7321*

# APPLICATION

February 28, 2022



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City / Town

0111-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

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:

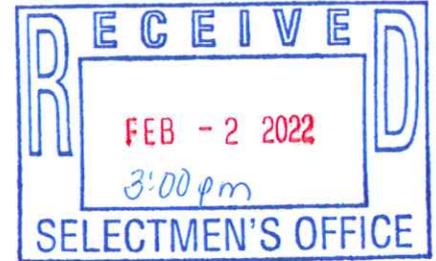
The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GLYNN LAW OFFICES**

49 LOCUST STREET  
FALMOUTH, MA 02540  
(508) 548-8282  
(508) 548-0020 (Fax)



Suzanne Fay Glynn  
email: sfg@glynnlawoffices.com

Paul C. Glynn  
email: pcg@glynnlawoffices.com

Dawn Rigby Walsh  
email: drw@glynnlawoffices.com

February 2, 2022

Diane S. Davidson  
Office Manager/Licensing  
Office of the Town Manager and Select Board  
Town of Falmouth  
59 Town Hall Square  
Falmouth, MA 02540

RE: Pier 37 Boathouse  
88 Scranton Avenue, Falmouth, MA

Dear Diane:

Enclosed please find the following documents for an Application for Alteration of Premises for the above referenced:

1. ABCC Form to alter premises
2. Falmouth Pier 37 Boathouse LLC Annual Report
3. Falmouth Pier 37 Inc. Annual Report
4. Entity Vote
5. Applicant's Statement
6. Deed
7. Lease
8. Monetary Transaction Payment Receipt
9. Check made payable to Town of Falmouth for \$100.00
10. Six Enlarged copies of Floor Plans

Thank you.

Very Truly Yours,

Paul C. Glynn

Enclosures

Applicant: Falmouth Pier 37 Boathouse, LLC

Alteration of Premises application checklist:

- Payment Receipt
- Monetary Transmittal Form
- Change 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



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM

**AMENDMENT-Change or Alteration of Premises Information**

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

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

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

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

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

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

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

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



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

**AMENDMENT-Change 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
Falmouth Pier 37 Boathouse, LLC	Falmouth	00111-RS-0390

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

All Alterations have already been made and approved by the appropriate local authorities. See Narrative.

**APPLICATION CONTACT**

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

Name	Title	Email	Phone
Conor McLaughlin	General Manager		

**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.

Existing deck with outdoor bar (expanded) Outdoor seating expanded, deck size increased over years. See Narrative.

**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.

Existing facility with indoor and outdoor seating, indoor and outdoor bar.

Total Sq. Footage	8,248	Seating Capacity	330	Occupancy Number	476
Number of Entrances	3 including deck	Number of Exits	4 + staff exits	Number of Floors	1

## ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

The Boathouse has gone through several changes over the past 10 years to ensure safety, functionality and efficiency. Working with an old structure has presented challenges along the way, but we believe we've maintained some of its aesthetically pleasing elements while providing crucial upgrades and safety standards to the restaurant. Improvements to the Ansel system, fire suppression system, bathrooms, fire egressions and added an outdoor deck. In 2011, Brian McLaughlin decided to build a composite wooden deck over a previously used outdoor seating area. The site plan for deck expansion and parking plan was approved April 13, 2016, by the Planning Board. In 2016, With approvals and permits we expanded the deck in which we also raised the deck using two cranes to the same height as the building. This led to the installation of a large bi-folding door leading from the dining room onto the deck. This increased patrons' accessibility to different parts of the restaurant and created safety in the event of exiting because everything is on one level and an open concept has been achieved with free-flowing access and 4 egression points. In 2016 we also did a bathroom renovation including handicap bathrooms and the addition of 6 women's stalls and a hand sink. our occupancy was increased in 2016 from 154 to 476. Since 2016 we've made further improvements to safety, improved maintenance on the building. In 2017, Pier 37 Boathouse invested \$50,000 in an advanced camera and parking lot illumination plan. May 2019, a retaining wall was approved which was constructed that summer. Pier 37 Boathouse management has been in communication with ZBA, building department and Town health and fire and safety boards, we've maintained compliance and strived to take every year as an opportunity to improve our standards for service, safety and responsibilities to our patrons and the community.

## AMENDMENT-Change or Alteration of Premises Information

### 3. CHANGE OF LOCATION

#### 3A. PREMISES LOCATION

Last-Approved Street Address

n/a

Proposed Street Address

n/a

#### 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.

Main dining room, sunroom, bar area, outdoor deck facing parking lot (covered), outdoor deck facing the water, outdoor bar, kitchen and bathrooms

Total Sq. Footage

8,248

Seating Capacity

330

Occupancy Number

476

Number of Entrances

3+

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

Brian McLaughlin, for Falmouth Pier 37,

Landlord Phone

508-272-5707

Landlord Email

Landlord Address

323 Manley St, West Bridgewater, MA 02379

Lease Beginning Date

01/01/2022

Rent per Month

Lease Ending Date

12/31/2026

Rent per Year

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

Yes  No



## Diane Davidson

---

**From:** Conor McLaughlin <conormcl63@gmail.com>  
**Sent:** Saturday, February 26, 2022 8:05 PM  
**To:** pcg; Diane Davidson  
**Subject:** Re: Falmouth Pier 37 Boathouse - Application for Alteration of Premises

Hello Diane,

Please see below answers.

I received two reports (from Fire and Police) with concerns about the application, they are:

1. The increase in the occupancy number.

There is no increase to occupancy.

2. Failures to enforce existing occupancy restrictions, patrons spilling over to the surrounding areas.

I respectfully don't agree that there has been egregious mismanagement of capacity Over the past couple years.

3. It was found that the property at 110 Scranton Ave. was being used during the temporary outdoor seating time and was referred to as the "Pocket". It served pizza and other food and had its own outside bar and seating area. This is not part of the licensed premises, 88 Scranton Ave. Please verify that this is not part of the application and will not be used.

This meeting is for 88 Scranton only and does not include 110 Scranton Ave or the area referred to as "The Pokket"

4. Do the occupancy numbers on the plans refer to 88 Scranton Ave. only?

Yes, my occupancy at the boathouse, 88 Scranton Ave., is 476 people as stated on my certificate of occupancy for the last 5 years. I will bring copies of the permits to the meeting.

Conor McLaughlin  
323 Manley St.

West Bridgewater, MA 02379  
Direct: 508-942-1960

On Feb 26, 2022, at 11:27 AM, pcg <pcg@glynnlawoffices.com> wrote:

DUE TO AN INCREASE IN WIRE FRAUD, THIS OFFICE NO LONGER TRANSMITS OUTGOING FUNDS.

Paul C. Glynn  
Glynn Law Offices  
49 Locust St. Falmouth, MA 02540  
Tel: 508-548-8282 x217  
Fax: 508-548-0020  
[pcg@glynnlawoffices.com](mailto:pcg@glynnlawoffices.com)

This message contains information from Glynn Law Offices that may be confidential or privileged. This message is directed only to the individual or entity named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution, or use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender immediately and delete the message and any attachments.

Required IRS Disclosure: Any tax advice contained in this communication, including attachments, is not intended or written to be used, and cannot be used by any taxpayer for the purpose of avoiding penalties under the Internal Revenue Code or promoting, marketing or recommending to another party any matters addressed herein.

---

**From:** Diane Davidson <diane.davidson@falmouthma.gov>  
**Sent:** Friday, February 25, 2022 10:24 AM  
**To:** pcg <pcg@glynnlawoffices.com>  
**Subject:** Falmouth Pier 37 Boathouse - Application for Alteration of Premises

Paul,

Attached is a copy of the agenda for the Monday, February 28, 2022 Select Board meeting. The application for an alteration of licensed premises for Falmouth Pier 37 Boathouse is scheduled under "Public Hearings" which begins at 7:30 p.m.

I received two reports (from Fire and Police) with concerns about the application, they are:

1. The increase in the occupancy number.

2. Failures to enforce existing occupancy restrictions, patrons spilling over to the surrounding areas.
3. It was found that the property at 110 Scranton Ave. was being used during the temporary outdoor seating time and was referred to as the "Pocket". It served pizza and other food and had its own outside bar and seating area. This is not part of the licensed premises, 88 Scranton Ave. Please verify that this is not part of the application and will not be used.
4. Do the occupancy numbers on the plans refer to 88 Scranton Ave. only?

Thank you for review and response.

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](mailto:diane.davidson@falmouthma.gov)*  
*(508) 495-7321*

<AGENDA - 2022-02-28.pdf>

## **PUBLIC HEARINGS**

3. Application for an Alteration of the Licensed Premises of an All Alcoholic Club License – Falmouth Yacht Club, Inc. at 290 Clinton 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



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Falmouth Yacht Club Inc. has applied for an Alteration of Premises to its All Alcoholic Club License located at 290 Clinton Avenue, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, February 28, 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 18, 2022; Falmouth Enterprise*



A squirrel sneaks a drink from a bird bath.

BRANDA M. SHARP/ENTERPRISE

# Coonamessett Farm Foundation To Train At-Sea Monitors

The Coonamessett Farm Foundation Inc. (CFF) in East Falmouth recently awarded a two-year contract through the Atlantic States Fisheries Marine Commission. In cooperation with NOAA Fisheries Northeast Fisheries Science Center, to provide supplemental At-Sea Monitoring training sessions. These classes are critical to increasing the groundfish monitoring coverage rate to 100 percent, as stipulated under Amendment 23 of the Northeast Multispecies Fishery Management Plan.

CFF employs instructors who will begin training at-sea monitors for deployment by the Fisheries Center.

The At-Sea Monitoring Groundfish Program began in 2010, when the Northeast Fisheries Management Council and NOAA Fisheries Greater Atlantic Regional Office finalized the sector quota management system for federally permitted groundfish vessels.

There are 13 commercially viable fish stocks—including Atlantic cod, redfish, haddock and winter flounder—that are managed as part of the Northeast species complex through sector allocations. Currently, based on geographical location within federal waters of the North Atlantic Ocean, there are 20 recognized stocks that make up the groundfish complex. Employed by observer/monitor service providers, certified at-sea monitors work directly with groundfish vessel captains and crews throughout the Northeast region and serve as NOAA Fisheries contractors. They are a link between industry, stock assessment biologists and federal managers. Monitors are instructed in species identification, with core training components related to collecting haul-level catch data of kept and discarded species, verification of area fished and gear types used. During training, monitors undergo three days

of instruction in vessel emergency and safety with hands-on field exercises to prepare them for working aboard commercial fishing vessels that range in size from 35 to 85 feet.

With guidance from training and data quality staff at the Fisheries Center, CFF plans to lead several trainings during the 2022-23 season. In-class training will be led by CFF at-sea monitoring trainers, Tanner Fernandes and Taylor Irwin, former monitors and observers who joined CFF in 2021 to support this program. The Fisheries Center will advise on the need for additional training classes and provide ongoing support to CFF throughout this contract.

For more information on the Coonamessett Farm Foundation ASIF training award, contact Tania Lewandowski at [tania.lewandowski@noaa.gov](mailto:tania.lewandowski@noaa.gov), Tasha O'Hara at [tohara@cfarm.org](mailto:tohara@cfarm.org), or Justin Potter at [jpotter@cfarm.org](mailto:jpotter@cfarm.org).

# County Assembly Rejects Effort To Limit Citizen's Petitions

By TAO WOOLFE

The Cape Cod Commission's effort to increase by sevenfold the number of signatures needed to certify a citizen's petition was thwarted this week by a close vote of the Barnstable County Assembly of Delegates.

The 5-7 "no" vote on Wednesday came after a lengthy and spirited discussion among the delegates. Cape Cod Commission officials and members of the public.

"I don't like the idea of making governmental less accessible and less responsive. I would not support it—there's no need to do so," said Delegate James J. Killion, the Sandwich representative, summing up the sentiments of delegates who voted against the measure.

The Cape Cod Commission was seeking to increase the number of necessary signatures on a citizen's petition from 100 to 750.

Only a certified citizen's petition can be added to the agenda of the commission's regional policy plan meeting, which is held every five years or so, to determine policies that often apply to all the Cape towns.

Executive Director Kristy Seaman at a meeting held on Wednesday's remote meeting that the commission was not trying to limit public participation and, in fact, allows public comment at every regional hearing and meeting.

"This should be opposed as anti-democratic and as undermining legislative intent," said Chris Fowick, a spokesman for the Sierra Club of Cape Cod. "There's no justification for these dramatic changes."

Delegate Douglas C. Brown, the assembly's Falmouth representative, agreed.

"Maybe 100 is too low, but 750 is too high," Mr. Brown said. "I would hope for a more nimble response from the Cape Cod Commission."

Those in favor of the changes to the commission's regional policy plan regulations—which also included mandating that not more than 25 percent of the signatures be from any one town—argued that citizen's petitions could be used as weapons by special interest groups.

Commission representatives also argued that verifying and analyzing a citizen's petition, and incorporating its content into the agenda, is time-consuming and distracting for staff.

But opponents pointed out that only one citizen's petition has been introduced in the commission's history, and that petition resulted in a blueprint for helping the Cape's municipalities ready

themselves for climate change.

"The optics of it (the change in signature requirements) are undesirable," said Provincetown Delegate Brian O'Malley. "Why, when it's working, are we fixing it?"

The regional policy plan meetings provide the framework for regulating development and its regional impact, far the towns' local comprehensive plans and plans involving workforce housing, climate change, water resource protection and historic preservation, among other issues.

In 2018, environmental activists presented a petition to have the commission take climate change into consideration when forming future regional policies.

The end result of the many subsequent discussions was the county's climate action plan, which is ongoing.

Mr. Virgilio, the commission's Mashpee member, had originally suggested that the required number of signatures be about 1,500—which would represent about 1 percent of the Cape's population.

But the Cape Cod Commission ultimately decided, at a meeting last month, that 750 signatures would provide adequate representation.

# Garden Club Welcomes The Coming Planting and Gardening Season

Virtually planting seeds and ideas, the members of the Falmouth Garden Club began its 2022 planting season with a Webinar "Double Your Pleasure with Perennials—Plant with Eye-catching Flowers and Foliage" featuring Kerry Ann Mendez from her home in Kennebunk, Maine.

Ms. Mendez is an expert, self-taught gardener recognized as Gold Medal Awardee by the Massachusetts Horticultural Society, which identifies distinguished individuals who promote horticulture for the public good.

Held on Zoom, it was a joint meeting with the Falmouth Garden Club's partner club, the Brewer Garden Club, whose members share interests in all things gardening—in particular, native and pollinator plants. They, too, are dirt gardeners.

In addition to hands-on workshops, both clubs bring in presenters to educate club members in wide-ranging garden-related topics.

During this webinar Ms. Mendez spoke of practical plant choices using foliage shape, color and texture as opposed to evaluating plants solely on their blooms.

"While blooms are beautiful, foliage is there before, during and after the blooms," she said.

The March 7 monthly meeting of the Falmouth Garden Club will hopefully be an in-person gathering at the First Congregational Church on the Village Green. The

theme is Flower Fashions—Fresh Flower Creations as Jewelry. The presenter will be Anna Holmes.

Guests are welcome at the event and are encouraged to visit [falmouthgardenclub.org](http://falmouthgardenclub.org) for further details and membership. Other coming events are its Spring Plant Sale, May 14, and tours of local gardens featured in the Capevite Hydrangea Festival, July 8 and 9.

The Falmouth Garden Club is a member of the National Garden Club, Inc., and the Garden Club Federation of Massachusetts, Inc. and the public is welcome at its events.

# Black History Month Student Contest

This year's Black History Month theme is Black health and wellness. For the Woods Hole Black History Month student contest, students are asked to think about innovative ways to help alleviate healthcare disparities in the African American community. Health disparities are defined as inequities in access or the quality of treatment based on racial, socioeconomic, geographical residence, or other

marginalized demographics. The Woods Hole Black History Month Committee will be awarding two \$500 prizes to the top two contestants.

Submissions are due by February 28 at 11:59 PM.

Contest winners will be notified in early March.

More information can be found at <https://www.woods-hole-diversity.org/bhm2022/>

# Legal Notices

**THE FALMOUTH CONSERVATION COMMISSION** will hold a public hearing under Section 48, Chapter 131 of the general laws of the Commonwealth of Massachusetts and the Protection Act for the Town of Falmouth, Massachusetts, on Wednesday, March 2, 2022 at 7:00 PM.

In accordance with Chapter 20 of the Acts of 2021, relating to the 2020 novel coronavirus outbreak, the March 2, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to ensure public health and safety. The meeting shall be held in a virtual format as follows:

- The meeting will be held via Falmouth Zoom.
- Zoom link information will be posted on the Commission's website and emailed to all registered members.
- Registration for the meeting will be required. Registration information will be posted on the Commission's website and emailed to all registered members.
- Participants must be registered for the meeting by the date of the meeting.
- Participants must be registered for the meeting by the date of the meeting.
- Participants must be registered for the meeting by the date of the meeting.

**REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT**

**Eric W. Connolly and Margaret A. Fennell, 415 West Street, Falmouth, MA.** For permission to demolish an existing single family dwelling, 400 1/2 West Street, Falmouth, MA. 01902. Plans filed 1/11/22.

**Richard and Nicole Wilbur and Richard and Nicole Wilbur, 415 West Street, Falmouth, MA.** For permission to demolish an existing single family dwelling, 400 1/2 West Street, Falmouth, MA. 01902. Plans filed 1/11/22.

**Request for a Hearing for a Certificate of Compliance**

**Michael Simpson, 111 Far Road, Falmouth, MA.** Request for a Certificate of Compliance for MA DEP 25-4232.

**HEARINGS UNDER AN ENFORCEMENT ORDER**

**David and Barbara Nazare, 510 E. Beach Road, East Falmouth, MA.** For permission to remove and demolish an existing structure and to build a new one.

**Edward F. Abbot, Peter W. Abbot, and Alexander C. Abbot, 357 Main Street, East Falmouth, MA.** For permission to construct two new one and a half story houses.

**Clare M. Perry, 315 Sand Dollar, Falmouth, MA.** For permission to repair an existing failed septic system, install a new Tide V system, and replace the driveway.

**Christopher and Rebecca Reddy, 12 Bazaar Road, Falmouth, MA.** For permission to construct a new two and a half story house.

**Samuel H. Hedges, 140 Pavilion Road, Falmouth, MA.** For permission to reconstruct a roof with a full shed dormer.

**Paul Webster, 115 Eastside Path, Falmouth, MA.** For permission to construct a two-story addition.

**William Dwyer, Jr., 111 Waterfront Court, Falmouth, MA.** For permission to remove a one-story structure and construct a two-story structure on the existing foundation.

**111 Town Hall St., Falmouth, MA 01904**

Documents may be viewed online at <http://www.falmouthma.gov/36193/Page-User-Files>. The Planning Board.

By Order of the Planning Board

Fred Dwyer  
City Secretary

February 18, 2022

Falmouth Zoning Board of Appeals  
Notice of Public Hearing for March 18, 2022

Notice is hereby given of the following Public Hearing at 6:30pm and Open Meeting in the Select Board's Meeting Room, Town Hall on Thursday, March 18, 2022.

**Code/Ordinance**  
2017-174 Nonconforming Use LLC, 123 Brick Kiln Road, East Falmouth, MA 01902. Plans filed 1/11/22.

**Application 2021-32 John P. and Mary A. Duffy, 101 Main Street, Falmouth, MA.** Applied to the Zoning Board of Appeals for a special permit pursuant to Article 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z of the Code of Falmouth to raise and install the existing nonconforming single family dwelling on subject property known as 101 Main Street, East Falmouth, MA.

**Application 2021-33 Ronald W. and Sherrill L. Boudreau, 101 Main Street, Falmouth, MA.** Applied to the Zoning Board of Appeals for a special permit pursuant to Article 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z of the Code of Falmouth to construct a dormer to the second floor of the existing, nonconforming single family dwelling on subject property known as 101 Main Street, East Falmouth, MA.

**Application 2021-34 David Allen and Heidi L. Korman, 101 Main Street, Falmouth, MA.** Applied to the Zoning Board of Appeals for a special permit pursuant to Article 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z of the Code of Falmouth to construct a dormer to the second floor of the existing, nonconforming single family dwelling on subject property known as 101 Main Street, East Falmouth, MA.

**Application 2021-35 Daniel J. and Janet S. Chubb, 101 Main Street, Falmouth, MA.** Applied to the Zoning Board of Appeals for a special permit pursuant to Article 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z of the Code of Falmouth to construct a dormer to the second floor of the existing, nonconforming single family dwelling on subject property known as 101 Main Street, East Falmouth, MA.

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

February 11, 2022

**LIQUOR LICENSE HEARING**

Notice is hereby given under Chapter 131 of the General Laws, as amended, that Falmouth Youth Club Inc. has applied for an Abandonment of Powers to the Falmouth Club License located at 290 Clinton Avenue, Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, February 28, 2022, at 7:30 p.m. on the above application.

