

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, MARCH 14, 2022 – 6:30 P.M.**  
**SELECT BOARD MEETING ROOM**  
**TOWN HALL**  
**59 TOWN HALL SQUARE, FALMOUTH, MA 02540**

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

**6:30 p.m. OPEN SESSION**

**6:30 p.m. EXECUTIVE SESSION**

1. M.G.L. c.30A s.21(a)(6) and s.21(a)(3) – To consider the value of Mayflower Wind Electric Cable easements and other matters to be presented at the Energy Facilities Siting Board and Massachusetts Environmental Policy Act regulatory tribunals in connection the proposed electric transmission cable - Mayflower Wind

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

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

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

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

1. Wetlands/Dock Hearing – Nicholas and Amy Lowell – Removal of existing pier and construction and maintenance of a seasonal timber pier, float and pipe piles with disk feet in the waters of Coonamessett Pond at 27 Atamansit Road, Hatchville

**7:45 p.m. BUSINESS**

1. Cape Cod Regional Transit Authority (CCRTA) digital bus schedule signage (10 minutes)
2. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Commodores Baseball Clinics and Falmouth Commodores Game Day Signs – late-April to August 14, 2022 (5 minutes)
3. Follow up discussion on fire station staffing policy (10 minutes)
4. Discussion of Nutrient Management Bylaw (10 minutes)

**8:20 p.m. CONSENT AGENDA**

1. Administrative Orders
  - a. Vote to approve 2022-2023 Shellfish Resource Management Regulations
  - b. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by David Moriarty re: Select Board meeting of March 5, 2022
  - c. Authorize Planning Department to submit grant application to Massachusetts Historical Commission for Edward Marks Building exterior improvements
2. Review and Vote to Approve Minutes of Meetings:
  - a. Public Session – January 31, 2022
  - b. Executive Session – March 5, 2022 (and vote to release/not release)

**8:25 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**8:30 p.m. SELECT BOARD REPORTS**

**8:40 p.m. DISCUSSION OF FUTURE AGENDA ITEMS**

**8:50 p.m. ADJOURN**

Douglas C. Brown, Chair  
Select Board

**OPEN SESSION**

**TOWN MANAGER'S PRELIMINARY REPORT**

March 14, 2022

## REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: March 11, 2022

JM Suso

- The Board will meet in executive session at 6:30PM on Monday for a status update on matters related to Mayflower Wind.

### PRELIMINARY

- CCRTA Administrator Tom Cahir has confirmed that he plans to join the Board on Monday evening for the presentation/discussion on CCRTA's pilot program on digital bus schedules. We look forward to following the Board's lead on potentially proceeding.
- Working with Fire Chief Tim Smith, we have transmitted to the Board a suggested minor, but important Policy Clarification related to fire station staffing. We welcome a further engagement discussion on this important matter.
- At the request of the Falmouth Water Stewards, we will be entertaining a suggestion for an informational piece on the Town's nutrient management bylaw for possible inclusion in upcoming water bills.

### SUPPLEMENTAL

- The April Town Meeting Warrant Booklet has been transmitted to the printer with all recommendations and explanations complete. I thank members of the Board for your assistance in completing the review and confirmation process for the proposed Eversource easements to allow a positive recommendation via your Special Meeting on March 9.
- We have received the schedule for Town Meeting Precinct meetings and, as per standard procedure, plan to have appropriate staff members attend to answer questions and follow up with information.
- I was pleased to join the Finance Committee meeting on this past Monday as they concluded their final deliberations on the April Town Meeting financial warrant articles. I thank them for their thoughtful, diligent work.
- The Board's next regular business meeting is scheduled for Monday, March 28.

## **PUBLIC HEARINGS**

1. Wetlands/Dock Hearing – Nicholas and Amy Lowell – Removal of existing pier and construction and maintenance of a seasonal timber pier, float and pipe piles with disk feet in the waters of Coonamessett Pond at 27 Atamansit Road, Hatchville

### Public hearing checklist:

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

March 14, 2022



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, March 14, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Nicholas and Amy Lowell for a proposed waterfront improvement project including the removal of an existing pier and the construction and maintenance of a seasonal timber pier, float and pipe piles with disk feet in the waters of Coonamessett Pond located at 27 Atamansit Road, Hatchville, MA. Area affected is Coonamessett Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the  
Select Board

*Publication dates: Friday, February 25, 2022 and Friday, March 4, 2022; Falmouth Enterprise.*

# Legal Notices

## PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, March 14, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Nicholas and Amy Lowell for a proposed waterfront improvement project including the removal of an existing pier and the construction and maintenance of a seasonal timber pier, float and pipe piles with disk feet in the waters of Coonamessett Pond located at 27 Atamannsit Road, Hatchville, MA. Area affected is Coonamessett Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the  
Select Board

February 25, 2022  
March 4, 2022

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

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

Continuation(s)  
#114-21 Dai, 53 East Falmouth Highway, East Falmouth

**Application # 007-22 Ryan Kerrigan:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240.10.4.B(3)c (formerly 240-66 C.(3)) of the Code of Falmouth to construct a single-family dwelling on subject property known as 92 Rainbow Avenue, East Falmouth, Ma.

**Application #008-22 Brendan T. and Alexandra D. Maddigan:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. (formerly 240-3C) of the Code of Falmouth to allow a plunge pool and to raze the existing detached, non-conforming garage and construct a pool house on subject property known as 24 Oakwood Avenue, Falmouth, MA.

**Application # 009-22 Barbara Good Toohy, Trustee:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A. (formerly 240-3 C.) of the Code of Falmouth to construct an addition to the pre-existing, non-conforming single family dwelling on subject property known as 15 Rock Street, North Falmouth, Ma.

**Application # 010-22 72 Woodside LLC:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.3A(4) (formerly 240-69 E.) of the Code of Falmouth to construct a single family dwelling, exceeding 20% lot coverage by structures on subject property known as 0 Woodside Drive (lot 32), East Falmouth, Ma.

**Application # 011-22 E. Winn Davis and Linda H. Davis:** Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.2A (formerly 240-3 C.) of the Code of Falmouth to construct an addition to the pre-existing, nonconforming single family dwelling on subject property known as 14 Dillingham Avenue, Falmouth, Ma.

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

February 25, 2022  
March 4, 2022

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on **Wednesday March 9, 2022 at 7:00 PM.**

In accordance with Chapter 20 of the Acts of 2021, relating to the 2020 novel Coronavirus outbreak, the **March 9, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to avoid group congregation.** Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.  
2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software for remote access. This application will allow users to view and participate in the meeting. Text comments submitted with the Chat function will be read into the record at the appropriate points in the meeting.  
a. Zoom-Login instructions:

i. Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthma.gov/Conservation>

ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.

3. Additionally public comments may be sent in advance of the meeting to [concom@falmouthma.gov](mailto:concom@falmouthma.gov) at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.