For order of the Select Board

**LIQUOR BOARD**  
Douglas C. Brown  
Nancy R. Taylor  
Samuel H. Hedges  
Megan E. English Braga  
Olyvia Scott Price

February 18, 2022

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CONCRETE WORK • SCHEDULING • ESTIMATING

**Nomination Papers for the May 17, 2022 Annual Town Election**

Tuesday	February 22nd	Nomination papers available
Friday	March 25th	Last day to obtain nomination papers
Friday	March 25th	Last day to return nomination papers
Friday	April 1st	Drawing for ballot position
Thursday	April 14th	Last day to withdraw from Election
Wednesday	April 27th	Last day to register to vote
Tuesday	May 17th	ANNUAL TOWN ELECTION

**TOWN WIDE OFFICES**

Stelectman (elect two)	for three years
Town Clerk (elect one)	for three years
Trustee of the Public Library (elect two)	for three years
Planning Board (elect two)	for three years
School Committee (elect three)	for three years

**TOWN MEETING MEMBERS**

Elect nine in each Precinct	for three years
Elect one in Precinct One	for two years
Elect one in Precinct Two	for one year
Elect one in Precinct Five	for one year
Elect one in Precinct Seven	for one year
Elect one in Precinct Seven	for two years

Town wide offices are required to collect 50 signatures from registered voters of the Town of Falmouth.

Town Meeting Members are required to collect 10 signatures from registered voters in the Precinct they are registered to vote.

Town Meeting Members who are candidates for re-election do not need to file nomination papers, but must return Notice mailed to them by the Town Clerk.

The order in which names of candidates, including incumbents, appear on the ballot will be determined by a public drawing on April 2nd at 10 a.m. in the Town Clerk's Office.

**TOWN DEPARTMENT COMMENTS**

**LICENSE APPLICATION REVIEW**

Restaurant/Business: Falmouth Yacht Club, Inc.

Address: 263 Grand Avenue, Falmouth

License Type: All Alcoholic Club License

- New or Transfer of License \_\_\_\_\_ or  
 Change of License Alteration of Premises

- Police No objection  
 Fire \_\_\_\_\_  
 Building \_\_\_\_\_  
 Health No objection if no increase in seating  
 Zoning Nothing further from ZBA  
 Planning \_\_\_\_\_  
 DPW \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTES:**

- Building, Planning, and Zoning offices reviewed the planned alterations prior to the application's submission and their findings are included
- The alterations requested are weather permitting/on a seasonal basis is for 80 seats (60 deck seats, 12 picnic table seats, and 8 Adirondack chairs) and 89 indoor seats locate in the dining room lounge, and bar area.
- Three of the picnic tables will be located under a 15'x 20' tent which will be permitted by Inspectional Services, if not already completed
- A new Certificate of Occupancy will be applied for to define the number of occupants and staff divided between outside and inside, plus the option of an all-inside occupancy for inclement weather/off season use. *More information may be available electronically after a Building/Fire procedural meeting 2/28/22.*
- A photo of the proposed outdoor service bar is included and described as having electrical service but no food preparation or sinks. Food may be ordered from the bar, but it will be prepared in the kitchen and delivered by food runners. Dishwashing/cleaning will take place in the interior kitchen and bar. The outdoor service is limited to canned drinks, wine, and soft drinks. The area would operate on a limited schedule: Fridays 4:00 pm to sunset and Saturdays and Sundays 2:00 pm to sunset.

# APPLICATION

February 28, 2022



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00006-CL-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee  DBA

Street Address  Zip Code

Manager

Granted under Special Legislation? Yes  No

If Yes, Chapter   
of the Acts of (year)

\$12 Restaurant  Annual  All Alcoholic Beverages

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Premises will include the existing interior tables with a number of seats relocated on a seasonal basis. The newly added areas will include 80 seats (60 deck seats, 12 picnic table seats, and 8 Adirondack chairs) and 89 indoor seats located in the dining room lounge, and bar area. Three of the picnic tables will be under a 15'x20' tent.

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
Falmouth Yacht Club, Inc.	Falmouth	00006-CL-0390

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

Applicant seeks alteration of the liquor license to allow outdoor seating on the exterior decks, an exterior area on the westerly side of the building and a seasonal tent on the existing outdoor patio.

**APPLICATION CONTACT**

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

Name	Title	Email	Phone
Jay Kehoe	Manager	kehoe@falmouthyachtclub.com	

**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 relocating tables to the exterior porch and existing outdoor patios. These will include a 15'x20' tent with three picnic tables, an outdoor serving area, eight Adirondack chairs and outdoor tables on the deck, all as depicted on the plan.

**2B. PROPOSED DESCRIPTION OF PREMISES**

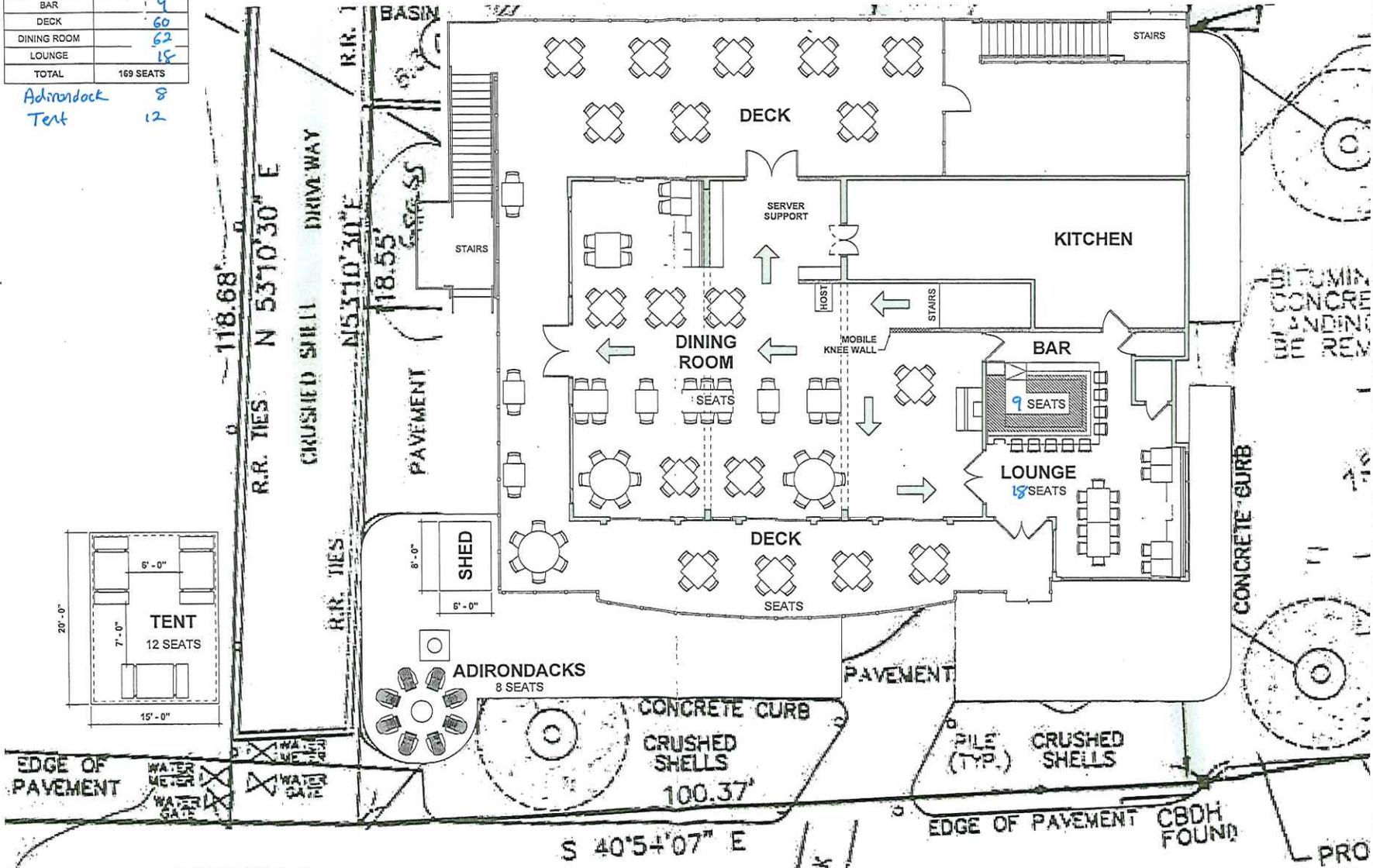
Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Premises will include the existing interior tables, with a number of the seats relocated on a seasonal basis. The newly added areas will include a 15'x20' tent with three picnic tables, an outdoor serving area, eight Adirondack chairs and outdoor tables on the deck, all as depicted on the plan

Total Sq. Footage	8600	Seating Capacity	169	Occupancy Number	262
Number of Entrances	3	Number of Exits	3	Number of Floors	2

SPACE	SEAT COUNT
BAR	9
DECK	60
DINING ROOM	62
LOUNGE	15
TOTAL	169 SEATS

Adirondack 8  
 Tent 12



NO.	DATE	DESCRIPTION	AUTHOR







**Town of Falmouth**  
Planning Department  
59 Town Hall Square, Falmouth, MA 02540  
(508) 495-7440 [planning@falmouthma.gov](mailto:planning@falmouthma.gov)

January 10, 2022

Mr. Jay Kehoe  
Falmouth Yacht Club  
290 Clinton Avenue  
Falmouth, MA 02540

**RE: Permanent Outdoor Seating Application – Falmouth Yacht Club**

Dear Mr. Kehoe,

The Planning Department has determined that the application from Falmouth Yacht Club, 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 29, 2021, last revised on January 7, 2022 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 the property.
3. The property is allowed a total of 169 seats and has dedicated on-site parking.
4. When weather permits, there will be 80 outdoor seats (60 deck seats, 12 picnic table seats, and 8 Adirondack chairs) and 89 indoor 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,

Jed Cornock, AICP  
Acting Town Planner

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

**Kevin Klauer**

---

**From:** Noreen Stockman <noreen.stockman@falmouthma.gov>  
**Sent:** Wednesday, January 12, 2022 8:31 AM  
**To:** Kevin Klauer; Phyllis Downey; Diane Davidson  
**Subject:** Falmouth Yacht Club, 290 Clinton Ave

Good morning,

The ZBA will accept the determination of seating provided by the Planning Board for the Falmouth Yacht Club, 290 Clinton Ave, and have no further requirements at this time.

Sincerely,

Noreen H. Stockman  
Zoning Administrator  
Town of Falmouth  
59 Town Hall Square  
Falmouth, MA 02540  
508-495-7462

**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](http://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 - Falmouth Yacht Club, 290 Clinton Avenue

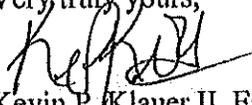
Dear Mr. Gore:

Ament Klauer LLP represents Falmouth Yacht Club, located at 290 Clinton 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 Adirondack chairs located on the ground level and a seasonal tent located closer to the basin. 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.

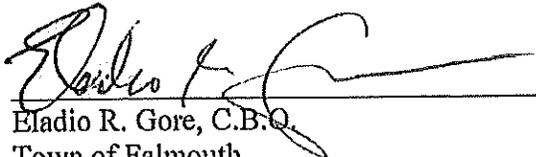
Would you please consider the statement on the following page, and if you agree with it please sign it as your determination, and then return this letter to me. If you have any questions, please do not hesitate to let me know. Thank you.

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 290 Clinton Avenue does not require any further evaluation by the Building Department.



---

Eladio R. Gore, C.B.O.

Town of Falmouth

Date: December 16, 2021

## Phyllis Downey

---

**From:** Kevin Klauer <kevin@amentklauer.com>  
**Sent:** Wednesday, February 9, 2022 11:57 AM  
**To:** Phyllis Downey  
**Cc:** Gabriele Bruce  
**Subject:** RE: Alteration of Premises-Falmouth Yacht club  
**Attachments:** Deed-1.pdf; Deed-2.pdf; Deed-3.pdf; Outdoor Service.png

Hi Phyllis,

Attached are three deeds to Falmouth Yacht Club, as the property has been assembled over the years so there is not one specific deed of record.

Also attached is a photo of the outdoor service bar. While there is electrical service it does not include any food preparation or sinks. While food may be ordered from the outdoor service bar, it is prepared in the kitchen and delivered via a food runner. **The outdoor service bar is a limited service bar allowing for canned drinks, wine and soft drinks. All dishwashing and cleaning occurs in the interior kitchen and bar area. This area would run on a limited schedule: Fridays 4:00 PM to sunset, Saturdays 2:00 PM to sunset and Sundays 2:00 PM to sunset.**

Please let me know if there are any additional questions. Thank you.

Regards,

Kevin P. Klauer II, Esq.  
**Ament Klauer LLP**  
39 Town Hall Square  
Falmouth, MA 02540  
Telephone: (508) 540-6555  
Fax: (508) 457-1293  
Email: [kevin@amentklauer.com](mailto:kevin@amentklauer.com)

**\*\*\*Be aware that online banking fraud is on the rise. If you receive an email containing wire transfer instructions from Ament Klauer LLP please call our office at 508-540-6555 to verify the information prior to sending funds.\*\*\***

Feel free to visit our website at [www.amentklauer.com](http://www.amentklauer.com)

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Any documents attached hereto are transmitted for discussion purposes only and create no binding obligation. The parties will be bound only if and when copies are signed by and delivered to all parties.

---

**From:** Phyllis Downey [mailto:[phyllis.downey@falmouthma.gov](mailto:phyllis.downey@falmouthma.gov)]  
**Sent:** Thursday, January 27, 2022 3:57 PM  
**To:** Kevin Klauer <kevin@amentklauer.com>  
**Cc:** Gabriele Bruce <gbruce@amentklauer.com>  
**Subject:** Alteration of Premises-Falmouth Yacht club

Good afternoon Kevin,

Thank you for submitting the application by Falmouth Yacht Club for an Alteration of Premises. The application is in good order but before it is forwarded for departmental review we will need a copy of either the lease or deed to the premises and a drawing and description of the outdoor service area i.e., will there be sinks-wastewater, power, food prep, alcohol. The Board's review can be scheduled as soon as the service area information is received.

Thank you,  
Phyllis

***Phyllis Downey***  
Administrative Assistant  
Town Administration  
508-495-7325

*Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.*

**DRAFT**

2022

# License Alcoholic Beverages

00006-CL-0390

Fee: 1350

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

## **CLUB LICENSE - SEASONAL** License to Expose, Keep for Sale, and to Sell **All Kinds of Alcoholic Beverages**

**To Be Drunk On the Premises**

To Falmouth Yacht Club, Inc.  
Jay Kehoe, Manager

290 Clinton Avenue, Falmouth, MA 02540

On the following described premises:

One floor open to room, main bar, back room. Patio and attic for storage.

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.

#Type!

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

8 A.M. - 1 A.M. - WEEKDAYS; 10 A.M. - 1 A.M. - SUNDAYS- NOTE: ALL GLASSES OFF TABLES/BAR AND ALL PATRONS OUT BY 1:30 A.M.

BUILDING MUST BE SO INSULATED THAT ALL ENTERTAINMENT, MUSICAL OR OTHERWISE, WILL NOT BE HEARD OUTSIDE THE BUILDING.

Seating per annual Certificate of Inspection. Seasonally/weather permitting 80 outdoor seats (60 deck seats, 12 picnic table seats & 8 Adirondack chairs) and 89 indoor seats in dining room, lounge & bar. Three picnic tables under annually permitted 15'x20' tent.

#Type!

_____	_____
_____	_____
_____	Licensing Board

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

**PUBLIC COMMENT**

February 28, 2022

## Diane Davidson

---

**From:** Tim O'Connell [REDACTED]  
**Sent:** Tuesday, February 22, 2022 5:50 PM  
**To:** Jay Kehoe  
**Cc:** admin@amentklauer.com; Falmouth Selectboard; Doug Brown; Nancy Taylor  
**Subject:** Falmouth MA - Bar Expansion

To Falmouth Yacht Club:

I unexpectedly received a letter from an attorney today (Kevin Klauer) re the proposed expansion of your liquor license.

When the outdoor bar very surprisingly showed up last year I was told that it was only "temporary" and nothing to be concerned about so I let it go. Now I am finding out that this was Not the case at all.

I am 100% against this proposed expansion of the current license. There are more than ample places on the property to drink and socialize the same way there have been for the past 50 years. To set-up a bar in, next to, and across a privately owned driveway where there are moving cars coming in and out of the driveway throughout the day and night is a non-starter in terms of safety. There is no way to police this area and to keep the driveway clear at *all* times....it's simply impossible. To suggest such a thing is just empty words. In fact, since this "temporary" bar was set-up my driveway is constantly filled with people drinking at various times throughout the day and night and at various events as well. Covid is no longer a concern as it may have been in the past and there is no reason to need a further expansion of the license to include an elevated and unsafe bar that abuts and crosses a driveway with moving cars.

There has been a long history of the yacht club making and breaking promises to me throughout the years - always at my expense. If you had asked what I thought about the "temporary" bar we could have avoided this whole issue last year...it is extremely unsafe. Kids in sailing school blocking the driveway is one thing to have to contend with and I always do my best to be patient and careful with that situation so no one gets hurt. In terms of a bar and people drinking in, next to, and across a driveway, it's only a matter of time before someone gets hit, seriously injured or even killed by a car. People simply are not aware and alert and do not pay attention when they are impaired by alcohol. If you want to set-up an outside bar then I would suggest sectioning off an area in your parking lot or along the front of your building along Clinton Ave, but Not in and across my driveway. It makes no sense whatsoever from a safety standpoint to allow alcohol to be consumed in, abutting or across a driveway with moving vehicles.

I have always tried to be a good neighbor and member of the Falmouth community and I would very much appreciate the same courtesy back from all of you and for you to come up with another plan for your outside bar. Abandoning the plan altogether would make the most sense.

Thank you very much for your understanding.

If you have any further questions, I am always available at 617.799.5494

Tim O'Connell

## Diane Davidson

---

**From:** Tim O'Connell [REDACTED]  
**Sent:** Wednesday, February 23, 2022 6:31 AM  
**To:** Jay Kehoe  
**Cc:** admin@amentklauer.com; Falmouth Selectboard; Doug Brown; Nancy Taylor  
**Subject:** Re: Falmouth Yacht Club - Bar Expansion  
**Attachments:** Screenshot\_20220223-054944~3.png; Screenshot\_20220223-053453~2.png; Screenshot\_20220223-053118.png

To: Falmouth Select Board and Falmouth Yacht Club

As a follow up to my previous email.

Please take a look at the following photos which depict what actually went on at the "temporary" bar last year. There was an elevated and very dangerous bar right on the property line and right on Clinton Ave. There was a tent with picnic tables, there was a fire pit surrounded by Adirondack chairs, there was a grilling area set up for special events. This whole set-up screams danger zone and an attempt to overtake my property on behalf of the yacht club and to have a bar along private and a public way. A complete blindspot has been created at the end of my driveway making it unsafe to enter or exit my driveway onto Clinton Ave. All it's going to take is one turn into or out of the driveway and someone could get seriously injured or killed. Previously in this area was a flagpole and bushes...not a bar packed with people. Naturally, the overflow stands in my driveway and spills wherever else it needs to go. Also, everyone needs to cross over the driveway to get their drinks and go back to where they were standing or sitting...or onto their boats or into their cars or across Clinton Ave onto the beach. The area is littered with beer bottles and wine glasses every single day. Everyone simply walks wherever they want to go with their drinks in hand. There is no containment or policing whatsoever...nor would it be possible. The yacht club currently has 3 huge decks outside, a bar and a huge restaurant on the inside. There's plenty of space for all of their guests to enjoy and it's very easy for the yacht club to monitor and police because there are only 2 staircases up and down. Allowing this bar allows anyone to roam around the entire property, onto my property and into the public street, across to the beach, into a car or onto a waiting boat...it's a complete free for all and bottom line it's very dangerous and a public safety hazard for myself, yacht club guests and the general public travelling down a very busy Clinton Ave.

In terms of public safety and being very dangerous this bar should not be prohibited. It is impossible to police and it presents clear danger because it crosses over and uses a live driveway to my residence as well as abutting a public road.

If the yacht club wants to do something outside they should consider the front of the building along Clinton Ave (still very dangerous) or to reconfigure their parking area. This temporary bar should never have been allowed in the first place.

The best solution altogether is to put things back the way they were and to deny the expansion of the liquor license.

Thank you.

Tim O'Connell  
[REDACTED]

On Tue, Feb 22, 2022, 5:50 PM Tim O'Connell [REDACTED] wrote:  
To Falmouth Yacht Club:

I unexpectedly received a letter from an attorney today (Kevin Klauer) re the proposed expansion of your liquor license.

When the outdoor bar very surprisingly showed up last year I was told that it was only "temporary" and nothing to be concerned about so I let it go. Now I am finding out that this was Not the case at all.

I am 100% against this proposed expansion of the current license. There are more than ample places on the property to drink and socialize the same way there have been for the past 50 years. To set-up a bar in, next to, and across a privately owned driveway where there are moving cars coming in and out of the driveway throughout the day and night is a non-starter in terms of safety. There is no way to police this area and to keep the driveway clear at *all* times....it's simply impossible. To suggest such a thing is just empty words. In fact, since this "temporary" bar was set-up my driveway is constantly filled with people drinking at various times throughout the day and night and at various events as well. Covid is no longer a concern as it may have been in the past and there is no reason to need a further expansion of the license to include an elevated and unsafe bar that abuts and crosses a driveway with moving cars.

There has been a long history of the yacht club making and breaking promises to me throughout the years - always at my expense. If you had asked what I thought about the "temporary" bar we could have avoided this whole issue last year...it is extremely unsafe. Kids in sailing school blocking the driveway is one thing to have to contend with and I always do my best to be patient and careful with that situation so no one gets hurt. In terms of a bar and people drinking in, next to, and across a driveway, it's only a matter of time before someone gets hit, seriously injured or even killed by a car. People simply are not aware and alert and do not pay attention when they are impaired by alcohol. If you want to set-up an outside bar then I would suggest sectioning off an area in your parking lot or along the front of your building along Clinton Ave, but Not in and across my driveway. It makes no sense whatsoever from a safety standpoint to allow alcohol to be consumed in, abutting or across a driveway with moving vehicles.

I have always tried to be a good neighbor and member of the Falmouth community and I would very much appreciate the same courtesy back from all of you and for you to come up with another plan for your outside bar. Abandoning the plan altogether would make the most sense.

Thank you very much for your understanding.

If you have any further questions, I am always available at 

Tim O'Connell

Falmouth Yacht Club

Recently viewed

Linton Ave

Recently viewed

EMPTY SPACE

Clinton Ave

Kite p

©



282 Clinton Av...



GRILL

FIRE PIT

Driveway

TENT

BAR



28

Falmouth Yacht Club  
Recently viewed



282

Empty Space

## **BUSINESS**

1. COVID-19 update and discussion of mask mandate – Scott McGann, Health Agent **(10 minutes)**

## Diane Davidson

---

**From:** Julian Suso  
**Sent:** Friday, February 18, 2022 10:03 AM  
**To:** Diane Davidson  
**Subject:** FW: Mask Mandate discussion

Diane,  
For inclusion in the SB packet for February 28 (under COVID update). Thanks.  
Julian

---

**From:** Jill Bishop <jill.bishop@falmouthma.gov>  
**Sent:** Friday, February 18, 2022 9:37 AM  
**To:** Julian Suso <julian.suso@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>  
**Cc:** Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>  
**Subject:** Mask Mandate discussion

Hello,  
I am hearing more comments from participants not wanting to wear masks and thought I would put forward the following in anticipation of the Board of Selectmen's discussion regarding masks.

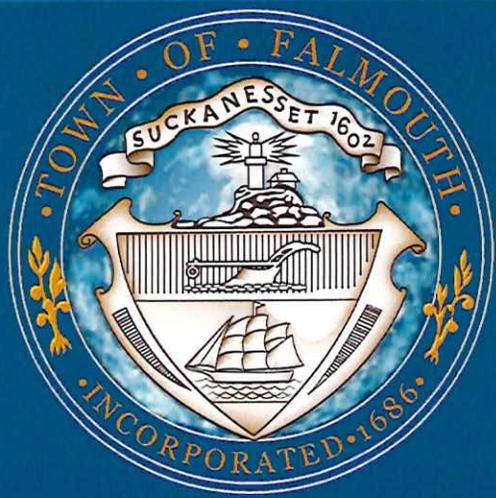
### Mask Mandate vs. Mask Advisory:

With the Board of Selectmen's upcoming discussion regarding the mask policy in town buildings, I would like to recommend releasing the mask mandate and encouraging a mask advisory. People come to the Senior Center for a variety of reasons such as eating at the Café, attending a support group or for an appointment, exercise classes or social group activities, and on some days stay for long periods of time. There has been and will continue to be a mix of emotions and opinions regarding masks. The mask advisory will allow our participants a personal choice for what is right for themselves. A mask advisory will allow those struggling to exercise or converse in group settings to be free from the mask constraints.

Thank you.  
Jill

## **BUSINESS**

2. Update and presentation on total project cost estimate for Sandwich Road Fire Station **(10 minutes)**
  - Status report on Fire Department staffing



# SANDWICH ROAD FIRE STATION

SELECT BOARD  
PRESENTATION

FALMOUTH, MA  
February 28, 2022

# TEAM INTRODUCTIONS

## BUILDING COMMITTEE MEMBERS

- CHRIS SIMMLER
- GEORGE ROGERS
- BOYD DEMELLO
- PATRICK CALLAHAN
- MARC FINNERAN
- PEGGY NICKERSON
- CHRISTIAN VALLE
- JOHN J. ELLIOTT, ALT

## TOWN STAFF

- JULIAN SUSO, TOWN MANAGER
- JENNIFER MULLEN, DIRECTOR OF FINANCE
- GREG ENDICOTT, FACILITIES MANAGER

## FALMOUTH FIRE/RESCUE WORKING GROUP

- TIMOTHY SMITH, FIRE CHIEF
- BOYD DEMELLO, FIRE INSPECTOR
- MICHAEL MUELLER, FIRE FIGHTER
- SCOTT THRASHER, DEPUTY FIRE CHIEF
- GERRY MARTIN, FIRE ALARM SUPERVISOR



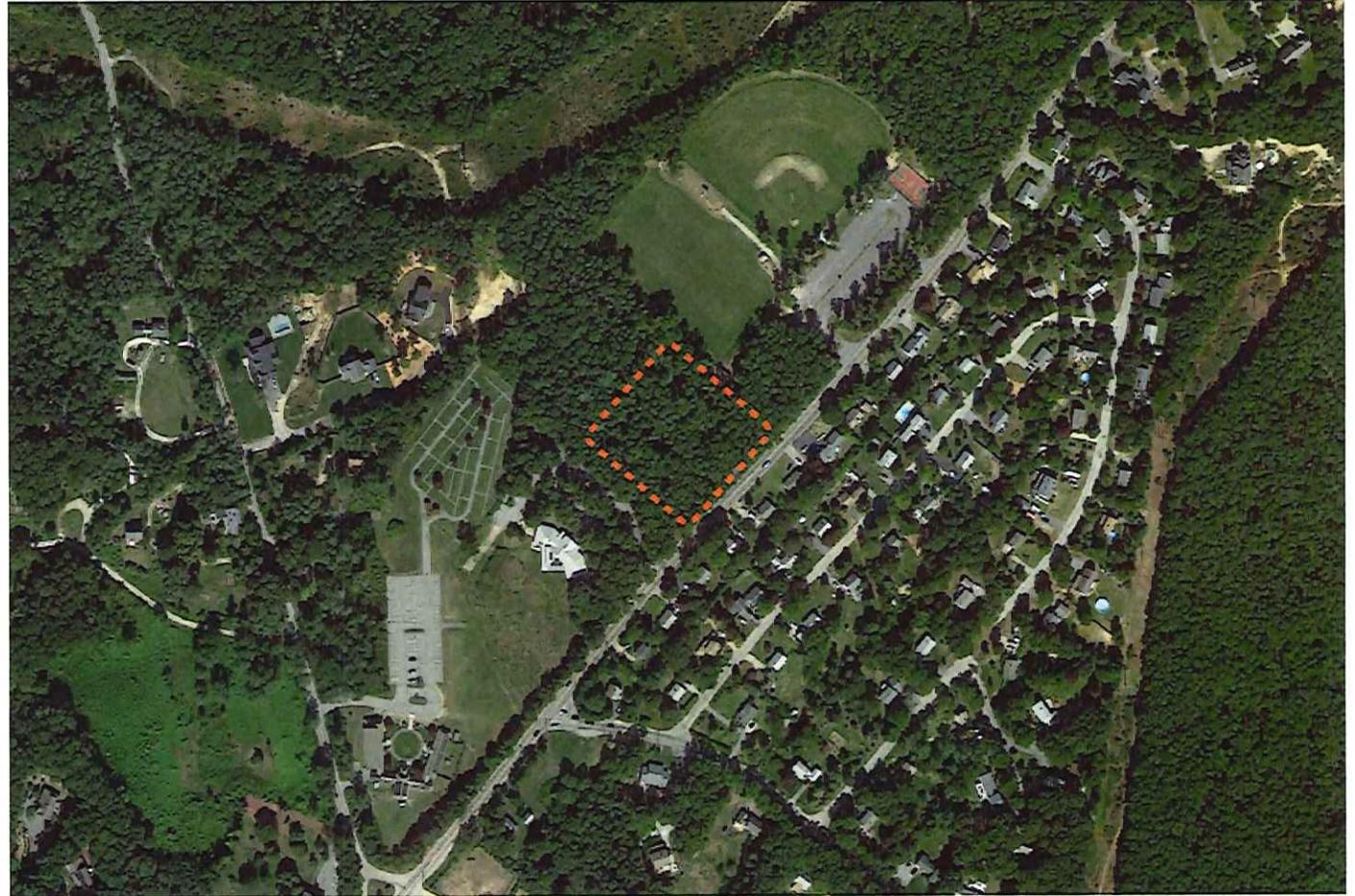
## FALMOUTH FIRE STATION



## PROJECT SITE

### ADDRESS

878 SANDWICH RD. FALMOUTH, MA



### COMPLETED

- SURVEY
- GEOTECHNICAL TEST PITS
- HYDRANT FLOW TEST

## FALMOUTH FIRE STATION

**context**  
ARCHITECTURE

February 28, 2022

3

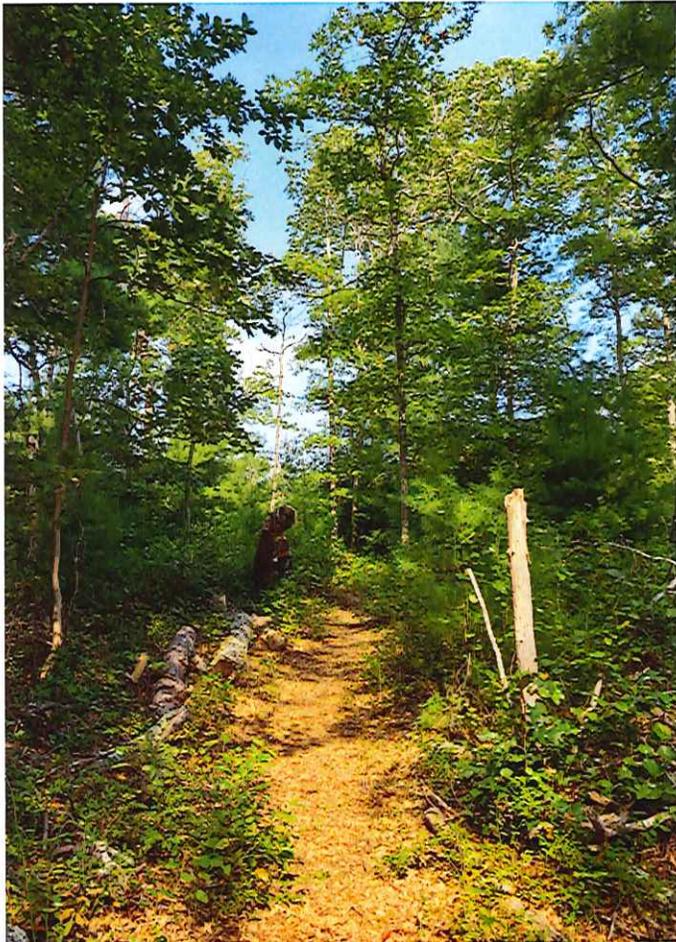
SITE PHOTOS



*PHOTO FROM SANDWICH RD.*



*PHOTO FROM ACROSS SANDWICH RD.*



*PHOTO OF PATH THROUGH SITE TO CHURCH*



*PHOTO FACING SANDWICH RD.*



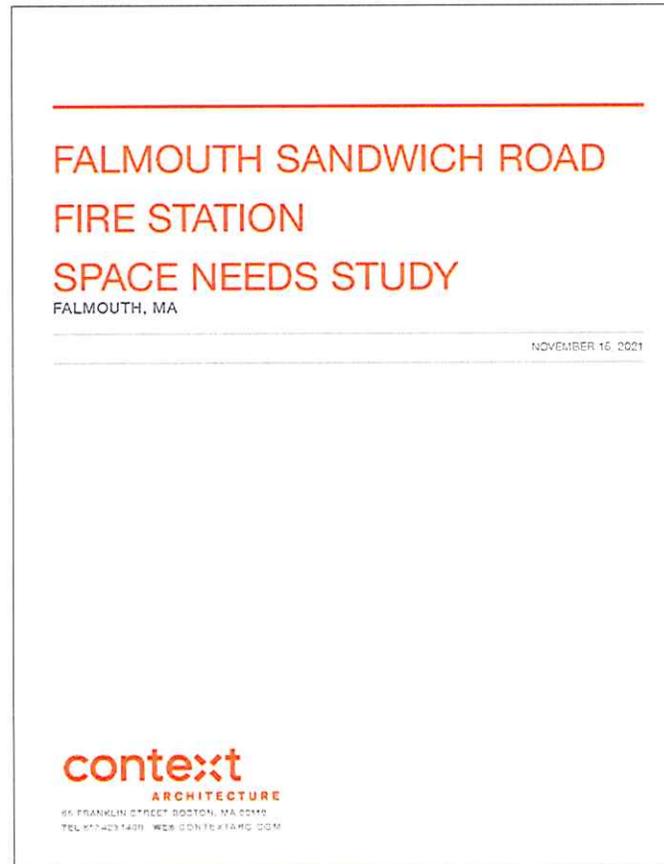
*PHOTO FROM PROPOSED PLAYGROUND*

FALMOUTH FIRE STATION

# PROGRAM REVIEW

## SPACE NEEDS STUDY ANALYSIS

- CURRENT FIREFIGHTER MAN POWER AND EQUIPMENT
- FUTURE FIREFIGHTER MAN POWER AND EQUIPMENT
- MA. BUILDING CODE
- NEW NFPA FIRE STATION HEALTH AND SAFETY CODE
  - HOT ZONE/DECON/COLD ZONE
- MA. STRETCH ENERGY CODE



FALMOUTH SANDWICH ROAD FIRE STATION SPACE NEEDS STUDY  
FALMOUTH, MA

**STAFFING & PARKING NEEDS/APPARATUS ASSIGNMENTS**

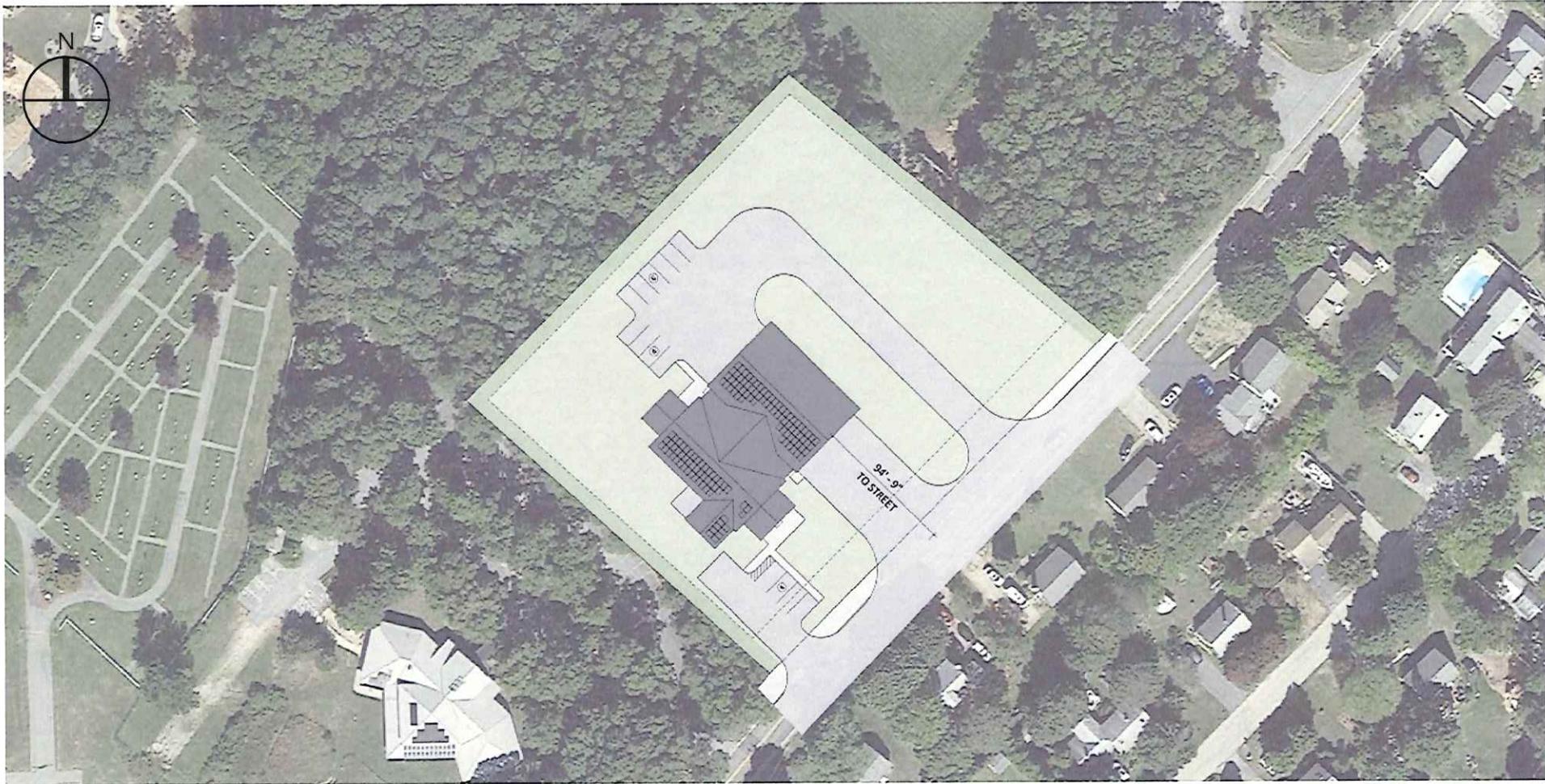
DESCRIPTION	CURRENT		FUTURE	
	Staff / Shift	Current Total	Staff / Shift	New Station
<b>Line Personnel / Shift</b>				
<b>New Station</b>				
Chief	0	0	1	1
F.T. Firefighters / CMA	0	0	3	3
Future Firefighters	0	0	2	2
<b>TOTAL STAFF</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>6</b>
<b>Fire Department Parking - New Station only</b>				
Garage				6
Shift Change - engine w/ pump				4
Pumps				2
<b>TOTAL PARKING</b>				<b>14</b>
<b>Garage</b>				
Engine	0			1
Ambulance	0			1
Special Service / Utility Vehicle	0			1
<b>TOTAL PARKING</b>	<b>0</b>			<b>3</b>
<b>Site Requirements</b>				
Concrete pad for truck/uniform				10' x 10'
Concrete pad for radio tower				10' x 20'
Concrete pad w/ enclosure for emergency generator				10' x 10'
Concrete pad w/ enclosure for electrical transformer				4' x 5'
Concrete pad for hose training, hand and lifting				100' x 100'
All pads shall have clear access for vehicle entry/exit				
<b>Site Features</b>				
Trash Enclosure				
Solar Panels				
Lights / Flagpole				
No Mail System at Approx.				
Training Equipment				

CONTEXT ARCHITECTURE

## FALMOUTH FIRE STATION



SITE PLAN

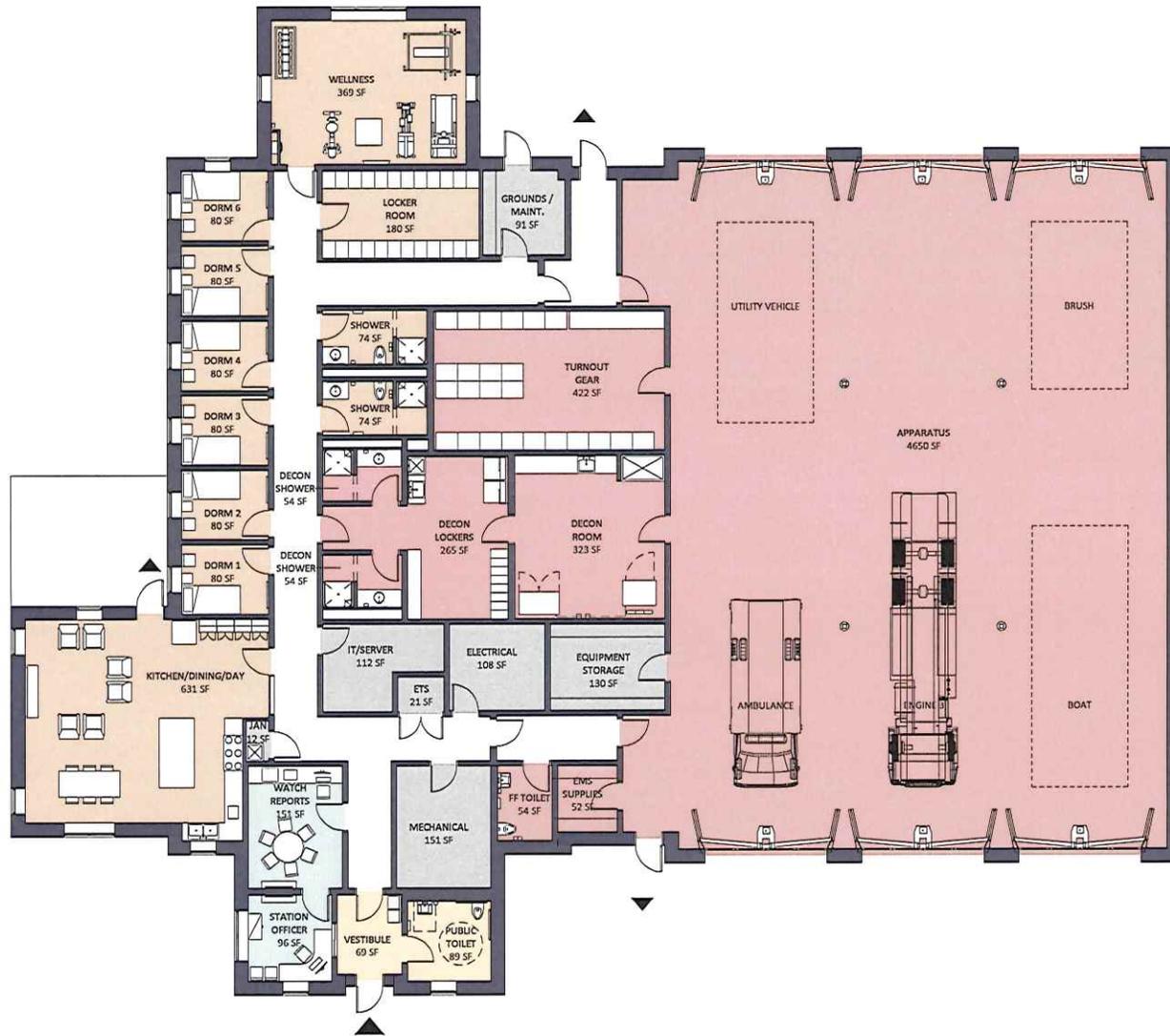


FALMOUTH FIRE STATION



Scale: N.T.S.  
February 28, 2022

# FLOOR PLAN



FALMOUTH FIRE STATION

**context**  
ARCHITECTURE

Total SF: 10,852 

Scale: N.T.S.  
February 28, 2022

## RENDERING - SANDWICH ROAD VIEW FROM MUNICIPAL PARK



FALMOUTH FIRE STATION

**context**  
ARCHITECTURE

February 28, 2022

## RENDERING - SANDWICH ROAD VIEW FROM CHURCH



FALMOUTH FIRE STATION

**context**  
ARCHITECTURE

February 28, 2022

## NEXT STEPS

### REVIEW OF SUSTAINABILITY AND INCENTIVES

- PHOTOVOLTAIC (PV) PANEL READY (FOR FUTURE)
- SUSTAINABILITY ACHIEVEMENTS
- UTILITY REBATES AND INCENTIVES

### FURTHER DEVELOPMENT

- SITE/CIVIL/UTILITIES
- TOWN DEPARTMENT/BOARD/COMMITTEE MEETINGS
- BUILDING ENVELOPE MATERIALS
- GREENSCAPE AND HARDSCAPE DESIGN
- MEP/FP & STRUCTURAL SYSTEMS
- COST ANALYSIS
- COMPLETE SCHEMATIC DESIGN
- START DESIGN DEVELOPMENT PHASE