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

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

### REQUESTS FOR DETERMINATION OF APPLICABILITY

**Christopher Rhoads, 7 Swift Street, Falmouth, MA** - For permission to repair and maintain an existing licensed seawall.

**Michael Ryan, 140 Associates Road, West Falmouth, MA** - For permission to install a new Title V septic system, and all associated clearing, grading, and landscaping.

**Heather Camplon, 20 Sheridan Avenue, Falmouth, MA** - For permission to replace pilings and decking on an existing, licensed timber pier.

**William Heald, Heald Family Limited Partnership, 79 Old Dock Road, West Falmouth, MA** - For permission to maintain an existing, licensed seawall.

**Jennifer F. Hoffman-Jonas, 77 Old Dock Road Realty Trust Two, 77 Old Dock Road, West Falmouth, MA** - For permission to maintain an existing licensed seawall.

**Christopher Ramsdell, Ramsdell Family LLC, 73 Old Dock Road, West Falmouth, MA** - For permission to maintain an existing, licensed seawall.

**Michael O'Hara, 56 Pattee Road, Falmouth, MA** - For permission to remove several trees and to prune branches.

**David and Wendy Cushing, 90 Nantucket Avenue, Falmouth, MA** - For permission to construct a half story addition and install drywells.

**Heather & Charles Camplon, Trustees, 0 Clinton Avenue (Map 47C-08-029-137B), Falmouth, MA** - For permission to install an osprey pole, platform and support structure by hand.

**Joseph & Lucia Giangrasso, Trustees, 140 Chapoquoit Road, West Falmouth, MA** - For permission to install an osprey pole, platform and support structure by hand.

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

**Barbara Good Toohy, Trustee, 15 Rock Street Nominee Trust, 15 Rock Street, Falmouth, MA** - For permission to construct an addition, remove a section of pavers, and install mitigation plantings.

By Order of: Jamie Mathews, Chairman  
Falmouth Conservation Commission

February 25, 2022

The Town of Falmouth, requests sealed bids for demolition of the Falmouth Wastewater Treatment Facility Wind Energy Facility. Bids will be received at the Office of the Town Manager, 59 Town Hall Square, Falmouth, MA 02540 until 2:00 PM, on March 25, 2022.

The scope of work includes the demolition of two Vestas 1.65-megawatt wind turbines, including: clearing and grubbing; capping and proper disconnection of electrical interconnection, including transformers, low-, medium-, and high-voltage wiring, SCADA, communications and metering systems; demolition of the wind turbines, disposal or recycling of all demolished system components and debris, site restoration, and all other ancillary activities required to complete the project.

Contract Documents may be viewed and downloaded free of charge at [www.accentblueprints.com](http://www.accentblueprints.com) or at Accent Printing, 99 Chelmsford Rd., North Billerica, MA 01862, 9:00 A.M. - 4:00 P.M.

Questions addressed to Weston & Sampson Engineers, Inc., Attn: Lee Koska ([koska@wseinc.com](mailto:koska@wseinc.com)) 978-532-1900

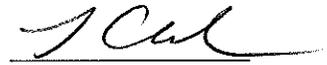
All bids for this project are subject to applicable bidding laws of Massachusetts, including General Laws Chapter 30, Section 39M as amended.

A Prebid Conference will be held on March 2, 2022 at 10:00 AM at the Falmouth Wastewater Treatment Facility, 154 Blacksmith Shop Road, Falmouth, MA 02536.

February 25, 2022  
March 4, 2022

**27 ATAMANNSIT RD**

CERTIFIED

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

Bruce Cabral  
Assistant Assessor  
Town of Falmouth, MA  
February 16, 2022



0 HATCHVILLE RD 17 01 016 050

LUC: 932

FALMOUTH TOWN OF  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH. MA 02540

0 HATCHVILLE RD 17 01 016 051

LUC: 932

FALMOUTH TOWN OF  
CONSERVATION COMMISSION  
59 TOWN HALL SQ  
FALMOUTH. MA 02540

43 ATAMANNSIT RD 17 01 016 002

LUC: 101

INNIS JR CHARLES S  
INNIS MARGARET A  
43 ATAMANNSIT RD  
EAST FALMOUTH. MA 02536

35 ATAMANNSIT RD 17 01 016 045

LUC: 101

INNIS TRUSTEE MARGARET A  
INNIS JR TRUSTEE CHARLES S  
43 ATAMANNSIT RD  
E FALMOUTH. MA 02536

27 ATAMANNSIT RD 17 01 016 029

LUC: 109

LOWELL NICHOLAS S  
LOWELL AMY A  
33 CAMERON RD  
N FALMOUTH. MA 02556

11 ATAMANNSIT RD 17 01 016 047

LUC: 101

MARJOLLET JEAN-PIERRE  
MARJOLLET NANCY  
10 SHIPYARD DR  
UNIT 211  
HINGHAM. MA 02043

5 ATAMANNSIT RD 17 01 016 048

LUC: 101

MARJOLLET JEAN PIERRE G  
MARJOLLET NANCY  
10 SHIPYARD DR  
UNIT 2111  
HINGHAM. MA 02043

19 ATAMANNSIT RD 17 01 016 046

LUC: 101

POHLMAN JOHN  
POHLMAN ALYSSA  
19 ATAMANNSIT RD  
EAST FALMOUTH. MA 02536

87 ATAMANNSIT RD 17 01 016A 008

LUC: 101

WILSON TRUSTEE EVERTON  
WILSON WEEKS TRUSTEE RENEE  
9 ALBERT ST  
CANTON. MA 02021



**holmes and mcgrath, inc.**

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

DATE	02/01/2022	JOB NO.	220299
ATTENTION			
Wetlands Special Permit Application			
Nicholas and Amy Lowell			
27 Atamansit Road			
Falmouth			

To: Falmouth Board of Selectment  
 59 Town Hall Square  
 Falmouth, MA 02540

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

COPIES	DATE	NO.	DESCRIPTION
2	2/1/2022		Selectmen Special Permit Application Package
1	11/23/2021	89-3-05A	Plan of Proposed Site Modifications
1			Maria Hickey Land Management Plan 12/14/2021
1	2/1/2022	1651	Special Permit Fee \$75.00

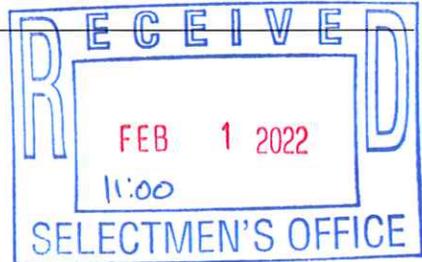
REMARKS:

The above project has been approved by Conservation. We are awaiting the Order of Conditions to be received.