*TYPICAL ROOFTOP SOLAR PANELS*



*PROJECT TO USE NATIVE PLANTINGS*

## FALMOUTH FIRE STATION



**VERTEX**

Sandwich Road Fire Station, Falmouth, MA

Total Project Budget - 2/17/22

Option B (pitched roof) - 10,857 SF

	Schematic Design 2/17/22 AMF	
<b>Total Appropriation to date</b>	\$	800,000.00
<b>HARD COSTS:</b>		
	<b>Update</b>	<b>Notes</b>
Construction	\$	6,540,996.00
PV allowance	\$	100,000.00
Value Engineering	\$	(625,000.00)
<b>Total Direct Cost</b>	\$	6,015,996.00
General Conditions		421,119.72 7%
General Administrative O&P		386,226.94 6%
P&P Bond and Insurance		126,231.84 1.85%
Design Contingency		521,218.09 7.50%
escalation (fall 2022)	\$	373,539.63 5%
<b>Construction Cost Estimate Subtotal</b>	\$	7,844,332.22
Construction Contingency	\$	784,433.22 10.0%
<b>Hard Cost Total</b>	\$	8,628,765.44
<b>SOFT COSTS:</b>		
<b>Architect/Engineer Fees</b>		
Phase 1 - Schematic Design and Design Development	\$	305,000.00 Contract
Phase 2 - Construction Documents/Bidding/Construction/Closeout	\$	575,000.00 Contract. (Construction for 12 months)
Additional services	\$	46,000.00 Contract
A/E reimbursables	\$	10,000.00 Estimated
<b>A/E Fee Total</b>	\$	936,000.00
<b>Owners Project Manager Fees - Vertex</b>		
Design	\$	125,000.00 Contract
Bidding/Construction Administration		Est 10 months
Project Manager	\$	196,844.00
Construction Site Manager	\$	234,780.00
Closeout		Est 2 months
Project Manager	\$	31,474.00
Construction Site Manager	\$	46,956.00
<b>OPM Fee Total</b>	\$	635,054.00
<b>Other Soft Costs</b>		
Moving - Owner	\$	25,000.00
FF&E	\$	-
Furniture	\$	120,000.00
Exercise equipment	\$	10,000.00
Office equipment	\$	20,000.00
Owner Testing & Inspections - Ch 17 - Construction materials	\$	30,000.00
Soil testing/monitoring during construction		included in CTX
Borings/Test Pits		included in CTX
Advertisement/Printing	\$	8,000.00
Legal	\$	10,000.00
BR Insurance by Owner	\$	-
HVAC commissioning	\$	45,000.00
Building Envelope commissioning	\$	-
App Bay exhaust system by Owner	\$	- Included in Hard Costs
Station Alerting by Owner		
Fire equipment	\$	-
Air compressor	\$	10,000.00
AED	\$	2,000.00
SCBA compressor	\$	12,000.00
SCBA bottle fill station	\$	17,000.00
Extractor		in construction estimate
Hose dry rack	\$	4,000.00
Gear dryer		in construction estimate
IT by Owner	\$	35,000.00
Telephone by Owner	\$	30,000.00
Security by Owner	\$	- Included in Hard Costs
AV by Owner	\$	35,000.00
Kitchenwares	\$	5,000.00
Utility BCs	\$	40,000.00
Planning Board peer review costs	\$	15,000.00
<b>Other Total</b>	\$	473,000.00
Soft cost contingency	\$	102,202.70 5%
<b>Subtotal</b>	\$	2,146,256.70
<b>Total</b>	\$	10,775,022.14
Escalation to Fall 2022	\$	-
<b>Total</b>	\$	10,775,022.14
Less funds appropriated	\$	(800,000.00)
<b>TOTAL FUNDS REQUIRED AT 4/4/22 ATM</b>	\$	9,975,022.14



## FALMOUTH FIRE RESCUE DEPARTMENT

TIMOTHY R. SMITH  
CHIEF OF DEPARTMENT

399 MAIN STREET  
FALMOUTH, MA 02540  
PHONE: 508-495-2500  
FAX: 508-495-2519

SCOTT J. THRASHER  
DEPUTY CHIEF

CHAD E. ABSTEN  
DEPUTY CHIEF

February 25, 2022

To Chairman Doug Brown and Board of Selectman,

I wish to take the opportunity to update the Board on our current staffing and personnel activities in the Falmouth Fire Rescue Department.

As of this report there are no vacancies in our department. This, after filling the remaining two open positions that were the result of one applicant who withdrew his name for employment one week before attending the October 2021 Recruit Academy program. The other resigned after it was found that, soon after graduation from the Academy in October of 2021, and beginning department training, he was engaged in seeking employment elsewhere. Fortunately, we had interviewed three (3) candidates and could immediately fill both open positions. After conducting the required background checks and successfully completing the medical and psychological exams and required agility testing, both were assigned to the May 2022 Massachusetts Fire Academy and have a pending graduation date in August of 2022, 3-4 months earlier than expected.

Department training continues for several of our recent Academy graduates. Each are assigned to a shift and continue with daily training to obtain qualifications and experience to be considered part of our daily shift strength. Each recruit learns at different levels, and we have had two recruits recently finish qualifications and we expect to be on pace with the remaining recruits within several weeks or sooner. **Our last report to the Board indicated that we would see them all be qualified by April or May, and we are confident that this goal will be met.** It should be noted that one other recruit was activated for military duty in December and will return in May of this year. This recruit was close to becoming qualified. We will finalize his training and he should be part of regular shift staffing within a few weeks of his return. Following successful training for all, this will have added ten (10) personnel who are available for shift staffing.

As we have explained to the Board in previous reports, daily shift staffing levels are affected by regular leave requests and/or last-minute sick leave. If the daily staffing level falls below the agreed to 14 man-minimum, then we hire personnel on overtime to maintain this level. At 14, West Falmouth is not staffed. We endeavor to staff West Falmouth through voluntary overtime and in 2021 we estimate that we were successful in obtaining coverage for 44% of available shifts. I would be remiss not to acknowledge that we also had forced overtime or "holdovers" on many occasions during a shift (all stations) to maintain our minimum staffing levels. This is not ideal but understood by our personnel to be a frequent occurrence until our staffing levels are increased with trained personnel. We are seeing improvements with less holdovers, but they still occur. This includes seeing more regular 14-man and 15-man shifts and we hope to see 16-man shifts in the coming weeks and months. However, due to the unexpected start of the shift staffing issues, this cannot be guarantee and we will still work to cover West Falmouth with voluntary overtime, when that is needed, as agreed to by the Town and Union.

Other factors that affect our daily staffing include personnel on long term injury on duty leave. Currently there are three (3) people in this situation and of the three, two (2) will more than likely be retired due to their disability. The other is recovering from surgery and still is months away from returning. In addition, we have two (2) personnel who are recovering from non-duty related surgery and they both are months away from returning. Lastly, we have the one recruit mentioned above who is activated with the military. For a total of six (6) personnel not currently available for shift staffing.

We are currently on track to have personnel levels for 2 shifts totaling 18 personnel and 2 totaling 19 for a grand total of 74-line personnel (Officers and Firefighters) when all personnel are trained and available for shift staffing in the coming months. It is recognized that this will still be a challenge should we have significant numbers of personnel off either on short- or long-term leave.

Lastly, with the support of the Board and Administration, the approval of three (3) new personnel in FY23 will further enhance personnel available for each shift. Consideration of additional in FY24 is part of our ongoing efforts to improve our staffing levels as we continue to manage increased calls for service and safe staffing for our personnel. We will continue to advocate for additional staffing. However, we understand that it is a significant commitment by the Town and a positive step towards improving public safety for our community.

Thank you.

Respectfully,



Timothy Smith, Chief of Department

Falmouth Fire Rescue  
 West Falmouth Station #4  
 January (22)  
 Voluntary Staffing

	Staffed Y/N	Staffed Y/N	Sta. #3 w/3 (15)	Sta. #3 w/4 (16)	Incidents	
	Day 0800	Night 1800			EMS/Fire	
1	C	C			5	Closed-Flooding
2	C	C			1	
3	C	C			4	
4	C	C		Y (0800-0800)	1	
5	C	C		Y (0800-0800)	1	
6	C	C			1	
7	C	C		Y (0800-0800)	0	
8	C	C			1	
9	C	C			1	
10	C	C	Y (0800-1800)	Y (1800-0800)	0	
11	C	C		Y (0800-0800)	0	
12	C	C		Y (0800-0800)	1	
13	C	Y (1800-0800)	Y (0800-1800)		0	
14	N	N			1	
15	Y	Y			0	
16	N	N	Y (1800-0000)		2	
17	Y	Y			0	
18	Y	Y			1	
19	Y	Y			3	
20	Y	Y			1	
21	Y	Y			1	
22	N	Y	Y (0800-1800)		2	
23	Y	Y			2	
24	Y	Y			0	
25	Y	Y			1	
26	C	Y	Y (0800-1800)		1	Closed-Transfer Switch
27	N	Y	Y (0800-1800)		0	
28	Y	Y			1	Storm-4 on duty @2200
29	Y	Y			8	Storm-4 on duty 24 hrs.
30	Y	N			8	Storm-4 on duty 8 hrs.
31	N	N	Y (1800-0800)		1	
	12	15	7	6	49	

CLOSED-FLOODING  
 JAN 1 -  
 JAN 13

STATION  
 RE-  
 OPENED  
 JAN 14 -  
 JAN 31

OPEN  
 DAY-SHIFT  
 STAFFING  
 12/18 (67%)

OPEN  
 NIGHT-SHIFT  
 STAFFING  
 15/19 (79%)

## **BUSINESS**

3. Presentation on wastewater-related Town Meeting articles **(10 minutes)**

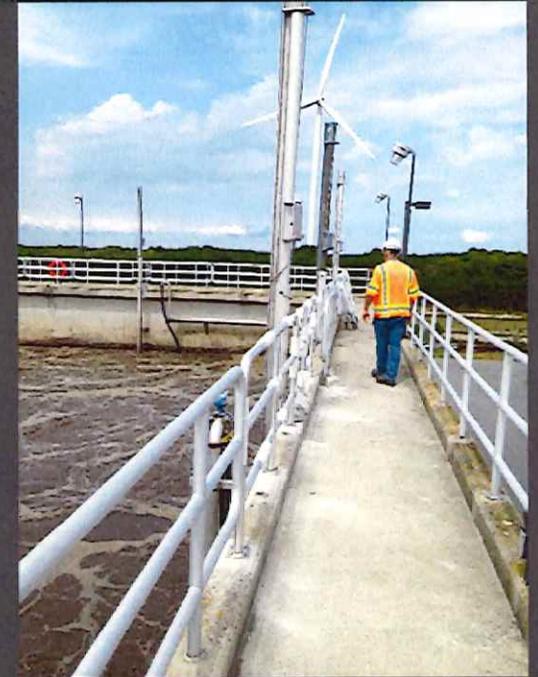
# Wastewater Related Warrant Articles - April 2022 Town Meeting

Select Board Meeting – February 28, 2022  
Finance Committee Meeting – March 2, 2022

Amy Lowell, Wastewater Superintendent



Article 14:  
Fund Wastewater  
Treatment Facility  
Improvements



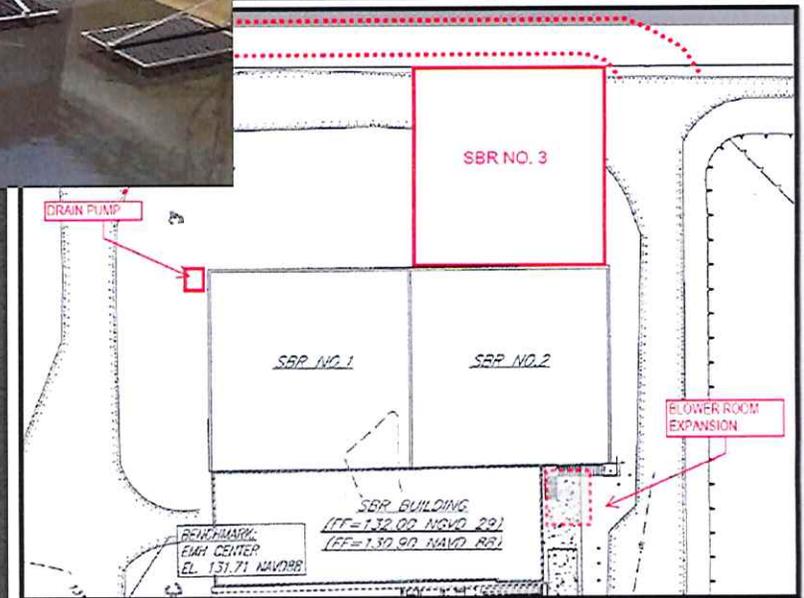
# Wastewater Treatment Facility Improvements - Background -

- Operations building constructed 1985
- Treatment facilities constructed 2003-2005
- WWTF Evaluation completed
- Improvements required to accommodate Teaticket-Acapesket area (TASA) flow as well as new flow from existing service areas, while meeting the WWTF's groundwater discharge permit
- Request for Qualifications for Owner's Project Manager - selected Weston and Sampson
- Request for Qualifications for Engineer - selected GHD

# Wastewater Treatment Facility Improvements

## - Scope -

- Add a third Sequencing Batch Reactor



# Wastewater Treatment Facility Improvements

## - Scope -

- Replace Sludge Thickening Technology

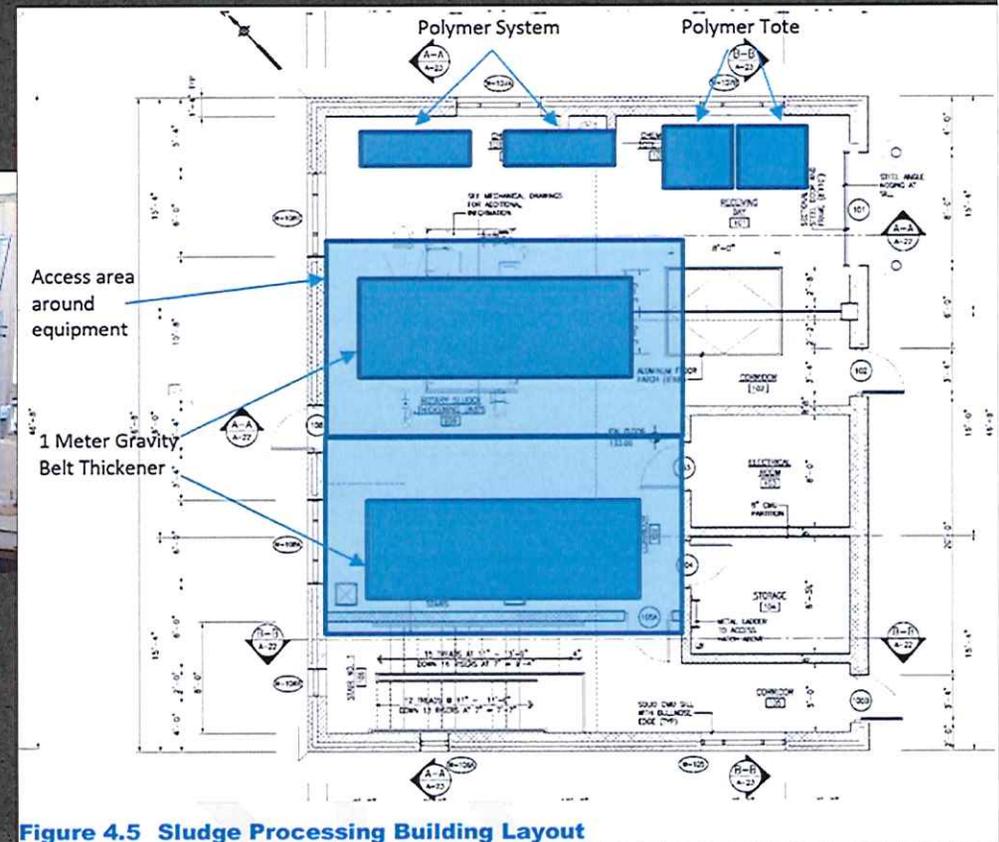


Figure 4.5 Sludge Processing Building Layout

# Wastewater Treatment Facility Improvements

## - Scope -

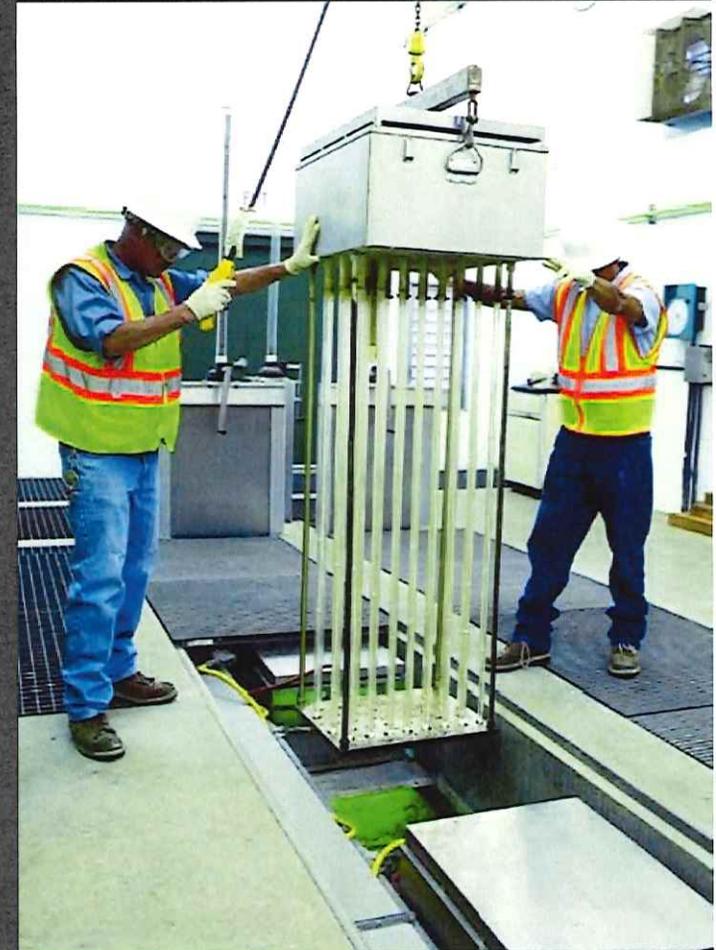
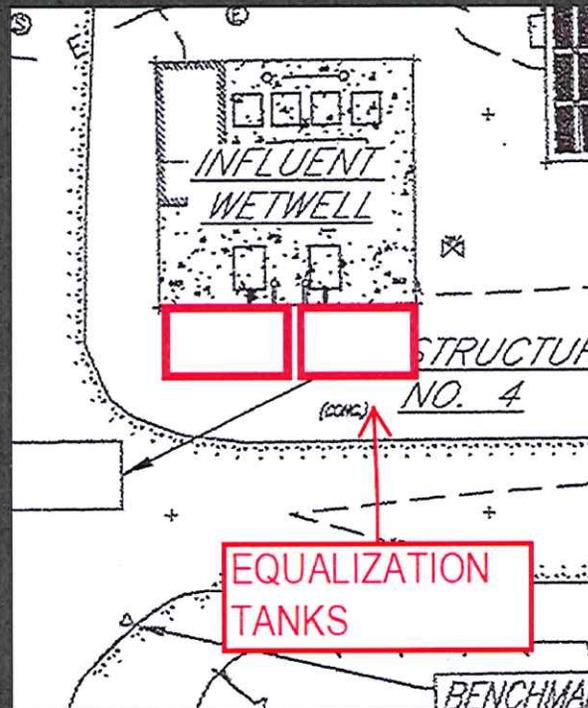
- Modernize Operations Building



# Wastewater Treatment Facility Improvements

## - Scope -

- Construct additional influent and sludge storage capacity
- Replace ultraviolet disinfection system



# Wastewater Treatment Facility Improvements - Cost -

Item	Cost, June 2024
Sequencing Batch Reactor	\$4,000,000
Sludge Processing	\$5,800,000
Operations Building	\$4,400,000
Influent Equalization	\$1,100,000
Ultraviolet Disinfection	\$900,000
Electrical Service	\$400,000
Subtotal	\$16,600,000
Contingency (25%)	\$4,200,000
Subtotal	\$20,800,000
Construction Engineering	\$3,100,000
Overall Total	<b>\$24,000,000</b>

## - Funding Support -

- State Revolving Fund (SRF) Loan
  - 0% interest
  - Minimum 3.3% loan forgiveness
  - Project is on the 2022 Clean Water SRF Intended Use Plan
- 25% Grant from the Cape Cod and Islands Water Protection Fund



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

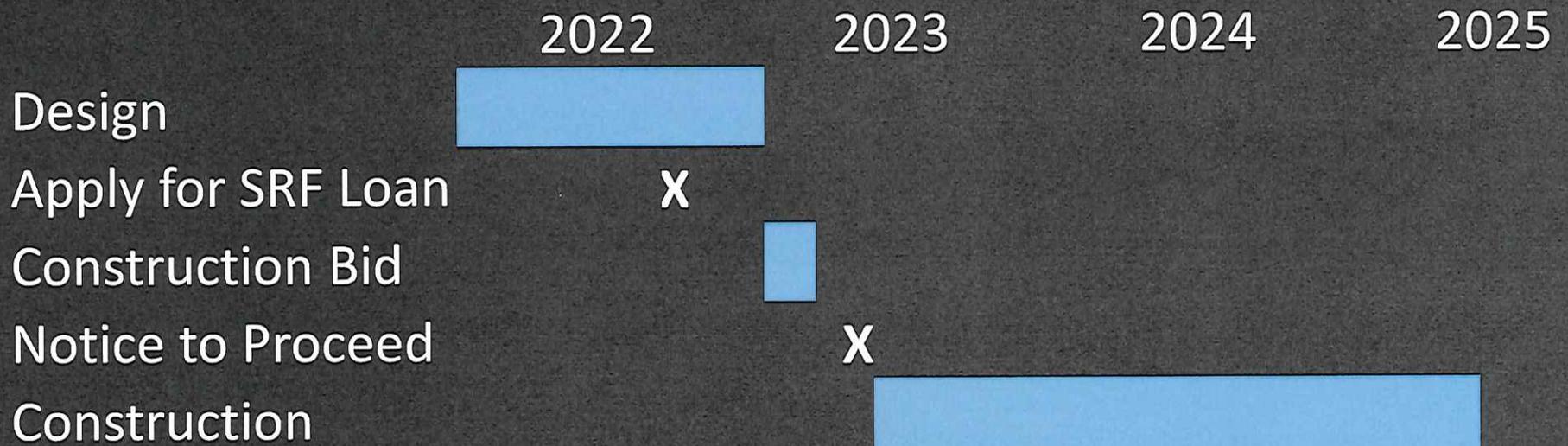
Kathleen A. Thecharides  
Secretary

Martin Suizberg  
Commissioner

DRAFT 2022 INTENDED USE PLAN  
For the  
CLEAN WATER STATE REVOLVING FUND  
February 17, 2022



# Wastewater Treatment Facility Improvements - Schedule -

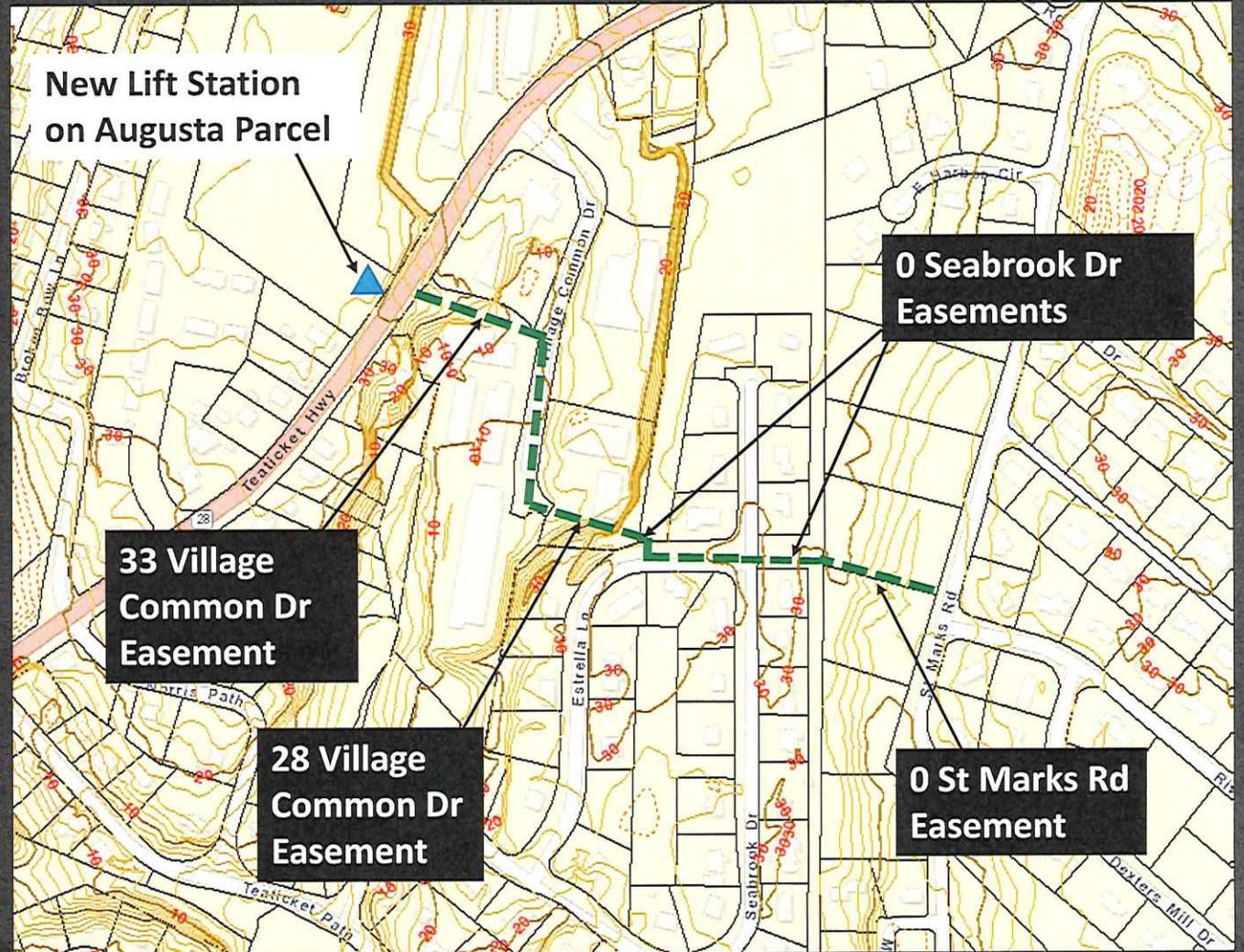


## Article 15:

# Fund Evaluation of Options to Discharge Treated Wastewater by an Ocean Outfall

- Select Board voted use of AFCEE mitigation funds in December 2021 for modeling of preliminary outfall locations
  - ongoing
- \$95,000 requested from town meeting for additional steps:
  - Onshore soil borings
  - Cost estimate refinement

Articles 18,  
19, 20, 21:  
Proposed  
Underground  
Sewer  
Easements

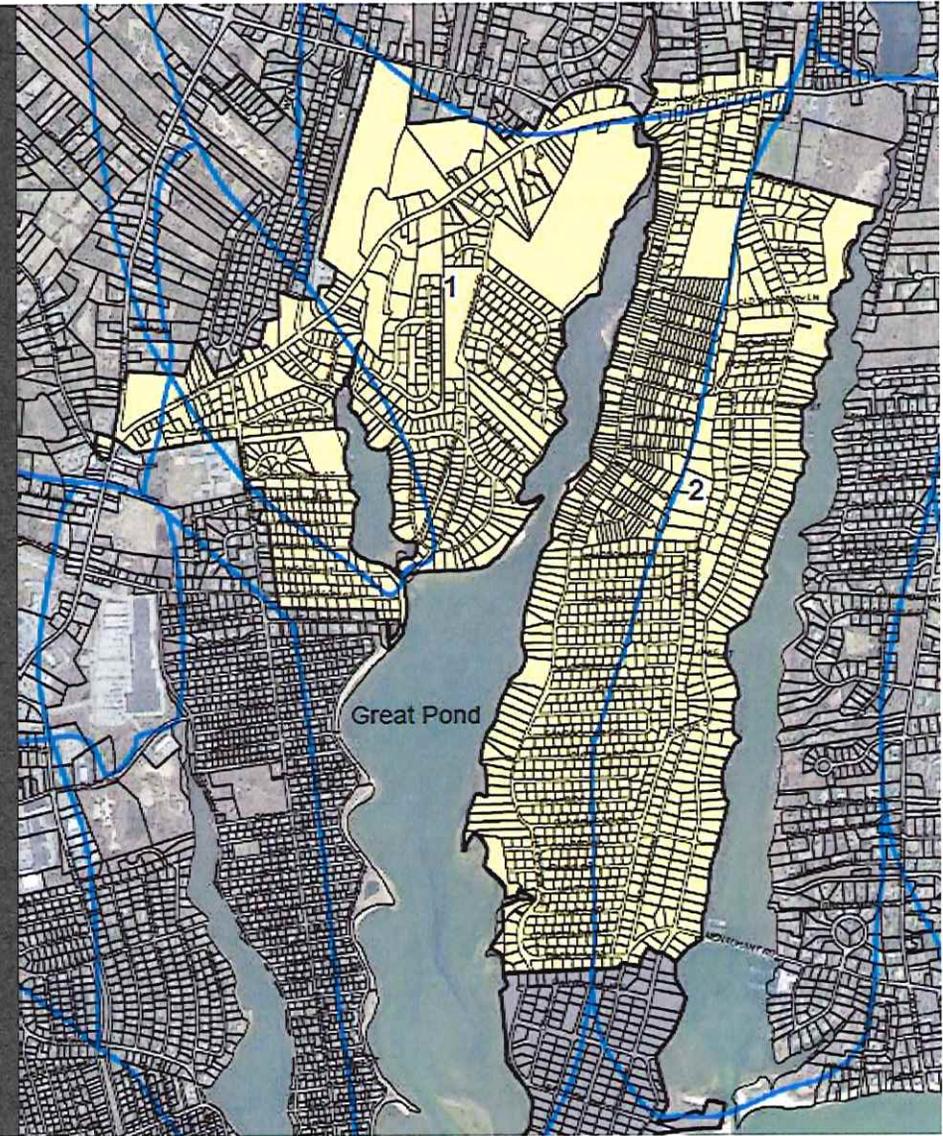


# Sewer Easement Article Costs

Sewer Easement Location	Cost
Art 18: 28 Village Common Drive	\$34,189
Art 19: 33 Village Common Drive	\$22,633
Art 20: 0 Saint Marks Road	\$19,179
Art 21: 0 Seabrook Drive	\$4,697
Overall Total	\$80,697

# Future Wastewater- Related Town Meeting Articles

- Additional easements
  - Falmouthport lift station site
  - Acapesket area easements
- Teaticket-Acapesket Wastewater Collection System and Recharge Area Construction ~ \$60M, April 2024



## **BUSINESS**

4. Vote article recommendations for April 2022 Annual Town Meeting  
**(15 minutes)**



**APRIL 2022 ANNUAL TOWN MEETING**

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

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

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

Publish Articles Only ..... Friday, February 4, 2022

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

Select Board Vote Recommendations .....Monday, February 28, 2022

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

Town Meeting .....Monday, April 4, 2022

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

**For action on articles in the Warrant**

**COMMONWEALTH OF MASSACHUSETTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 31<sup>st</sup> 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**

5. Report – Edward Marks Building Advisory Committee **(15 minutes)**

## Diane Davidson

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**From:** Barbara Weyand [REDACTED]  
**Sent:** Wednesday, January 19, 2022 3:30 PM  
**To:** Doug Brown  
**Cc:** Diane Davidson  
**Subject:** Request to Appear Before Select Board

**Importance:** High

Hello, Doug ~

We are well overdue in presenting the work of the Edward Marks Advisory Committee to the Select Board, in part because of Covid. *I'd like to get onto your meeting schedule in late February.* Here are the topics I would like to touch on:

### OUR CHARTER

✓  
Extended to 12/31/24.  
It dawned on me just a few days ago that the Edward Marks Advisory Committee is operating beyond the latest extension granted by the Select Board. I think the prior extension went into mid-2021! As we have explained in the past, it is not an easy matter to move faster because the stretches of time between (external) funding sources – CPC and MHC – are far apart. (BTW, we have never received any written notice from the SB of the timeframe during which we were allowed to meet so I can't readily tell you the date of our last extension).

We have been meeting regularly for the last **2.5 years** and our work isn't over yet so I am very grateful to all of our Committee members who have hung in there. Covid slowed us a little, but we kept meeting via Zoom and are ready to resume in-person meetings.

### OUR GRANT WORK

Right now our Committee is about to start work on:

- (1) **A proposal to the Mass Historical Commission** for matching monies to the Falmouth CPC grant that will dispersed after Spring Town Meeting 2022, \$118K. (You may recall we focused on immediate repairs needed to the exterior in the CPC request of last August, AKA Phase 1 on the exterior.)
- (2) **A new proposal for the CPC's 2022 proposal cycle** (August deadline). We will be preparing a spreadsheet of full restoration costs for the exterior. Depending on that sum, we might break our proposals into Phases 2 and 3 on the exterior. I think that vastly improving the historical appearance of the building will go a long way to demonstrating to the Falmouth public the value of this historic building.

Also, we have to **show to MHC a Select Board vote authorizing submission of a proposal to the MHC** (this March) (Per the Massachusetts Preservation Projects Fund Application, Round 28, page 11, #13.) and "subsequent acceptance of a grant allocation" so the Select Board needs to know how we plan to apply MHC monies to the restoration process. Hence, I need to report to the Select Board for that authorization in late February, ahead of the March deadline.

**COMPLETION OF A 'HISTORIC STRUCTURE REPORT' (HSR) BY BOSTON CONSERVATION ASSOCIATES (BCA)**  
BCA will have their **Historic Structure Report** completed (and reviewed prior) by mid-February. This preservation analysis report will go a long way to helping us to educate the Falmouth public regarding both the merits and soundness of the original poor house (1769) and how this building can be useful through

“adaptive re-use”. The HSR gives us a ‘roadmap’ of sorts for upcoming phases of our grantsmanship efforts.

#### **NEXT STEPS**

I would like to touch on what we will be doing throughout 2022 so the Select Board can understand our behind-the-scenes work. Also, I’d like to know how we can go about working with Town Hall to get some input to a **subsequent Town’s Capital Budget**, e.g., for renovation of the second floor. External funding sources (We have only MHC and CPC, owing to the fact that the building is municipally owned.) want to see a town or city putting some \$\$ into a historic preservation project as proof of the value of the project.

#### **TIME NEEDED AT SELECT BOARD MEETING**

I anticipate handing out copies of the Historic Structure Report from BCA and showing a few slides: 15 minutes

**Can you please find us a slot in a late February SB agenda?** Any later will slam us into the throes of finalizing the MHC proposal, which always entails a lot of running around lining up documents and photos. I’d prefer not to be facing that in March barely ahead of the MHC deadline. Thanks in advance for your assistance and remember you are always welcome at our meetings (if your hair isn’t on fire from chairing the Select Board!). ~ Barbara

P.S. Jed Cornock is a welcome addition to the Planning Dept. He’s helpful and very pleasant to work with.

Barbara Weyand, Chair  
Edwards Marks Building / Poor House Advisory Committee  
[REDACTED]

## **BUSINESS**

6. Request to relocate historic horse trough water fountain(s) **(10 minutes)**

February 25, 2022

Dear members of the Select Board,

Thank you for taking the time to consider this request to move the historic horse troughs/fountains.

Since at least 1989 people in Woods Hole have been trying to figure out a way to return the 1903 fountain to Woods Hole. The first redesign of the same Sam Cahoon Park was one impetus. It did not work out at that time. Now the steamship is redesigning the park and there is an excellent location available for it. Steamship has integrated the possibility into their design.

As this discussion started up there was a groundswell of support for moving the 1898 fountain back to the Village Green.

There are many details still to be worked out, but we hope that your support will allow us to move forward and solve those details.

Below please find some background information. We look forward to giving you a brief presentation on Monday night and we are available to answer your questions beforehand or at the meeting.

Best to you all,  
Arden and Catherine

### **Background Information - Drinking Fountains for Man & Beast**

#### **Timeline:**

1898 – Water was pumped from Long Pond to the Falmouth Village Green and other places in Falmouth for residents. The 1898 fountain at the Village Green was installed.

1903 – Town Meeting voted to purchase a fountain for Woods Hole.

1966 – Sam Cahoon Fish Market was sold to the SSA and small park was constructed on the former fish market site by Dan Clark & friends

1989 – Rebuild of Cahoon Park - Bill Owen, then Superintendent of the DPW, promised Marylou Smith that “the horse trough/fountain would be returned to Woods Hole when we have a proper place for it.”

Dec 2017 – An ad hoc committee (Ted Fitzelle, Betsy Gladfelter and Arden Edwards) met with Bob Davis, General Manager of SSA to discuss the possible relocation of the 1903 horse trough/fountain to Woods Hole.

Dec 2017 – The two historic horse fountains were reconditioned by New England Sandblasting and installed at the entrance to the Falmouth’s Water Filtration Facility off Gifford St.

These fountains are not just ornaments; they are now documented on:

1. Falmouth Historical Commission's Inventory of Historic Resources.
2. Massachusetts Historical Commission's Inventory of Historic Resources and Archaeological Assets of the Commonwealth. The Massachusetts Cultural Resource Information System (MACRIS) is the searchable database.

One needs to be close to the fountains to fully appreciate them. The current location does not allow easy access and there is no historic interpretive signage.

Now we have the ideal place for the 1903 fountain—a few feet away from its location over 100 years ago.

There was a groundswell of interest this past June in getting the 1898 fountain relocated to the Falmouth Village Green, its historical location.

**Therefore:**

This is the opportune time to relocate:

- the 1898 fountain to its historic location at the Falmouth Village Green and
- the 1903 fountain to the ferry terminal at the updated Cahoon Park, very near its historic location.

Each would have its own interpretive signage outlining their important history in the Town of Falmouth. The Water Department should be acknowledged for taking care of them for many years and for their recent restoration.

Falmouth is the only town on Cape Cod which has been designated by the White House as a "Preserve America Community" for its historic preservation efforts.

We, as a town, should live up to that designation!

The new Cahoon Park will be one of the last things constructed at the ferry terminal site, but we don't want this decision kicked down the road again. Some of us won't be here in another 32 years. We need to act now!

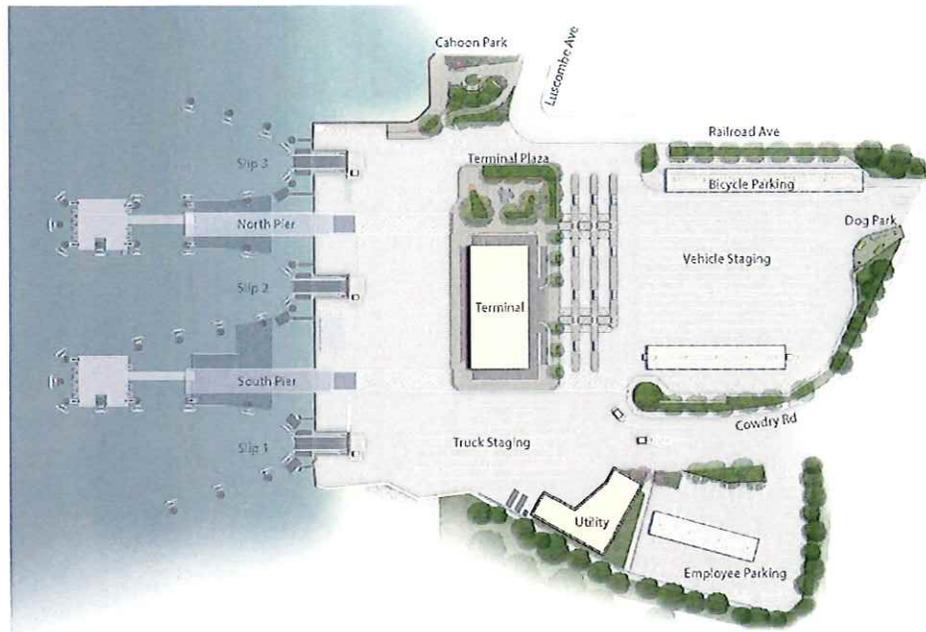
## Images from Steamship Authority's public presentations.

Steamship Authority

Woods Hole Ferry Terminal Reconstruction

November 2021

### Site Plan



BIA studio IBI PLANNING

Steamship Authority

Woods Hole Ferry Terminal Reconstruction

November 2021

### Cahoon Park



BIA studio IBI PLANNING

Dear members of the Select Board,

November 3, 2021

In a letter to you dated June 3, 2021, we asked for advice on the process for relocating the 1903 horse fountain back to its former site in Woods Hole. Now we are writing to ask that you include a discussion of relocating two fountains back to their original locations as an item on your agenda as soon as feasibly possible.