COPY TO:

Client – 1 each by email  
 Maria Hickey – 1 each by email

SIGNED: Nathan Goshgarian 2/1/2022



TOWN OF FALMOUTH  
BOARD OF SELECTMEN

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

To the Board of Selectmen  
Falmouth, Mass.

Date: January 31, 2022  
~~January 25, 2022~~

The undersigned hereby applies to the Board of Selectmen as required by Section 240-77 of the Zoning Bylaws, for a permit to alter, as indicated below, the following described premises:

Owner: Nicholas and Amy Lowell #33 Cameron Road, Falmouth MA 02556  
(full name) (address)

Agent: Holmes and McGrath, Inc., #205 Worcester Ct, Suite A-4, Falmouth, MA 02540  
(full name) (address)

Applicant: Nicholas and Amy Lowell #27 Atamansit Rd. Falmouth MA 02536  
(full name) (address)

1. Location of Property: Map 17 Section 01 Parcel 016 Lot 029

Street Name and House Number: Atamansit Road, #27

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

3. Description of property and project site: Lot 29 at #27 Atamansit Road is a private, single family, residentially developed parcel of land with an approximate area of 46,900 square feet including approximately 150 feet of waterfront on the south side of Coonamessett Pond. The pond is larger than 10 acres and therefore defined as a Great Pond. The parcel is located within Flood Hazard Zone X as indicated on the Federal Emergency Management Agency Flood Insurance Rate Map. The wetland resource areas on or within 100 feet of the property include land under water body and inland bank. The subject property is not located within Estimated and Priority Sites of Rare and Endangered Species as shown on the included NHESP maps. The proposed project includes the removal of the existing dock and the construction and maintenance of a proposed seasonal timber pier with pipe piles and disk feet. Work will take place on land under water body & inland bank.

a. Dimension, Acreage of total parcel: 200' x 175' 1.15 acres

b. Length of water marsh frontage: 150 feet +/-

c. Dimension of area to be dredged: none Depth: N/A

d. Dimensions of area to be filled: none

e. Volume of dredging spoil to be removed: none

Disposition of Spoil: N/A

APPLICATION FOR PERMIT TO DREDGE

SECTION 240-77, FILL OR OTHERWISE ALTER WETLANDS

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

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

The proposed project includes the construction and maintenance of a seasonal timber pier with a 4' x 40' walkway, 8' x 12' Tee float with 2" pipe piles and disk feet in Coonamessett Pond. Work will take place on an inland bank, and land under waterbodies.

h. Method (equipment to be used) for proposed work: The work will be performed using minimal construction equipment. All standard and special conditions laid out in the Order of Conditions by the Falmouth Conservation Commission will be followed.

4. Purpose of proposed work: Removal of existing pier. Installation and maintenance of new seasonal timber pier and float.

5. Zoning which governs area: AGA

6. Date of application for permit to dredge or fill from the Commonwealth of Mass: not yet filed Army Engineers: NA

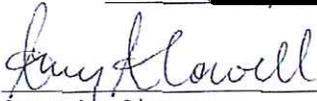
7. Has a permit ever been approved or refused for this location? By State, Federal or Local Authority: No

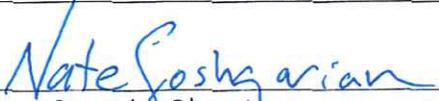
8. Remarks \_\_\_\_\_

9. Project Summary for legal notice: The proposed waterfront improvement project includes the removal of an existing pier and the construction and maintenance of a seasonal timber pier, float and pipe piles with disk feet.

Owner: Nicholas and Amy Lowell  
#33 Cameron Road  
Falmouth, MA 02556  
(name and address)  
Tel. # [REDACTED]

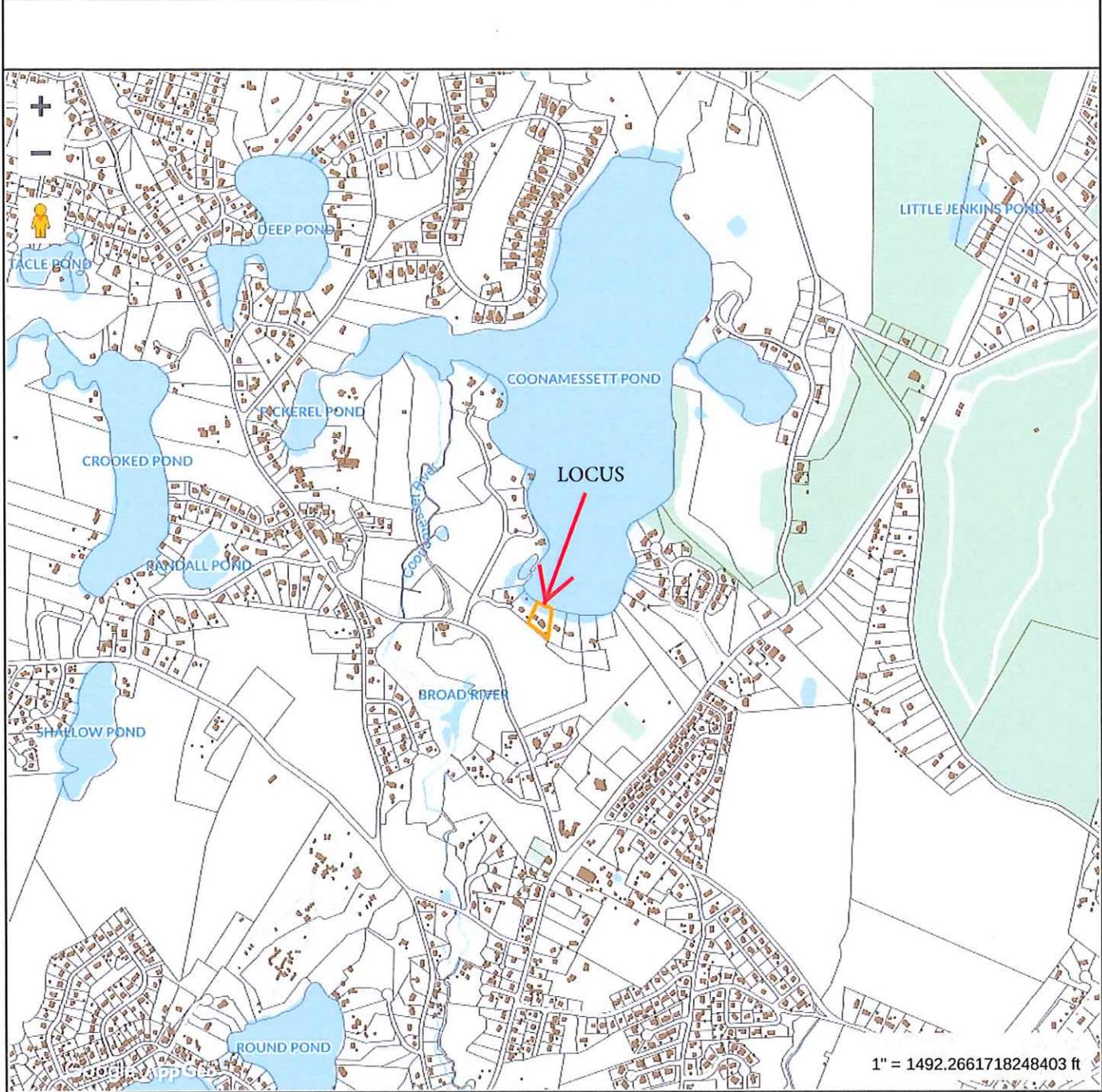
Agent: Holmes and McGrath, Inc.  
205 Worcester Ct, Suite A4  
Falmouth, MA 02540  
(name and address)  
Tel. # 508-548-3564