Much has happened since June:

- There is a groundswell of interest in both fountains. One was originally in Woods Hole the other was installed at the Falmouth Village Green in 1898. Many people would like to see both back to their original locations. (Please see the attachments.)
- Arden Edwards found an old Cahoon Park file from 30 years ago that has copies of two talks where she references the Town of Falmouth (Bill Owen, Head of the DPW) agreeing to relocate the 1903 fountain back to Woods Hole when a proper place for it could be found. The new Cahoon park at the SSA terminal provides such a place.
- Both fountains are now listed on: The Falmouth Historical Commission's "Inventory of Historic Resources" and The Massachusetts Historical Commission is in the process of including both fountains in their "Inventory of Historical and Archaeological Assets of the Commonwealth."
- Patti, Ted, and Arden walked the site and the village with Lian Davis of BIA Studio and Rick Williams of IBA Group, SSA's Architect and Landscape Architect. They were both receptive to the inclusion of the fountain in the new Cahoon Park and knowledgeable on fountain installation and maintenance requirements.
- We learned the official name for the fountains is "Drinking Fountain for Man and Beast #3."

The Falmouth Water Department has the community's well-deserved recognition and thanks for their care and repair of these historic treasures. We believe this should be stated in the interpretive signage installed in the park.

We have included much background information with this letter and would be happy to provide any additional information that you require. We look forward to talking with you all very soon.

Sincerely,

Arden Edwards - Designer of the 1980's Cahoon Park at SSA

Patti Keating - Horticulturist

Ted Fitzelle - Selectman's Representative to the SSA Woods Hole Parking Lot committee

Nat Trumbull - SMART Citizens Task Force

Enclosures:

Photos of each fountain in their original locations

Narrative for Form C for each Fountain

(Form C is how objects are listed on the Inventory of Historic and Archaeological Assets of the Commonwealth on The Massachusetts Cultural Resource Information System (MACRIS))

Letters of support

Woods Hole Community Association  
Woods Hole Historical Collection  
Falmouth Historical Commission  
Falmouth Chamber of Commerce

Enterprise Article October 1, 2021, by Calli Remillard

Enterprise Letters to the Editor

Judith Stetson  
Susan Witzell  
Maria Ward  
Ted Fitzelle  
Kevin Doyle

Notes from Arden's talks at WHHC

CC: Julian Suso  
Peter Johnson-Staub  
Peter McConarty  
Cathal O'Brien  
Michael Kasparian  
Deborah Scanlon  
Ed Haddad  
Catherine Bumpus  
Calli Remillard  
Bill Hough  
Meg Costello  
Patricia Dottore  
Kate Wilson

FORM C. OBJECT                      Horse Trough/Fountain

**Assessor's Number:**    35 05 006 000  
**Town/City**                Falmouth  
**Place**                      Gifford Street  
**Address**                    650 Gifford Street

Name:                        Arden Edwards    ?

Ownership:                Public

Type of Object            drinking fountain for man and beast #3  
                                  (listing in the Henry F. Jenks catalog)

Date of Construction:    1889  
Source:                      Inscription on fountain

Designer/Sculptor:      Manufactured by Henry F. Jenks  
                                  Walworth Manufacturing Co.

Materials:                 Wrought Iron

Alterations with dates:   Painted Hartford Green    Date: 2017  
                                  New lamp installed        Date: 2017

Condition:                 Excellent (repaired by New England  
                                  Sandblasting) 2017

Moved:                    yes    Date moved from Falmouth Village Green to  
                                  Pumping Station Road: unknown

Moved to Falmouth Water Department's new Water  
Treatment Plant: December 28, 2017

Setting:                    Highway entrance to Falmouth's  
                                  new Water Treatment Plant

Recorded by:              Ed Haddad, Chairman  
Organization:              Falmouth Historical Commission  
Date:

## INVENTORY FORM C CONTINUATION SHEET

### DESIGN ASSESSMENT

Overall Height: 11’.

Basin for horses to drink water: 4’3” above ground diameter 56”

Base diameter: 4’

The fountain is wrought iron with bas-relief sculpted material that has been raised from the background to create a slight projection from the surface. The center of the basin contains a jamb from which 4 dolphin mascarons spouted water and drinking cups were attached. Wastewater was directed to the dog trough at street level. Originally the central fluted column supported a gas lamp at the top. In 2017, an antique electric lamp was installed.

### HISTORICAL NARRATIVE:

In 1898, The Falmouth Water Corporation, a private water company, was established by John S. Bleakie. Water was first piped from Long Pond in Falmouth to Teaticket for the residents and for farming and to Woods Hole for residents and industries. This fountain was presented to the town by John S. Bleakie in 1899 and placed at the apex of the Falmouth Village Green.

Inscription:

ERECTED 1898  
PATENTED  
JUNE 8, 1880

PRESENTED  
TO THE  
TOWN OF  
FALMOUTH  
BY  
JOHN S. BLEAKIE  
1899

Ref:<https://www.glendaleohio.org/fountain.html>. Henry F. Jenks Catalog  
“Falmouth Enterprise” January 2018  
Walking Tour of Woods Hole , Susan Fletcher Witzell

FORM C. OBJECT

Horse Trough/Fountain

**Assessor's Number:** 35 05 006 000  
**Town/City** Falmouth  
**Place** Water Treatment Plant  
**Address** 650 Gifford Street, Falmouth

**Name:** Arden Edwards. ?

**Ownership:** Public

**Type of Object** drinking fountain for man and beast #3  
(Listing in the Henry F. Jenks Catalog)

**Date of Construction:** 1903  
**Source:** Inscription on fountain

**Designer/Sculptor:** Manufactured by Henry F. Jenks  
Walworth Manufacturing Co.

**Materials:** Wrought Iron

**Alterations with dates:** Painted Hartford Green. Date 2017  
New lamp installed: 2017

**Condition:** Excellent (repaired by New England  
Sandblasting) 2017

**Moved:** yes Date moved from Main Street to Depot  
Square: unknown

Date moved from Depot Square  
to Pumping Station Road: unknown

Date moved to Falmouth's new Water  
Treatment Plant: December 28, 2017

**Setting:** Highway entrance to Water Treatment Plant

**Recorded by:** Ed Haddad, Chairman  
**Organization:** Falmouth Historical Commission  
**Date:**

INVENTORY FORM C: CONTINUATION SHEET

DESIGN ASSESSMENT

Overall Height: 11'.

Basin for horses to drink water: height: 4'3" diameter: 56" diameter base: 4'

The fountain is wrought iron with bas-relief sculpted material that has been raised from the background to create a slight projection from the surface. The center of the basin contains a jamb from which 4 dolphin mascarons spouted water and drinking cups were attached. Wastewater was directed to the dog trough at street level. Originally, a central fluted column supported a gas lamp at the top. In 2017, an antique electric lamp was installed. There is also a bas relief of a woman holding a cup.

HISTORICAL NARRATIVE:

This fountain was first installed at the corner of Main (later called Water) Street and Railroad Avenue in 1903. Later it was moved down Railroad Avenue to Depot Square. This fountain and a matching fountain installed in Falmouth represent the very first presence of public plumbing at the start of the 20<sup>th</sup> century.

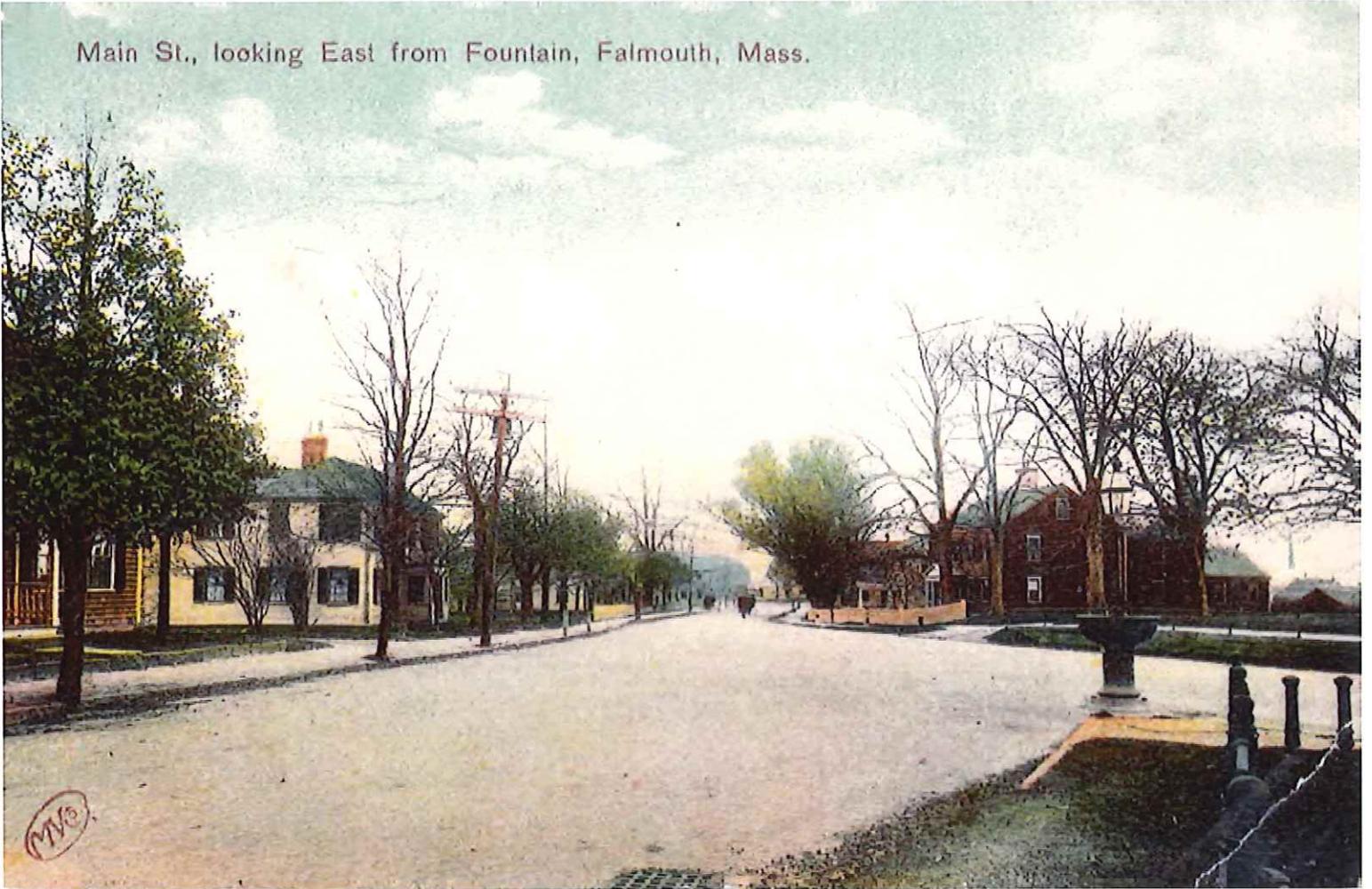
The placement of the fountain was a symbol of the center of Woods Hole, which had become prosperous in the 19<sup>th</sup> century because of whaling, the Pacific Guano Company and the fish market which originally supplied material to the Guano Company. Woods Hole was the critical center of goods, supplies and passengers taken by steamships to the Islands and the terminus of the railroad line with its steam locomotive-powered trains bringing passengers and freight back and forth from Boston, New York and beyond. The fish market was an important place in the hub of Depot Square.

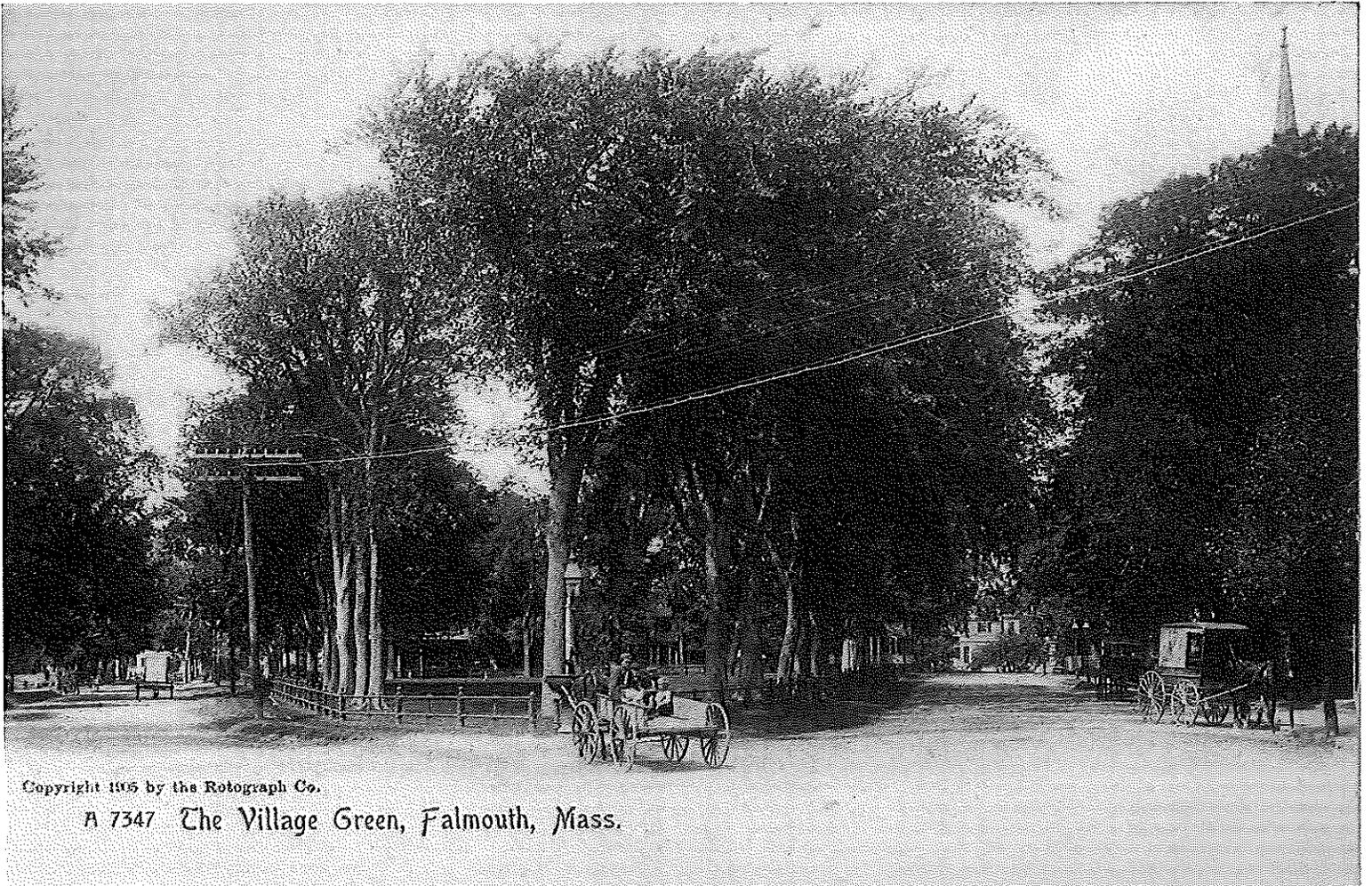
Traffic then, as now, would have been heavy at this intersection and during that era crowded with horses pulling wagons and other wheeled vehicles. Placing the horse trough and fountain at this critical corner was an important public gesture.

Inscription: PATENTED  
JUNE 8, 1880  
ERECTED  
1903  
HENRY F. JENKS  
PAUTUCKET, RI



Main St., looking East from Fountain, Falmouth, Mass.





Copyright 1905 by the Rotograph Co.

A 7347 The Village Green, Falmouth, Mass.



## Woods Hole Community Association

Incorporated in 1919

P.O. Box 327 Woods Hole, Massachusetts 02543

Falmouth Select Board  
59 Town Hall Square  
Falmouth MA 20540

October 20, 2021

Dear members of the Board,

At the Woods Hole Community Association board meeting on May 18, 2021 the board discussed, and voted in favor of, supporting the initiative by Arden Edwards and others to return the horse trough that was historically in Woods Hole to a location in the village.

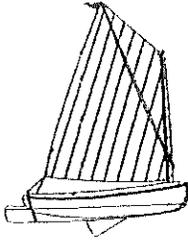
The interest in having the horse trough back in an appropriate location in Woods Hole has been ongoing for so long that some people have forgotten or never knew that it was ever an effort. We appreciate and understand the fact that the Falmouth Water Department has cared for the troughs lovingly for a long time, but now the opportunity to have one of them back in the village is presented by the Steamship Authority's new design of the small green space "Sam Cahoon Park" in their terminal redesign. This is an opportunity that was a long time coming.

In addition we are in support of the effort to return the matching trough to its original location at the town green.

We ask that you consider this request and would be happy to give input and support in any way that you feel appropriate.

Sincerely,  
Catherine Bumpus, Co-President  
Woods Hole Community Association on behalf of the board

cc: Julian Suso  
Peter Johnson-Staub  
Arden Edwards



# Woods Hole Historical Collection & Museum

P. O. Box 185  
Woods Hole, MA 02543  
Telephone (508) 548-7270

25 May 2021

To the Select Board:

The Woods Hole Historical Museum supports the efforts of the village groups that are endeavoring to return the historic horse trough to Woods Hole. The new Cahoon Park would be the ideal location for the trough, near where it was originally placed in 1903.

We believe that visitors and residents would all appreciate having it in a location that is more accessible than on Gifford Street.

Thank you for considering this.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Griffin Scanlon". The signature is fluid and matches the typed name below it.

Deborah Griffin Scanlon  
Executive Director



## Falmouth Historical Commission

59 Town Hall Square, Falmouth, MA 02540

Telephone: 508-495-7440 Fax: 508.495.7443 email: [planning@falmouthma.gov](mailto:planning@falmouthma.gov)

June 3 ,2021

At its June 1, 2021 Historical Commission meeting, the Commission discussed a proposal to relocate a historic trough to its approximate original site in Woods Hole. The trough currently sits at the entrance to the Long Pond Water Treatment Station on Gifford Street along with a matching trough.

The Commission unanimously voted to support the effort to restore the historic trough to its approximate original site. The location is within the Woods Hole Historic District, and the Commission strongly believes that the restoration of the trough would enhance the unique character that already exists in Woods Hole and is consistent with the Commission's efforts to preserve historic architectural structures to their original state.

Woods Hole retains so much of its historic character despite the pressures of change that threaten to alter that unique character. The return of the trough is like finding a missing puzzle part, the pieces all working together to create a memorable street scape. Although the trough may not be utilized as originally designed it will be a welcome by both residents and visitors.

Edward Haddad  
Chairman, Falmouth Historical Commission



**FALMOUTH**  
CHAMBER OF COMMERCE

Falmouth Chamber of Commerce  
20 Academy Lane, Falmouth, MA 02540  
P: 508-548-8500  
F: 508-548-8521

June 3, 2021

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

Dear Members of Falmouth Select Board,

I am writing in regard to the two horse water troughs which are currently located at the entrance of the Water Plant on Gifford Street. My recollection is that those troughs were taken out of storage, restored and placed there when the plant was first built. It was a wise decision to bring them out of retirement and back into public view. We actually receive questions about them from time to time at the Chamber from residents and visitors alike – making them quite a curiosity.

Our understanding is that there is a group of residents who are interested in returning one of those troughs to Woods Hole as a centerpiece for the new park being created by the Steamship Authority. Given its historical significance, we believe it would be beneficial for these citizens, the Select Board, and the Water Superintendent to discuss if this is feasible.

If there is a positive opinion shared by all the stakeholders, we would also like to explore returning the other water trough to the Falmouth Village Green where it originally was placed so that the entire community could have access to it by foot. We believe it would be a wonderful addition to the historic fabric of the Village Green and would pay homage to the rich history of Falmouth.

Please let me know if there is anything the Chamber can do to assist and thank you in advance for your kind consideration.

Very truly yours,

Michael Kasparian  
President & CEO



## Effort Underway To Return Historic Fountains To Original Sites

By CALLI REMILLARD

Efforts are underway to return the antique water fountain troughs from the Water Department on Gifford Street to their original locations at the Village Green and in Woods Hole.

The effort, mainly spearheaded by Woods Hole resident Arden Edwards, has so far been supported by the Falmouth Historical Commission, the Woods Hole Community Association, the Falmouth Chamber of Commerce, and the Woods Hole Historical Collection Museum.

"Some people see them, some people don't," Ms. Edwards said of the fountains' current location. "But nobody really knows what they are. I would love to see both of them have water in them three seasons out of the year, and I think that we could get both of them working."

The first fountain was originally

presented to the town by John S. Bleakie after he opened the original Long Pond Pumping Station in 1898 in association with the Falmouth Water Corporation. As the first public water in town, this station was ground-breaking, and the drinking fountain served as a sort of commemoration of the milestone. It was placed at the eastern apex of the Village Green.

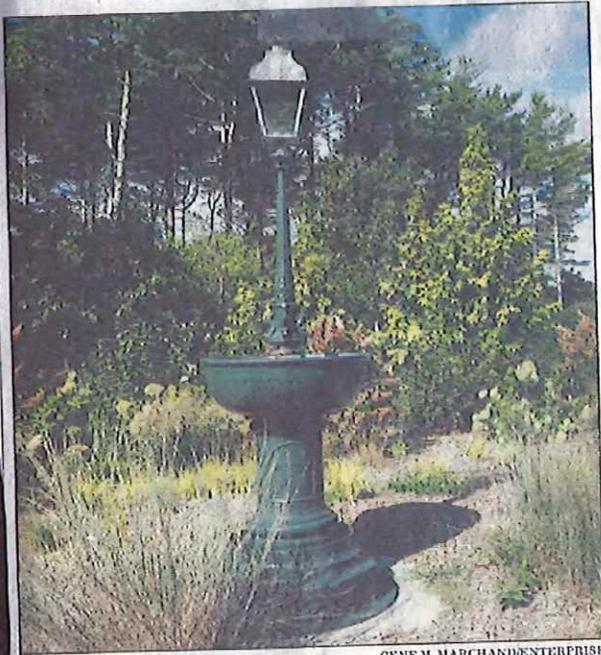
Four years later in 1902, the town bought the water company and commissioned a second fountain for Woods Hole. That fountain was completed and installed

the following year.

The fountains have a round main basin for horses to drink out of and an annular ring around the base for smaller animals like dogs or cats to enjoy as well. There were once drinking cups that hung from them for people to use, as they were initially marketed as "drinking fountains for both man and beast." They were originally black but were painted Hartford green during 2017 as part of a restoration project commissioned by the water department.

Shortly after Stephen D. Raftery was hired as Falmouth's water superintendent in 2014, it was suggested that the fountains be restored to celebrate and maintain their historical significance. Up until that time, the fountains had been located at

see **Historic Fountains** on Page 14



GENE M. MARCHAND/ENTERPRISE

One of two historic water fountains at the entrance to the Long Pond Water Filtration Facility on Gifford Street.

## Historic Fountains • To Be Returned

■ Continued from Page 1

the entrance of Pumping Station Road near Goodwill Park. It is not known when the fountains were moved from their original locations in Woods Hole and at the Village Green to that spot, but they had been there for some time until Mr. Rafferty took charge of the restoration efforts and had the freshly restored fountains moved to the Water Department facility on Gifford Street at the end of 2017.

Ms. Edwards said her involvement with the fountains began about 30 years ago when she was working on developing Cahoon Park in Woods Hole, named after Sam Cahoon's Fish Market that once stood at the corner of Railroad and Lusecombe avenues. The park that previously stood in its place had been demolished, and Ms. Edwards, having recently graduated from Conway School of Landscape Design in the Berkshires, jumped at the opportunity to help design the park.

Ms. Edwards said that Mary Lou Smith, editor of "The Book of Falmouth" and head of the historical commission at the time, asked William Owen, then-head of the Department of Public Works, if they could have back the fountain that used to be in front of the fish market, and he said yes.

"We were going to put it in and we wanted to put it right where it had been, and the Steamship Authority said, 'You can't do that because it's going to get run over

by the trucks,'" Ms. Edwards said. "They needed a big turning radius to get in and out of the ferry. But he did say because we couldn't put it there, when we did have a place to put it, we could have it back."

Now that a new steamship terminal is in the works, Ms. Edwards again seized the opportunity to try to get the fountains back to the original sites. In 2017, she and Woods Hole resident Albert (Ted) Fitzelle went to Steamship Authority manager Robert Davis, and he encouraged them to try to get the fountains back.

"I don't think that they went about it the right way by going through the town and surprising everybody by just putting them at the pumping station," Ms. Edwards said. "Nobody really knows what they are out there; they're ornamental. They're just not appreciated."

With the support of various local organizations and people, including Falmouth Historical Commission chairman Edward Haddad and Falmouth Chamber of Commerce president and CEO Michael Kasparian, Ms. Edwards hopes to get the matter before the select board as soon as possible. She submitted letters of support along with other documentation of their plans for relocation in June, but never heard back and has not seen the item on any of the upcoming agendas.

"I want to get it before the select board. I think that's the next

thing to do," she said. "The gist of it is that a lot of us feel that [Gifford Street] is not the proper place for these historical items to be."

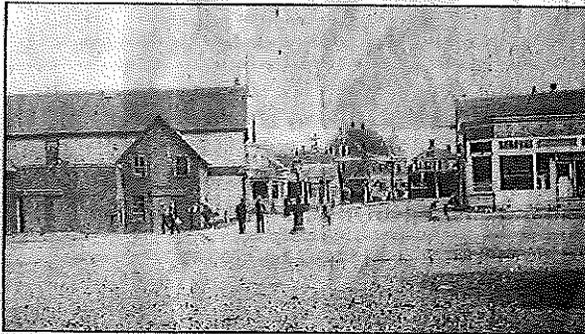
Ms. Edwards is also working on getting the fountains properly registered with the right state and town historical asset databases. She hopes that doing this will help further their case for relocation of the two fountains, as well as getting them fully up and running as they once were.

"They're just in the town's garden," Ms. Edwards said. "There's no water in them and there is no electricity to them. They're just there, sitting there unhappily. And we should be proud of our history, not hide it amongst the bushes. I just would like to get the town more interested."



GENE M. MARCHAND/ENTERPRISE

A historic fountain, of the same type as the pair in front of the Falmouth water treatment plant, decorates the circle formed by Crown Avenue in Falmouth Heights.



One of the fountains at the water filtration plant was at the corner of Luscombe and Railroad avenues in Woods Hole early in the last century. Photograph courtesy of the family of Donald Fish.

10-1-2021

# Letters

## Make Fountains Accessible

I concur with Arden Edwards' wish to return the water fountain troughs, first installed in 1898 and 1903, to their original sites. There they will be accessible to both visitors and townspeople to walk by, admire, and learn a bit of our town history.

Maria C. Ward

Oyster Pond Road  
Falmouth

## Embarkation Fee

Is no one disturbed that the embarkation fee of millions of dollars since 2005 has not been placed in a separate fund as the law requires?

It is time for the separate fund to be instituted. These funds should be used for sound studies and other programs to ameliorate the impact of the Steamship Authority as the law states.

Ted Fitzelle

Glendon Road  
Woods Hole

## Leave Turbines Alone

Time to stop wasting our time and money on the windmills. Leave them where they are and not waste a penny on them. They look much better than the two water fountains on Gifford Street. The windmills will remind the town of its mistakes.

Keep the fountains at Gifford Street. The town paid for them and

shouldn't pay any more money to move them to Woods Hole. Add two parking spaces there instead.

Anthony Tocci

Plum Hollow Road  
East Falmouth

## No Excuse For This

Many of us have heard stories of increasing impatience and rudeness shown by customers to service personnel since COVID

began. My son works at a Main Street business and behaves politely and respectfully to customers. Most are friendly.

Last Thursday, one of his customers deliberately waited until other staff members and customers were out of hearing, then called my son the N-word. No degree of cabin fever or other stress excuses cowardice and racism. I hope that Falmouth residents and visitors alike stand up against such intolerance. As Elie Wiesel warned, "We must take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented."

Hilary Morrison

Quissett Circle  
Falmouth

## Enterprise Letters Policy

The Enterprise welcomes letters to the editor. They must be signed and include a street address and day-time telephone number for verification.

Because the letters column is a forum for community issues, we will not print letters endorsing candidates or letters of thanks.

Letters should address the editor. We will not publish letters to other organizations, people or town boards.

All letters are subject to editing and must be no longer than 550 words. Revisions to letters will not be accepted.

Letters may be mailed to The Falmouth Enterprise, 50 Depot Avenue, Falmouth, MA 02540, faxed to 508-540-8407, or e-mailed to [bhough@capenews.net](mailto:bhough@capenews.net).

## A Show Of Gratitude

I would like to express my support for the return of the historic fountains, currently located on Gifford Street at the entrance to the water treatment facility, to their original locations on the Falmouth Village Green and Woods Hole's Luscombe Avenue. This has been promised for many years and it is time to make this happen and show the town's gratitude for the generosity of their original patron and donor John S. Bleakie, in 1899 and 1902.

I also urge the DPW to restore

see Letters on Page 4

♦ ♦ ♦ ♦

10-8-2021

# Letters

■ Continued from Page 5

the former sign or create a new one for Goodwill Park which was given to the Town of Falmouth in 1894 by Joseph Story Fay of Woods Hole. Some years ago, I asked that the old sign be repaired, at which time it disappeared and has not been seen since. At this point there is no sign along Palmer Avenue identifying this generously given land (or mentioning its donor's name).

Susan Fletcher Witzell  
 Evangeline Road  
 Falmouth

**Deserves Townwide Support**

The town owns two historic water fountains. The colorful photograph on the front page of last Friday's paper shows how attractive they are. But the old photograph on the back page from the collection of Donald Fish shows how important they were.

Multipurpose water fountains were essential public services in the years before there was any other public water supply for man or beast. The large basin was for horses and other animals. Water from the basin overflowed into a ring set in the base of the fountain for smaller animals.

Mugs hung on the rim of the upper basin for people. No mugs are visible in the historic photograph, which was presumably taken at the beginning of the 20th century. By then scientists and doctors had accepted the new germ theory of disease and were persuading towns to stop hanging mugs on their water fountains.

Our water fountains should be put back in their original places: one at the apex of the village green, the other near Sam Cahoon's legendary fish market on the waterfront in Woods Hole, where it is shown in the Donald Fish photograph.

Arden Edwards' efforts to return these two historic water fountains to their historic locations

deserves our town-wide support.

Judith G. Stetson  
 Quissett Avenue  
 Woods Hole

**How Dangerous Is Falmouth Hospital?**

I am unhappy with the requirement to use the hospital's masks when I enter Falmouth Hospital. There is nothing wrong with the masks themselves; it is the process that is a problem.

Many people enter the buildings with no mask, knowing that they will have to use one provided by the hospital. Others enter with masks from home and remove them to put on one from the dispenser. This means that people are potentially contaminating the lobbies with airborne viruses like SARS-CoV-2! And, I have seen no changes to the ventilation system to blow mask-less breath and germs out of the building.

Monday, while taking my 97-year-old mother for bloodwork, I watched people entering and taking their sweet time getting a mask to put on. Several people in the waiting area were wearing their own masks, not the orange ones from the dispenser. No staff was checking for compliance with hospital policy. One man removed his mask to cough and sneeze and I don't know what illness he might have had.

I don't go into stores unless I really need to; we don't eat in restaurants; I am very careful, both for my mother and myself and, although we are vaccinated and have received a third dose of the vaccine, Falmouth Hospital feels like the least safe place I go.

Karen Epstein  
 Lawrence Farm Road  
 Woods Hole

**History Lesson**

Many thanks to Arden Edwards for her initiative to relocate the Gifford Street fountains to

their original positions. Several years ago, the Old Stone Dock Association noticed the pair of fountains looking very forlorn flanking Pumping House Road adjacent to Goodwill Park. Members of the association met one morning to empty the leaves from the basins and paint them with a fresh coat of black paint. Former water superintendent Steve Rafferty noticed the improvement and took it forward. He had the fountains totally overhauled and coated with a rust-inhibiting coat of green paint—looking just as they were shipped to Falmouth a hundred years ago.

Mr. Rafferty's plan was to harness solar power to cause the two independent fountains to cycle water through the trough all day and turn on the light at night. By being positioned at the curb to the new water purification facility, they would represent the long, proud history of the town's water department in providing state-of-the-art delivery of the public water supply. Very commendable.

It now appears that the best use of these two town treasures would be to put them back into the neighborhoods they served. Since they were primarily used by horses, the village green fountain would be a midpoint to water horses hauling produce from farm to packet ships sailing from Woods Hole or the Old Stone Dock on Surf Drive. The Woods Hole trough would obviously serve to get the horses back to the farm without getting dehydrated.

There is a quiet history lesson in the two rare fountains. Thanks to Ms. Edwards for promoting it.

Kevin M. Doyle  
 Mill Road  
 Falmouth











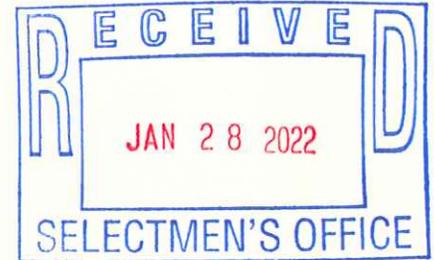


## **BUSINESS**

7. Consideration of vote for the Waiver of the Right of First Refusal of 31.2 acres on route 151 to be in force and effect until up to a potential closing date of December 31, 2024 **(10 minutes)**

*LAURA M. MOYNIHAN*  
*Attorney at Law*

17 Academy Lane, Suite 1  
Falmouth, Massachusetts 02540  
Telephone: 508-548-5558  
Fax: 508-548-5553  
Email: laura@lmoynihanlaw.com



**Via Email and First Class Mail**

January 26, 2022

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

**Re: 31.2 Acres on Route 151, Falmouth, MA – Falmouth Tax Assessor's Map 06 - Section 01, Parcel 0003B, Lot 000; Parcel 008, Lot 14; Parcel 008C, Lot 015; Parcel 013B, Lot 000 shown as Parcel A, Parcel B and Parcel C on a plan of land recorded at the Barnstable County Registry of Deeds Plan Book 495 Page 50 (collectively the "Premises").**

Dear Select Board Members:

I represent CLSV Associates Limited Partnership, owner of the Premises as referenced above (the "Owner").

The Select Board voted on December 20, 2021 to waive its Right of First Refusal dated January 14, 2003, recorded at the Barnstable County Registry of Deeds in Book 16253 Page 136 with respect to the above-referenced property (the "Right of First Refusal").

The Right of First Refusal provides for a 360 day period by which the Owner may complete the purchase with the Owner's buyer if the Town does not intend to purchase the Premises. The closing date proposed in the Owner's purchase and sales agreement exceeds such 360 day period. In the Disposition Notice to the Town, the Owner had requested that any grant of Waiver of the Right of First Refusal provide that it is valid and in effect until up to the potential closing date of November 9, 2024. While the Select Board did vote to waive the Right of First Refusal, the Board did not vote as to the waiver being in force and effect until up to the closing date of November 9, 2024. Given the additional time involved to request this vote, the Owner is now requesting that the Waiver apply up to December 31, 2024.

**Accordingly, this letter is to request the Select Board to place this matter on its agenda for a vote for the Waiver of the Right of First Refusal to be in force and effect until up to a potential closing date of December 31, 2024 with respect to the buyer's intended purchase of the subject property.**

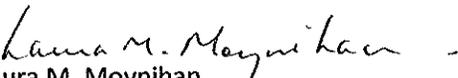
A one year period is not a sufficient amount of time for the buyer to permit the proposed affordable housing development at the subject property. A significant amount of time and expense will be

required on the part of the buyer to develop plans, make application to the state for pre-approval for the M.G.L. Chapter 40B development, to make application to the Zoning Board of Appeals for Chapter 40B approval, to secure financing for the development, and to arrange for closing on the purchase. This will not be accomplished within one year. The buyer will need assurance that the Right of First Refusal waiver will remain in place in order to make such an investment of time, effort and expense in the subject property.

I have enclosed a form of Waiver of Right of First Refusal that incorporates the requested time necessary for plan development, permitting and financing of the permitting for the proposed project. If satisfactory to your Board, I would appreciate if it could be signed and returned to my office.

Thank you for your consideration.

Sincerely,

  
Laura M. Moynihan

Encls.

Cc CLSV Associates Limited Partnership  
PO Box 1683  
North Falmouth, MA 02536  
(By Email)

Mr. Julian Suso, Town Manager  
(By Email)

31 Acres, LLC  
(By Email)

## Waiver of Right of First Refusal

The **TOWN OF FALMOUTH**, a municipal corporation, of Falmouth, Massachusetts, acting by and through its Select Board, with an address of 59 Town Hall Square, Falmouth, MA 02540, for all good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby waives its Right of First Refusal recorded with the Barnstable County Registry of Deeds in Book 16253 Page 136 (the "Right of First Refusal"), specifically as referenced in Section 1 thereof, with respect to that certain parcel of land of approximately 31.2 acres on Route 151 in Falmouth, Massachusetts, which is shown on the Falmouth Tax Assessor's Map 06, Section 01 as Parcel 003B, Lot 000, Parcel 008, Lot 014, Parcel 008C, Lot 015, and Parcel 013B, Lot 000 (collectively the "Property") with respect to the sale by CLSV ASSOCIATES LIMITED PARTNERSHIP to 31 ACRES, LLC, a Massachusetts limited liability company, for consideration of \$2,995,000.00 on or by December 31, 2024 (the "Closing Date"), and hereby certifies that such Right of First Refusal will not be exercised by the Town of Falmouth and acknowledges and agrees that this Waiver of Right of First Refusal shall remain in force and effect through to the Closing Date notwithstanding the provision of Section 1(c) of the Right of First Refusal.

Executed this \_\_\_ day of \_\_\_\_\_, 2022.

Town of Falmouth,  
By its Select Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_ day of \_\_\_\_\_, 2022 before me, the undersigned notary public, personally appeared \_\_\_\_\_, \_\_\_\_\_ aforesaid, proved to me through satisfactory evidence of identification, which were [ ] driver's license(s), [ ] personal knowledge to be the person(s) whose name(s) are signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

## **BUSINESS**

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



**FALMOUTH SELECT BOARD  
SPECIAL EVENTS USE POLICY  
DRAFT ONLY -- February 28, 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, managing 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 Cauty Recreational Building; Grounds and Recreational Facilities and Fields), Library Trustees (all public libraries and grounds), Parks Department (Goodwill Park), Beach Department and School 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. An applicant may appeal the Town Manager's decision to the Select Board.

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, handling recyclables according to town recycling policy, removing 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 28, 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 28, 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.

## CONSENT AGENDA

### 1. Licenses

- a. Approve application for a Change of Manager of an All Alcoholic Common Victualler License – The Cape Club located at 125 Falmouth Woods Road, East Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: The Cape Club

Address: 125 Falmouth Woods Road , East Falmouth

License Type: All Alcoholic Beverages Common Victualler

New or Transfer of License \_\_\_\_\_

or

Change of License Change of Manager

- Police no objection
- Fire \_\_\_\_\_
- Building \_\_\_\_\_
- Health \_\_\_\_\_
- Zoning No comment
- Planning \_\_\_\_\_
- DPW \_\_\_\_\_
- Tax Office There is a tax obligation that needs to be cleared
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NOTES:

- There is an outstanding tax obligation.

**PAID**  
\$50.00  
CE#11225

### Change of Manager

- ✓• Manager Application
- ✓• CORI Authorization
- ✓• Vote of the Entity
- ✓• Proof of Citizenship (Manager must be U.S. citizen)
- ✓• Payment Receipt



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

**AMENDMENT-Change of Manager**

**Change of License Manager**

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
The Cape Club Inc	Falmouth, MA	00216-RS-0390

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

Name	Title	Email	Phone
Mary Lunn	General Manager	mlunn@capeclubresort.com	508-540-4005

**3A. MANAGER INFORMATION**  
 The individual that has been appointed to manage and control of the licensed b

Proposed Manager Name	Mary Lunn	Date of Birth	[REDACTED]
Residential Address	[REDACTED]	[REDACTED]	649
Email	mlunn@capeclubresort.com	Phone	774-255-0999
Please indicate how many hours per week you intend to be on the licensed premises	40+	Last-Approved License Manager	John Noblin

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?  Yes  No \*Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

**3C. EMPLOYMENT INFORMATION**  
 Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
10/15/2020	present	General Manager	The Cape Club Inc	N/A
08/21/2016	10/01/2020	Clubhouse Manager	Woods Hole Golf Club	David Zauner

**3D. PRIOR DISCIPLINARY ACTION**  
 Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

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

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

Manager's Signature

*Mary Lunn*

Date 02/03/2022

## **CONSENT AGENDA**

### **2. Administrative Orders**

- a. Vote to authorize the Department of Public Works to apply for a Shared Streets and Spaces Grant for a project on Curley Boulevard



# *Town of Falmouth*

*Department of Public Works*

416 Gifford Street, Falmouth, MA 02540  
Office: 508-457-2543, Fax: 508-548-1537

Steven Cadorette, P.E., Deputy Director

[Steven.Cadorette@falmouthma.gov](mailto:Steven.Cadorette@falmouthma.gov)

The proposed Curley Boulevard road diet project will extend from the Old Main Street intersection west to the Quaker Road intersection. The project will include creating an on-road 10-foot-wide buffered bike lane and reducing the road's travel lanes to 11-foot widths. Rectangular rapid flashing beacons (RRFB) will be installed at the existing Old Main Road crosswalk. The estimated cost for this project is \$88,000.

**Diane Davidson**

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**From:** EDWARD DEWITT <edwdewitt@verizon.net>  
**Sent:** Friday, February 25, 2022 5:02 PM  
**To:** Falmouth Selectboard  
**Cc:** Peter McConarty; Falmouth Transportation Management Committee; Rhona Carlton-Foss; Ed DeWitt; Paul Dreyer; Ralph Herbst; Alison Leschen; Chris McGuire  
**Subject:** Vote to authorize the Department of Public Works to apply for a Shared Streets and Spaces Grant for a project on Curley Boulevard

To: Select Board

At its meeting on February 24, 2022, the Transportation Committee voted unanimously to strongly support the DPW application for a Shared Streets Grant on Curley Blvd. The Committee urges the Select Board to support the grant application and allow submission for the upcoming grant deadline. This is the exact kind of project the Committee believes the Select Board was envisioning when you adopted the Complete Streets Policy. This project improves connectivity between a village, a school, an existing bikeway and a popular beach for pedestrians, cyclists and school children (Safe Routes to School) while at the same time improving motor vehicle safety (traffic calming). The project will have year round benefit for safety, the economy and aesthetics.