  
Owner's Signature

  
Agent's Signature

Applicant: Same as owner  
\_\_\_\_\_  
(name and address)  
Tel. # \_\_\_\_\_

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

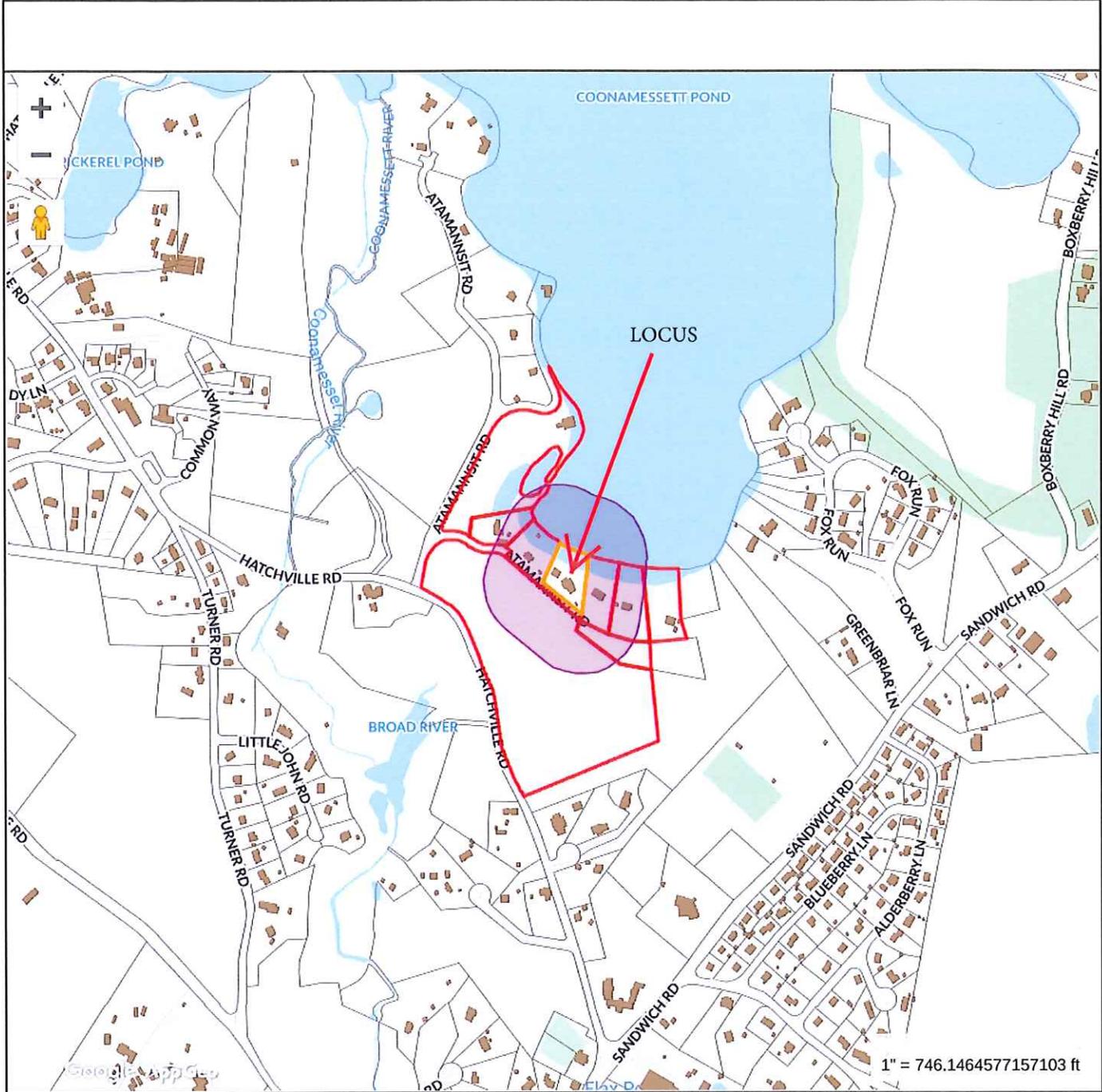


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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

Data updated 12/14/2021

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



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Data updated 12/14/2021

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**300-FOOT ABUTTERS LIST**

To be submitted with application for hearings:

List of property owners notified in connection with a public hearing for  
WETLANDS SECTION 4300 on petition of Nicholas S. and Amy A. Lowell  
 (type of hearing) (applicant)

#33 Cameron Road, N. Falmouth MA 02556

(mailing address)

as established by the Bylaws of the Town and/or M.G.L.

Owners: House Number: #27 Street: Atamansit Road

Owners: Map 17 Section 01 Parcel 016 Lot 029

LISTED BELOW ARE ABUTTERS BY MAP- SECTION- PARCEL- LOT NUMBERS AND NAME

<b>MAPNO</b>	<b>OWNER</b>	<b>COOWNER</b>	<b>PROPLOC</b>
17 01 016 002	INNIS JR CHARLES S	INNIS MARGARET A	43 ATAMANNSIT RD
17 01 016 045	INNIS TRUSTEE MARGARET A	INNIS JR TRUSTEE CHARLES S	43 ATAMANNSIT RD
17 01 016 046	POHLMAN JOHN	POHLMAN ALYSSA	19 ATAMANNSIT RD
17 01 016 047	MARJOLLET JEAN-PIERRE	MARJOLLET NANCY	10 SHIPYARD DR
17 01 016 048	MARJOLLET JEAN PIERRE G	MARJOLLET NANCY	10 SHIPYARD DR
17 01 016 050	FALMOUTH TOWN OF	CONSERVATION COMMISSION	59 TOWN HALL SQ
17 01 016 051	FALMOUTH TOWN OF	CONSERVATION COMMISSION	59 TOWN HALL SQ
17 01 016A 008	WILSON TRUSTEE EVERTON	WILSON WEEKS TRUSTEE RENEE	9 ALBERT ST

# Unofficial Property Record Card - Falmouth, MA

## General Property Data

Parcel ID **17 01 016 029**  
 Prior Parcel ID **--**  
 Property Owner **LOWELL NICHOLAS S**  
**LOWELL AMY A**  
 Mailing Address **33 CAMERON RD**  
 City **N FALMOUTH**  
 Mailing State **MA** Zip **02556**  
 ParcelZoning **AGA**

Account Number **HATCHVILLE**  
 Property Location **27 ATAMANNISIT RD**  
 Property Use **MULT HS**  
 Most Recent Sale Date **5/8/2020**  
 Legal Reference **222439**  
 Grantor **MCINTOSH TRUSTEE,DEBORAH B**  
 Sale Price **645,000**  
 Land Area **1.153 acres**

## Current Property Assessment

Card 1 Value	Building Value <b>263,700</b>	Xtra Features Value <b>0</b>	Land Value <b>295,000</b>	Total Value <b>558,700</b>
Total Parcel Value	Building Value <b>328,700</b>	Xtra Features Value <b>0</b>	Land Value <b>295,000</b>	Total Value <b>623,700</b>

## Building Description

Building Style **Cape Cod**  
 # of Living Units **0**  
 Year Built **1950**  
 Building Grade **5 1.20**  
 Building Condition **Average**  
 Finished Area (SF) **2549.5**  
 Number Rooms **7**  
 # of 3/4 Baths **0**

Foundation Type  
 Frame Type **Wood**  
 Roof Structure **Gable/Hip**  
 Roof Cover **Asphalt**  
 Siding **Wood Shingle**  
 Interior Walls **Drywall**  
 # of Bedrooms **4**  
 # of 1/2 Baths **1**

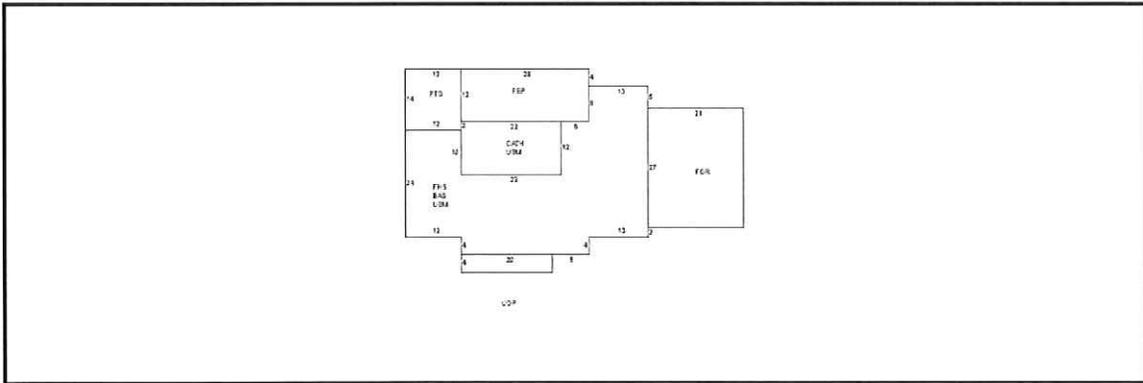
Flooring Type **Carpet**  
 Basement Floor **N/A**  
 Heating Type **Elec BB**  
 Heating Fuel **Electric**  
 Air Conditioning **0%**  
 # of Bsmt Garages **0**  
 # of Full Baths **2**  
 # of Other Fixtures **0**

## Legal Description

## Narrative Description of Property

This property contains 1.153 acres of land mainly classified as MULT HS with a(n) Cape Cod style building, built about 1950 , having Wood Shingle exterior and Asphalt roof cover, with 0 unit(s), 7 room(s), 4 bedroom(s), 2 bath(s), 1 half bath(s).

## Property Images



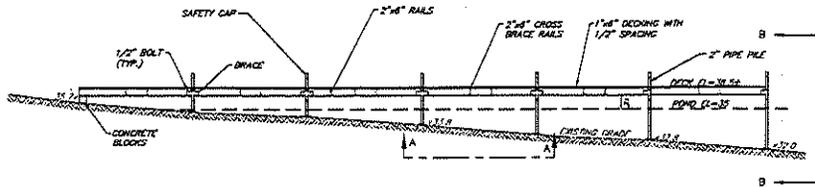
Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

LEGEND	
EXISTING UTILITY POLE	---
EXISTING STONE WALL	-----
EDGE OF CLEARING	~~~~~
EXISTING GRADE	-----
EXISTING SPOT GRADE	▲▲▲
EXISTING DEMOGRAPHY, 1984	○
EXISTING CONCRETE PILE	■



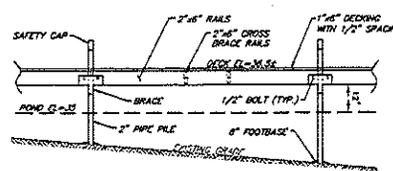
**CONSTRUCTION NOTES:**

1. ALL PIER COMPONENTS SHALL BE SUPPLIED BY TOMMY DOCKS OR APPROVED EQUAL.
2. ALL WALKWAY/END SECTION RAILS & CROSS BRACING SHALL BE CEDAR TIMBER, NON-CCA TREATED LUMBER OR APPROVED EQUAL.
3. ALL DECKING SHALL BE CEDAR TIMBER OR NON-CCA APPROVED EQUAL.
4. ALL PILES SHALL BE 2" PIPE PILES WITH 6" FOOTBASE AS SHOWN. PILES AND FOOTBASE PER TOMMY DOCKS DESIGN OR APPROVED EQUAL.
5. ALL HARDWARE CONNECTIONS SHALL BE SUPPLIED BY TOMMY DOCKS OR APPROVED EQUAL.



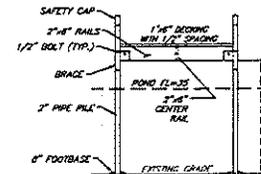
**TYPICAL PIER PROFILE**

SCALE: 1/4" = 1'-0"



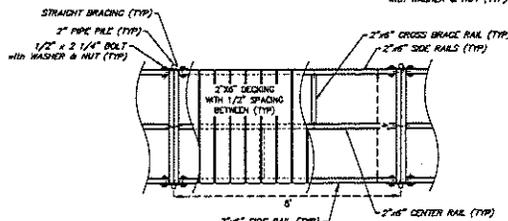
**TYPICAL PIER SECTION A-A**

SCALE: 1/2" = 1'-0"



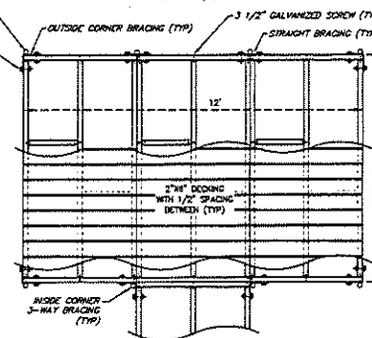
**TYPICAL PIER SECTION B-B**

SCALE: 1/2" = 1'-0"



**WALKWAY - PLAN VIEW**

SCALE: 1/2" = 1'-0"  
(TOMMY DOCK OR APPROVED EQUAL)



**END SECTION - PLAN VIEW**

SCALE: 1/2" = 1'-0"  
(TOMMY DOCK OR APPROVED EQUAL)

**RESTORATION PLANTING NOTES:**

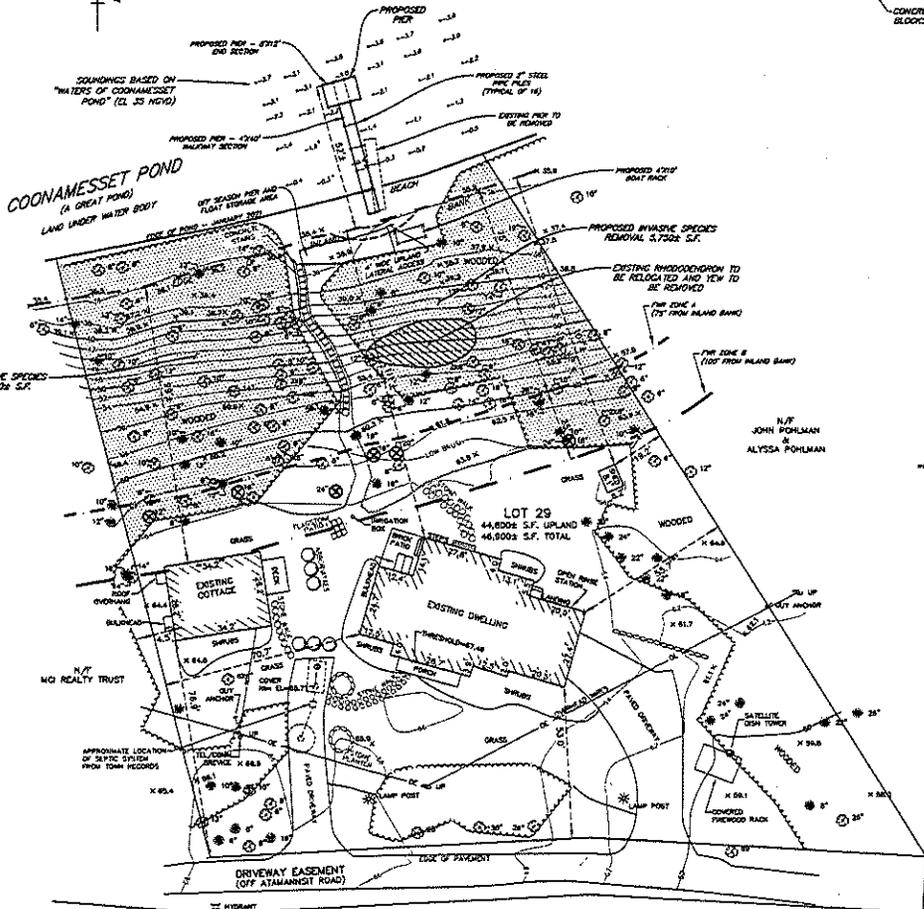
1. SHRUB PLANTINGS SHALL CONSIST OF A MIXTURE OF THE FOLLOWING SPECIES:
  - a) HONOLULU BLUEBERRY (Vaccinium corymbosum)
  - b) SUMMERSWEET (Cleome spinosa)
  - c) BAYBERRY (Myrica pensylvanica)
2. PLANTINGS SHALL BE A MINIMUM OF 2-3 GALLON SIZE AND SPACED A MAXIMUM OF 3 FT ON CENTER.
3. ALL RESTORATION PLANTINGS SHALL BE MAINTAINED AND ALLOWED TO GROW TO THEIR FULL AND MATURE HEIGHT AS A NATURALLY VEGETATED BUFFER. NO CUTTING OR PRUNING OF VEGETATION AT RESTORATION PLANTINGS SHALL BE PERFORMED WITHOUT FIRST OBTAINING PERMISSION FROM THE CONSERVATION COMMISSION.
4. TREE SPECIES SHALL CONSIST OF ONE OR MORE OF THE FOLLOWING:
  - ALDER (Alnus)
  - 2"-2.5" CALIPER
  - WILLOW (Salix)
  - 2"-2.5" CALIPER
  - TUPELO (Nyssa sylvatica)
  - 2"-2.5" CALIPER
5. ANY RESTORATION PLANTINGS THAT DO NOT SURVIVE PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE SHALL BE REPLACED IN KIND.
6. REFER TO LAND MANAGEMENT PLAN BY MARIA HONEY CUSTOM GARDENS AND LANDSCAPES DATED NOVEMBER 3, 2021 FOR INVASIVE SPECIES REMOVAL AND RESTORATION PROCEDURES.

**TREE REMOVAL NOTES:**

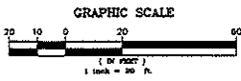
- ⊗ TREES TO BE REMOVED 5 PITCH PINES AND 1 OAK. REPLANT WITH NATIVE TREES.
- TREE SPECIES SHALL CONSIST OF ONE OR MORE OF THE FOLLOWING:
  - RED MAPLE (Acer rubrum)
  - 2"-2.5" CALIPER
  - TUPELO (Nyssa sylvatica)
  - 2"-2.5" CALIPER
  - WHITE OAK (Quercus alba)
  - 2"-2.5" CALIPER
  - WHITE PINE (Pinus strobus)
  - 2"-2.5" CALIPER



**LOCUS MAP**  
NOT TO SCALE



- NOTES**
1. HOUSE NUMBER: 27 ATAMANNIST ROAD
  2. ASSESSOR'S NUMBER: 17 01 015 029
  3. ZONING DISTRICT: ACA
  4. FLOOD HAZARD ZONES: X
  5. BENCHMARK: AS SHOWN
  6. TOPOGRAPHIC INFORMATION BASED ON AN ON THE GROUND INSTRUMENT SURVEY
  7. ELEVATIONS SHOWN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988
  8. REFERENCE: LAND COURT PLAN 23837-F
  9. WIND EXPOSURE CATEGORY: C
  10. PORTION OF THE LOT LIES IN A DEP ZONE II
  11. EXISTING SUBSURFACE IRRIGATION TO BE MAINTAINED



DATE	DESCRIPTION	PREPARED FOR	DRAWN	CHECKED
01/25/22	ADD PIER AND WALKWAY	NICHOLAS & AMY LOWELL		
<b>REVISIONS</b>				
<b>PLAN</b>				
<b>OF PROPOSED SITE MODIFICATIONS</b>				
<b>NICHOLAS &amp; AMY LOWELL</b>				
LOT 29, #27 ATAMANNIST ROAD				
IN FALMOUTH, MA				
SCALE: 1"=20'		DATE: NOVEMBER 23, 2021		
<b>holmes and mcgrath, inc.</b>				
Site engineers and land surveyors 205 Commercial Court, Suite 400, Falmouth, MA 02540 508-848-3584 www.holmesandmcgrath.com				
DRAWN: P.L.R. T.M.S.	CHECKED: [Signature]	[Signature]		
JOB NO: 220295	DATE: 01-25-22	SHEET 1 OF 1		

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

December 15, 2021

**LAND MANAGEMENT PLAN  
PLANTING PLAN  
Amy and Nicolas Lowell  
Lot #29, 27 Atamansit Road  
Hatchville**

**PROJECT OVERVIEW**

The applicants, Amy and Nick Lowell wish to move ornamental non-native rhododendrons out of the resource area, establish a vista corridor, and perform invasive species land management with habitat restoration along the beach and wooded inland area.

Work will take place in this resource area under jurisdiction of the Falmouth Conservation Commission as shown on the attached proposed Land Management and Habitat restoration plan.

**SITE DESCRIPTION and BACKGROUND**

The Lowell property at 27 Atamansit Road is located on the southern bank of Coonamesset Pond. The property is developed with a single-family home, separate cottage, stone walkways, stone patio, driveway, and associated landscaping. A 4' path with concrete steps leads down the hillside to a beach running alongside the pond. The resource area is wooded with predominately beech and oak trees with non-native ornamental shrubs and non-native invasive vegetation.

There is limited understory. The beach area bordering the pond is overrun with non-native invasive species and vines which threaten to completely envelop the existing beautiful native trees.

The resource area contains numerous invasive species including oriental bittersweet, grape vine, multi flora rose, porcelain berry vine, and others. The invasive species thriving in this resource area, specifically the multi flora roses and bittersweet vines, have girdled the native trees along the shoreline and lower portion of the resource area. These vines are competing with the native trees for sun and nutrients from the soil.

The ability to walk the lower portion of the resource area was hindered by non-native vegetation. The lower third of the resource area is overwhelmed by green briar.

The attached planting plan shows the plant list, density of planting, erosion control barriers and other relevant information to guide the Falmouth Conservation Commission in this application process.

This managed program by Maria Hickey, Maria Hickey & Associates Inc, Massachusetts Invasive Plant Manager, will provide twice yearly Monitoring reports to the Falmouth Conservation Commission for the next three growing seasons.

## **METHODOLOGY AND MANAGEMENT**

Maria Hickey & Associates, Inc. shall utilize a combination of manual and mechanical means to remove the ornamental shrubs, non-native vines and non-native vegetation. We will thin out the saplings to allow for additional understory to be planted. Six (6) existing trees, as indicated on the Holmes and McGrath site plan, will be removed and replaced. The existing trees pose a danger to existing structures.

An aerial lift may be used to manually extract the vines from the tree canopy and perform vista pruning. Chemical eradication of the non-native vegetation will take place where needed by a licensed applicator.

Maria Hickey & Associates, Inc. shall utilize a combination of mechanical and manual means to remove the invasive vegetation within the management area. The invasive vegetation will be removed and taken off site. All invasive species

removal work within 20 feet from the beach area will be performed by hand around the beach area.

The most aggressive invasive species will be treated with an herbicide by dipping/painting cut stems. Maria Hickey is a licensed pesticide applicator.

We will plant an understory using native shrubs to provide additional habitat value. Planting will begin as soon as we have finished our site work. The new plantings will be installed by June 15, 2022. Planting at the start of the growing season ensures a successful rooting in of all our native plantings without the stress of the high heat.

The existing band of native perennials planted along the lawn shall be densely interplanted with additional native perennials to provide pollen for the bees, thistle for the birds, and so on. These perennials are self-seeding and will also attract monarch butterflies. There will be no mowing or altering of the restored area outside of manual extraction of invasive vegetation.

All new plantings will be planted using new soil and compost to eliminate root contamination by root fragments of the non-native invasive species. Above ground irrigation will be set up as needed.

## **PROPOSED PLANTING PLAN**

The following planting plan shows the plant list, density of planting, and planting size to guide the Falmouth Conservation Commission in this application process. This managed program by Maria Hickey, Maria Hickey & Associates Inc, Massachusetts Invasive Plant Manager, will provide twice yearly Monitoring reports to the Falmouth Conservation Commission for the next three growing seasons.

- All native shrubs shall be 2 or 3 gallon in size
- All shrubs will be planted 3 feet on center in a staggered formation.
- All plantings shall be watered, maintained, and allowed to grow to their full size.
- All trees shall be 2-2.5" in caliper
- All perennials shall be a 1-gallon size

<b>COMMON NAME</b>	<b>BOTANICAL NAME</b>
<b>Trees (one or more)</b>	
Alder	Alnus
Tupelo	Nyssa sylvatica
Willow	Salix
White Pine	Pinus strobus
White Oak	Quercus Alba
Red Maple	Acer rubrum
<b>Shrubs</b>	
Bayberry	Myrica pensylvanica
Blueberry	Vaccinium corymbosum
Summersweet	Clethra alnifolia
Winterberry	Ilex verticillate
<b>Perennials</b>	
Anise hyssop	Agastache
Bee Balm	Monarda
Coneflower	Echinacea
Evening primrose	Oenothera
Garden Phlox	Phlox paniculata
Obedient plant	Physostegia
Turtlehead	Chelone
Yarrow	Achillea

Thank you for your time and consideration for this worthwhile project.

Sincerely,

Maria Hickey, President  
 Certified Invasive Species Manager  
 President, Maria Hickey and Associates  
 PO Box 722 Falmouth MA 02541



Amy and Nick Lowell  
33 Cameron Road  
North Falmouth, MA 02556

Falmouth Select Board  
59 Town Hall Square  
Falmouth MA 02540

March 2, 2022

**Re: Hearing scheduled for March 14th for dock at 27 Atamansit Road**

Dear Select Board Members,

A dock hearing has been scheduled for our property at 27 Atamansit Road in Falmouth on March 14th and we unfortunately will be unable to attend due to long-scheduled plans out of town that week. I am therefore providing some background via this letter.

We submitted a Notice of Intent to the Conservation Commission in December of 2021 for invasive species removal, native species restoration, removal of an existing dock and replacement with a new one, and construction of a wooden kayak storage rack. The Conservation Commission held a hearing on January 19th and an Order of Conditions is expected to be issued this week (the week of February 28th).

There has been a dock at 27 Atamansit Road for at least fifty-four years, likely longer. The attached two photos taken from above in August of 1968 (see date printed on the side of photos) shows the dock in front of a property labeled "Redwood." The "Redwood" cottage is on the lot at 27 Atamansit Road. The dock currently on the property is approximately 20 years old; it was on the property when we bought it in 2020.

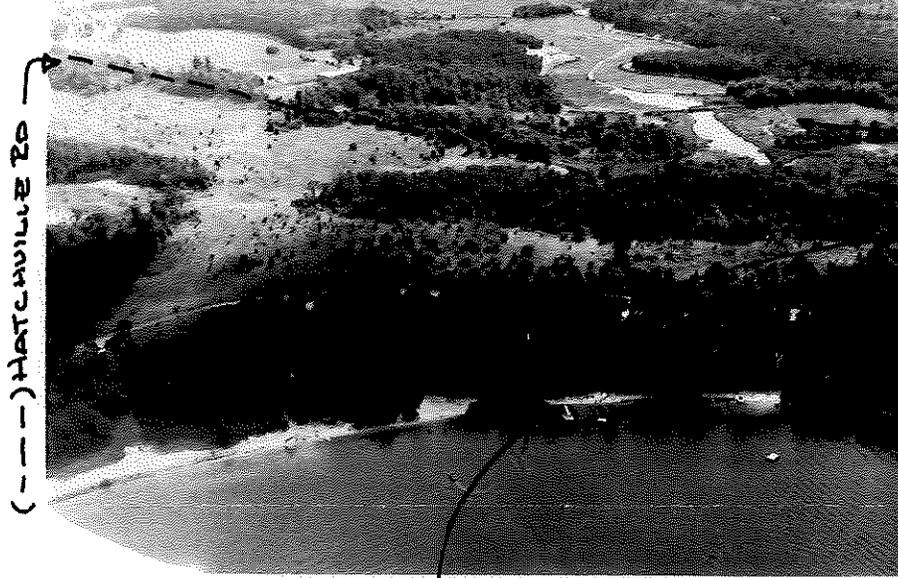
We are seeking a permit for a dock where there has been a dock for more than 54 years, and to replace that dock with one that meets the Conservation Commission's standards for materials and dimensions. The dock will be used for small craft, swimming and recreation. Thank you for your consideration.

Sincerely,

Amy and Nick Lowell

# AERIAL PHOTOS OF DOCK AT 27 ATAMANSIT ROAD IN 1968

VIEW OF BEACH (TOWARD FALMOUTH), COTTAGES



30

REDWOOD  
COTTAGE,  
NOW  
27 ATAMANSIT  
ROAD

33  
35

30

N  
↓

DOCK

BEACH, PIKEEL POND



DATE:  
AUG  
1968

13

DOCK

↑  
N



# Falmouth Conservation Commission

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

March 8, 2022

Nicholas & Amy Lowell  
33 Cameron Rd  
Falmouth, MA 02556

RE: 27 Atamansit Rd, Falmouth, MA  
DEP# 25-4711

Dear Nicholas & Amy Lowell:

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

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

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

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

Sincerely,

  
Jennifer L. Lincoln, Conservation Administrator  
Falmouth Conservation Commission

cc: Holmes & McGrath, Inc.



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

Provided by MassDEP:  
 25-4711  
 MassDEP File #  
 1278693  
 eDEP Transaction #  
 Falmouth  
 City/Town

**A. General Information**

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

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



1. From: Falmouth  
 Conservation Commission

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

3. To: Applicant:  
Nicholas & Amy      Lowell  
 a. First Name      b. Last Name

c. Organization  
33 Cameron Rd

d. Mailing Address  
Falmouth      MA      02536  
 e. City/Town      f. State      g. Zip Code

4. Property Owner (if different from applicant):  
 a. First Name      b. Last Name

c. Organization  
 d. Mailing Address  
 e. City/Town      f. State      g. Zip Code

5. Project Location:  
27 Atamansitt Rd      Falmouth  
 a. Street Address      b. City/Town  
17 01      016 029  
 c. Assessor's Map/Plat Number      d. Parcel/Lot Number

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



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

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City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable  
a. County
- CTF 222439, LOT 29, LC PLAN 23937-F  
b. Certificate Number (if registered land)
- c. Book
- d. Page
7. Dates: 01/04/2022 01/19/2022 3/8/22  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
PLAN OF PROPOSED SITE MODIFICATIONS PREPARED FOR NICHOLAS & AMY  
LOWELL AT LOT #29 #27 ATAMANNISIT RD, FALMOUTH
- HOLMES & MCGRATH, INC MICHAEL B MCGRATH, PE  
b. Prepared By c. Signed and Stamped by
- 11/23/2021 1"=20'  
d. Final Revision Date e. Scale
- LAND MGT & PLANTING PLAN 11/5/2021  
f. Additional Plan or Document Title g. Date

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control

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

Approved subject to:

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



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

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## B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	80 a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	10 a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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**B. Findings (cont.)**

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

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



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

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

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

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



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

Provided by MassDEP:  
 25-4711  
 MassDEP File #  
 1278693  
 eDEP Transaction #  
 Falmouth  
 City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            25-4711            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 5 – Order of Conditions

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

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

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

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

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



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

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



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

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

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

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



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### D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

1. Municipal Ordinance or Bylaw

2. Citation

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

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

1. Municipal Ordinance or Bylaw

10.00

2. Citation

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

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



# Falmouth Conservation Commission

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

Nicholas and Amy Lowell  
27 Atamansit Rd  
DEP #25-4711

## FINDINGS:

1. The applicant proposes to remove the existing dock, construct a new seasonal dock, construct a kayak rack, and conduct approximately 13,000 square feet of invasive species management.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, and Resource Area Buffer.

## INTERESTS

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

## STANDARD CONDITIONS

1. Permission is granted to Nicholas and Amy Lowell, 27 Atamansit Road, Falmouth, MA, to remove the existing dock, construct a new seasonal dock, construct a kayak rack, and conduct approximately 13,000 square feet of invasive species management according to the narrative and plan prepared by Holmes and McGrath, Inc., dated November 23, 2021 and entitled "Plan of Proposed Modification" and the "Land Management Plan" and Planting Plan" submitted by Maria Hickey and Associates and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law,

and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions do not extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
  - a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
  - b. At least 10 days advance written notification shall be provided to the Conservation Commission.
  - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
  - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
9. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.

10. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
11. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
12. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.
13. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.
14. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
15. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.

16. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

**SPECIAL CONDITIONS:**

1. Lawn within the 100 ft buffer to all resource areas shall be seeded (not sod) with a drought tolerant fescues on eight (8) to ten (10) inches of loam. The loam shall be of natural origin as defined by the United States Department of Agriculture (USDA).
2. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).
3. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
4. All cuttings/debris, etc. are to be kept out of the Resource Areas.
5. The construction site is to be cleaned daily to remove any loose debris.
6. No chemically treated wood may be used in the construction of the dock. The use of non-toxic materials is mandatory and shall be specified by a professional engineer.
7. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
8. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
9. All construction debris shall be removed off-site to an approved upland disposal site.
10. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number

shall be maintained in clear visible condition throughout the lifetime of the dock.

11. Water lines and attached