On behalf of the Transportation Committee

## **CONSENT AGENDA**

### **2. Administrative Orders**

- b. Authorize Town Manager to execute Memorandum of Understanding between the United States Coast Guard and the Town of Falmouth regarding fire protection, protection of life and property from fire, and firefighting

**MEMORANDUM OF UNDERSTANDING  
BETWEEN UNITED STATES COAST GUARD AND THE TOWN OF FALMOUTH,  
MA REGARDING FIRE PROTECTION, PROTECTION OF LIFE AND PROPERTY  
FROM FIRE, AND FIREFIGHTING.**

1. PARTIES. The parties to this Agreement are the United States Coast Guard Sector Southeastern New England ("USCG") and the Town of Falmouth, MA for its Fire Rescue Department ("FFRD").

2. AUTHORITY. This Agreement is authorized under the provisions of 14 U.S.C. Section 141 which allows the US Coast Guard to enter into cooperative agreements with other Government agencies, and under the provisions of Title 42, U.S.C., Sections 1856, 1856a, 1856b, 1856c, and 1856d, which allows the city to enter cooperative agreement with the United States and its governmental agencies.

3. PURPOSE. The purpose of this Agreement is to set forth terms by which USCG will request and FFRD will provide fire protection and emergency medical services in order to protect life and property in the event of fire or medical emergency at USCG Sector Southeastern New England located in Woods Hole, MA.

4. RESPONSIBILITIES.

a. COAST GUARD.

(1) Upon request of the Commanding Officer of USCG or his designated representative by the Fire Chief of the Town of Falmouth or his representative, operations permitting USCG will provide firefighting assistance for boat fires and other fires, which can be attacked from navigable waters. Assistance will include a small boat crew and the use of firefighting equipment on small boats such as fire monitors and/or portable pumps. Only Coast Guard personnel will operate equipment on Coast Guard vessels.

(2) Upon request by the Fire Chief of the Town of Falmouth or his representative the Coast Guard agrees to provide waterborne transportation of Falmouth's firefighters and/or emergency response equipment to the scene of a fire or emergency. The service will only be provided within the Town of Falmouth.

b. TOWN OF FALMOUTH - FIRE DEPARTMENT.

(1) Upon request of the Fire Chief of the Town of Falmouth or his representative by the Commanding Officer of the USCG or his designated representative, firefighting equipment and personnel of the FFRD will be dispatched to fight structural fires, and perform rescue and assistance on board naval assets attached the water front at USCG units at Woods Hole, MA.

(2) FFRD personnel and equipment shall report to the Officer of the Day (OOD) upon arrival, the senior FFRD fire officer shall be briefed by the OOD. This briefing shall include location and status of emergency.

(3) All equipment used by FFRD in carrying out the terms of this Agreement shall, at the time of employment, be owned and operated by FFRD, and be employed in accordance with existing mutual aid agreements. All personnel acting on behalf of FFRD under this Agreement shall, at the time of such action, be an employee or a volunteer member of FFRD or be acting in accordance with existing mutual aid agreements.

(4) FFRD fully recognizes and understands that Sector Southeastern New England is Federal property and that the USCG Commanding Officers have ultimate authority for all activity on board Government property.

5. EXPENSES AND REIMBURSEMENT.

a. This Agreement does not constitute a funding document. Reimbursement for the cost of emergency services provided to USCG is governed by 15 U.S.C. Section 2210 and the implementing regulations set forth at 44 C.F.R. Part 151. Any such claim for reimbursement of response costs may be made accordingly.

6. ADDITIONAL TERMS. Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the United States Coast Guard, Department of Homeland Security or of the Town of Falmouth. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but remaining terms and conditions of this Agreement shall remain in full force and effect. This Agreement provides no rights or privileges to others not a party to this Agreement.

7. POINTS OF CONTACT.

a. COAST GUARD.

Commanding Officer  
USCG Sector Southeastern New England  
1 Little Harbor Road  
Woods Hole, MA. 02543  
(508) 457-3267 – Sector Commander  
(508) 457-3218 – Deputy Sector Commander  
(508) 438-2311 – Sector Engineer Officer

b. FALMOUTH FIRE RESCUE DEPARTMENT.  
599 Main Street  
Falmouth, MA 02540  
Fire Chief Tim Smith  
(508) 548-2325

c. FALMOUTH TOWN MANAGER.  
59 Town Hall  
Falmouth, MA. 02540  
Julian Suso  
(508) 548-7611

8. EFFECTIVE DATE. The terms of this Agreement will become effective upon the date of the last signature.

9. MODIFICATION. This Agreement may be modified upon the mutual written consent of the Parties.

10. TERMINATION. The terms of this Agreement, as modified, will remain in effect until both Parties agree to terminate it. Either party may terminate this Agreement upon 30-day written notice to the other party. This Agreement will be reviewed annually by the Parties.

APPROVED BY:

UNITED STATES COAST GUARD

By: \_\_\_\_\_  
C. J. Prindle  
Commander, U.S. Coast Guard  
Sector Southeastern New England

Dated: \_\_\_\_\_

TOWN OF FALMOUTH

By: \_\_\_\_\_  
Julian Suso  
Town Manager  
Town of Falmouth, Massachusetts

Dated: \_\_\_\_\_

## **CONSENT AGENDA**

### **3. Review and Vote to Approve Minutes of Meetings**

– Public Session – January 31, 2022

NOTE: The draft minutes will be emailed separately.

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, JANUARY 31, 2022**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

Present: Doug Brown, Chair; Nancy Taylor, Vice Chair; Megan English Braga; Sam Patterson; Onjalée Scott Price.

Staff present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

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

1. Call to Order by Chair Brown at 7pm.

2. Pledge of Allegiance

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

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

Briggs described his project, in March 2020 he coordinated a group of 30 people and their families to restore a trail to prevent eroding, including clearing brush.

4. Recognition

Chair Brown recognized the good work by the DPW and Eversource getting power back up quickly after the snowstorm.

5. Announcements

Scott Price noted tomorrow starts Black History month, activities going on coordinated by the Woods Hole Black History Committee, she suggested those interested search online for contact information.

North Falmouth elementary school has sprinkler problem, until replaced and fixed the school will not be able to operate.

6. Public Comment

Richard Duby, Blacksmith Shop Rd., left documentation regarding the FPD disposal of firearms, disposal of surplus properties, tangible supply disposition, and a screenshot from website that listed the trade in value.

Dianna Mota, 30 Corte Real Ave., complaining about the condition of the roads. She filed two insurance claims since September. The Town is responsible for it through the excise tax. Is it possible to mandate that this be allocated for road infrastructure only? The tax is collected and goes into a general fund of each city or town, and she was told the revenue goes into a general fund for support of the general operating budget; use is unrestricted. Falmouth residents may not know that this insurance exists. The potholes are not taken care of and, as a result, they get bigger. The excise tax goes to the community, but the road conditions are destroying cars. The Town has neglected to remedy the situation and the Town is responsible for the repairs to her Jeep. She cited MA General Laws related to damage/injury due to defect in the roadways. Mota has spent over \$6,000 on repairs. She left documents with the Select Board.

Maureen Harlow-Hawkes, West Falmouth, Engine 24 taken offline during the storm, there was no engine with the four firefighters assigned to the station. She suggested it may be time to reconsider fast response vehicles, they are affordable, 4x4, and fit in every station.

Suso advised the FFD identified a replacement engine and is working on that at this time.

Suso cited the recent house fire in New Silver Beach, first arriving unit was from the West Falmouth Station.

Mark Finneran, Grand Ave., provided a document to the Select Board. Commented on the power line through Worcester Court Park. Electromagnetic fields and the affect to children is his concern and he provided information, citing a particular study. He does not believe this risk is worth the Town receiving \$20 million over 20 years; Mayflower can find another place to run the line. He also stated the notice for Thursday's 7pm meeting at the Lawrence School regarding the Hatchville fire station meeting was hidden in the Enterprise Newspaper.

Dave Moriarty, Falmouth, said Leukemia Association is having a virtual having open house on 2/6/22 at 1pm, it will be Town Meeting style allowing people to call in and ask questions. For more information /registration he suggested contacting Carey Callis 847-917-6247, mail address [carrie@irfmail.org](mailto:carrie@irfmail.org).

7. Vote to Affirm Appointment of Town Counsel

Suso introduced and recommended Maura O'Keefe as Town Counsel, she was previously the Newton Assistant City Solicitor.

O'Keefe is looking forward to providing counsel and support to Falmouth. She will start March 7, 2022. She has begun searching for housing, intends to relocate, currently lives in Franklin and is used to an hour commute.

**Scott Price motion to affirm the appointment and waive residency requirement. Second Patterson. Yes-5. No-0.**

#### **TOWN MANAGER'S PRELIMINARY REPORT**

Suso provided preliminary comments on the agenda. Noted recommendation from Amy Lowell and Scott McGann for waiver of the flow neutral bylaw. Wastewater capacity is sufficient to accommodate the proposal and a Title V system could have been used.

Revisit the Select Board's earlier vote preference for potential Municipal Light Plant Board, to assist the Select Board it was placed on the agenda should you choose to vote it and consider adopting articles for Town Meeting. Letter from Michael Palmer, Clerk, regarding concerns potential consideration placing this item as special election and he recommends allowing it to move to May 2023 annual election. A special election would cost about \$10,000; most for costs associated with printing and preparation of the ballots.

There are 38 potential articles for April Town Meeting, including 6 petitioner articles.

St. Barnabas is seeking a routine variance for signage for annual seasonal events, been held consistently, he recommends favorable consideration by the Select Board.

Representative from the County regarding: ARPA funds, discussion of potentially making that available to municipalities. Falmouth got about \$3 million, county got \$41 million based on population. The Select Board sent a letter through Johnson-Staub to the county. Suso suggested submitting a follow up letter suggesting the County make the ARPA money available to the municipalities based on population.

English Braga asked Town Council whether a conflict exists and if Chair Brown needs to recuse himself from the vote due to his roles with the County and the Town. Johnson-Staub stated there is no conflict. Atty. Duffy will review the issue, Conflict of Interest Law, and determine the answer.

#### **7:30 p.m. PUBLIC HEARINGS**

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

English Braga read the hearing notice.

Suso noted there was transposition on the address, the 2 and 8 were reversed, but all information the Select Board has, and the notice are correct.

Natalia Demertsidis. Greek authentic cuisine, doing well for last two months. Town has welcomed them. She is the manager and TIPS certified. Brown explained that she is responsible for the liquor service event when not present.

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

2. Application for a New All Alcoholic Beverages Common Victualler License – Woho, LLC d/b/a Provisions located at 87 Water Street, Units 1 and 2, Woods Hole (10 minutes)

English Braga read the hearing notice.

Bob Ament, representing Colleen Parish and Jeff Parish, who have lived in Falmouth since 1988. History of operation of restaurants and a food market in Falmouth. Reviewed their experience working in Falmouth markets, including liquor service. The restaurant will be located at 87 Water St., second floor has a total 67 seats. The Manager is TIPS trained, SERV Safe trained, and trained in allergy awareness. 850 people signed petitions or wrote letters supporting the restaurant. When business is so slow that they cannot operate, it can be challenging to remain open year round; hopefully the restaurant will help them sustain the market and if they can be open year round, they would like to.

English Braga noted the Parishes have had a number of establishments and she is not aware of any issues. Entertainment license did not get public notice, so they will do it at another meeting.

Taylor asked about accessibility; there are 5 seats behind the store and 16 seats proposed for a ground level patio that is handicap accessible. There is no elevator to the second floor.

Public Comment: none.

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

3. Wetlands/Dock Hearing – Nina’s Marina Realty Trust – Install new vinyl sheet pile bulkhead adjacent to and landward of existing licensed timber bulkheads, and removal of existing tongue and groove timber sheathing, located at 306 Scranton Avenue, in the waters of Falmouth Inner Harbor, continued from December 6, 2021, and January 10, 2022

English Braga read the hearing notice.

This hearing was continued from 12/6/21 and 1/10/22.

Mike McGrath, Holmes and McGrath, explained the existing bulkhead is old and leaking material, proposing to rebuild the bulkheads and reviewed a plan via PowerPoint, described the area. Access for work was shown on the plan. Reviewed a map of one of the two sections, materials, existing materials and proposal to drive tongue and groove sheeting. Tie rods will be welded. Building new sand filter behind the boardwalk to catch the surface run off. They have an order of conditions, asked for an amended order of conditions, but it has not yet issued. This is appropriate for a Special Permit because of the benefits of stopping silt into the harbor, improve structure on shores of Falmouth inner harbor, intersect surface run off and pipe it as far as they can from the harbor. Piles will be driven in, they could be vibrated in, if possible.

Public comment: none.

**English Braga motion to close haring. Second Patterson. Vote: Yes-5. No-0.**

**English Brags motion approval. Second Scott Price. Vote: Yes-5. No-0.**

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

English Braga read the hearing notice.

Jeff Ryther, BSS Design, representing the applicant. The dock comprises of a 4 ft. wide walkway and fixed dock 8’x12’ at the end. They would like to license the existing stone riprap. Maximum area that the Conservation Commission allows for this type of dock is 100 square feet at the end; they are at 96 square

feet. There is a ladder for swimming. Have an Order of Conditions, Harbor Master has no problem. Five horsepower engine is the limit on the pond and will be added as a condition.

Public comment: none.

**English Braga motion to close the hearing. Second Scott Price. Vote: Yes-5. No-0.**

**English Braga motion approval with reminder of the existing limitation for the horsepower. Second Taylor. Vote: Yes-5. No-0.**

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

English Braga read the hearing notice. The Select Board received new orders of condition today.

Jeff Ryther, BSS Design, representing the applicant. Propose to construct a pier ramp float, described the 8'x12' float, length is 25', built at shoreline, use for boating and swimming. The soundings are deep. The float will most likely be seasonal.

Public Comment: none.

**Taylor motion close the hearing. Second English Braga. Vote: Yes-5. No-0.**

**Scott Price motion approval. Second Taylor. Vote: Yes-5. No-0.**

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

Public hearing published 1/14/22 in Falmouth Enterprise.

Michael Leary, ML Construction, applicant unable to be present due to snow.

English Braga said this creates office space and an apartment.

Public comment: none.

**Taylor motion close the hearing. Second English Braga. Vote: Yes-5. No-0.**

**Scott Price motion approval. Second Taylor. Vote: Yes-5. No-0.**

## **BUSINESS**

1. Discuss and Vote preference for potential Municipal Light Plant Board

Patterson noted about \$10,000 for a special election.

Suso said that to proceed with requesting a special act and this election be held with November state election. This will be a warrant article, draft article 27, and would be included; ultimately it is up to Town Meeting to decide and decide Articles 25 and 26.

David Moriarty asked if Petitioner's Article 22 could be delegated for internet only.

Johnson-Staub noted this is a petition article, the Select Board cannot change the petition article, must be printed and submitted by the petitioners; the petitioners could move a substitute main motion if so inclined or there could be an amendment by the Select Board or anyone at the Town Meeting to make it more explicit that it is for broadband, not electricity.

Chair Brown suggested the explanation include this information.

Atty. Duffy noted the statute is confusing, it allows the Town to adopt legislation to create a municipal light board with original purpose was for light plant; over the years it has included broadband. FalmouthNet is

only broadband, no interest in electricity. The article notifies people what they will talk about and then motion made. The explanation is not part of the vote, care should be made in coming up with the motion at Town Meeting.

David Moriarty asked that this go through the normal procedure. Chair Brown explained this is to elect the five-member board and hire a manager for operations.

English Braga noted that only broadband has been discussed, likely there will be an amended motion at Town Meeting, something specific that says broadband internet.

Chair Brown motion to petition the State to allow a special election to be held at the same time as the State General Election in November 2022 for the purpose of determining this Municipal Light Plant Board.

Taylor cannot vote for that given what it will do to the Town Clerk and the Town Clerk is not in favor of it.

Mark Finneran asked if they have option of doing it during the primary.

Atty. Duffy noted the Select Board is allowed to call a Special Election to fill a vacancy on the Select Board at any time, for any other special election you need special legislation.

Suso noted the Town Clerk said it is the printing of the separate ballot that represents the increased cost.

Scott Price asked how long it takes Special Legislation to pass, Suso explained that they rely on their local State representatives to move that forward. It is widely variable. Town Meeting would act first, then they would reach out to seek approval through the General Court and communicate directly with the legislative delegation.

Atty. Duffy noted if decided to petition the General Court for special legislation, his office would draft that petition. The Town chooses the timeline and it's very short.

Scott Price asked if the Select Board decision on this will affect how Town Meeting votes on Articles 25 and 26.

English Braga noted Town Meeting generally makes the right decisions, issues are hashed out, and she likes to put more rather than less to Town Meeting.

**English Braga motion to petition for a special election for Municipal Light Plant Board if it should be voted by Town meeting in November, 2022. Second Patterson. Vote: Yes-3. No-2. (Taylor and Scott Price)**

2. Vote Articles and Execute Warrant for April 2022 Annual Town Meeting

Suso noted the schedule is on adjacent page to the warrant, tonight the Select Board will vote to execute, approve article.

The articles were read by Chair Brown.

1-5

6-12

13: Price noted grammatical errors.

14: There has been an estimate identified, about to execute a contract with an engineering firm for design, it will be in motion.

15

16: Estimate will be in the motion.

17:

18-21: Acquiring property for sewer: no intent to exercise eminent domain.

22, 23, 24

33

**Patterson motion to include draft articles 1-38 on the warrant. Second Taylor. Vote: Yes-5. No-0.**

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

Reverend Will Mebane thanked the Town for taking care after the storm. Placement of temporary signs on the property, they are very active community, and they are allowed 2 signs a year for 7 days. Their lobster on the lawn is a 40-day event, asking for exemption from that code. They have a number of events, they want to be in compliance.

Price disclosed that she is a member of St. Barnabas.

Suso said it is an annual requirement to come in, easy to replicate this package annually.

David Moriarty asked if they could table the issue until a representative can come in and provide a timeline or let it play out.

The Select Board noted the signage is important.

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

4. Discussion on distribution of County ARPA Funds

Johnson-Staub noted issue that came up in meeting; allocate the funds based on population; this is how the funds were allocated to the County in the first place and this is the basis all other counties have done. Eric Turkington provided explanation around this item.

**Patterson motion to direct the Town Manager to transmit a follow up letter asking that ARPA Funding be redistributed to Cape Cod municipalities based on population as originally allocated by the federal government. Second Scott Price. Vote: Yes-5. No-0.**

Suso noted any discussion may also imply a vote because that is all they are legally required to do.

Suso noted the Cape Cod Managers Association recommended what the Select Board had just voted.

Marc Finneran commented that if all other counties in the State are distributing based on how the federal government distributed by population, could we have grounds to sue the County if they distribute it differently? Johnson-Staub said there is no indication that the County must allocate the funds to the Towns and, if so, by population.

## CONSENT AGENDA

1. Licenses
  - a. Approve application for a Change of Manager of an all Alcoholic Common Victualler License – Cape Cod Country Club, located at 48 Theater Drive, Hatchville  
Dan Noble, Serve Safe, TIPS, allergen certified within the last 60 days.
  - b. Approve application for a Change of Address of a Wine and Malt Beverages License – New Golden Dynasty Restaurant, Inc., located at 13 Davis Straits, Unit #7, Falmouth
2. Administrative Orders
  - a. Approve 2022 Seasonal Population Increase Estimation Form for submittal to the Alcoholic Beverages Control Commission
  - b. Approve Grant of License to Shanklin Family Real Estate Trust to maintain a stockade fence, gate and hedges encroaching onto the street layout of Central Avenue at 490 Central Avenue
  - c. Vote to approve request to extend the term of the Edward Marks Building Committee until 12/31/24
  - d. Approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from Unitarian Universalist Fellowship of Falmouth, 840 Sandwich Road
  - e. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by David Moriarty re: Select Board meeting of January 15, 2022

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

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

3. Review and Vote to Approve Minutes of Meetings

- Public Session –  
December 20, 2021

**Patterson motion approval as edited. Second Scott Price. Vote: Yes-5. No-0.**

January 3, 2022

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

**TOWN MANAGER’S SUPPLEMENTAL REPORT**

Suso reported he attached to his report a summary recruitment update for Town positions.

Joined the Finance Committee’s weekly meeting. Joined the EDIC on presentation on alternatives for the depot property. The Sandwich Road Fire Station Building Committee public meeting to review design and take public comments will be held on 2/3/22.

**SELECT BOARD MEMBERS’ REPORTS**

English Braga received some concerns about the depot, neighbors had a concern about the 1/26/22 web format meeting. This will be a community project and she heard from a few people with that same concern; this was not something they were aware it was progressing the way that it was. Chair Brown reported he has been attending meetings and advocating to keep the shared parking in the back, he will continue to do so. Trying to get them to keep an open mind about that. Patterson said that he is on the EDIC Board, all has been taking information, deliberation, and no decisions have been made. Chair Brown voiced concern that the last meeting was a summary of comments received, they did not include any comments that he made each time about the Elks Club.

Chair Brown announced a joint meeting was to be held with the Transportation and Bikeways/Pedestrian Committees on Wednesday via Zoom to review how Complete Streets prioritization plan will be laid out.

Patterson is part of EDIC meetings, tried to attend the MMA annual meeting and did not find it useful. Watched Mayflower Wind webinar where they explained the project they are doing and how they will route half their power through Brayton Point, the other half they want to route through Falmouth to connect to the grid.

Dave Moriarty asked if the Select Board could ask Mayflower Wind to put on a presentation to the Town as soon as possible. The Select Board noted they expect a presentation soon.

**English Braga motion to adjourn at 9:30 pm. Second Patterson. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary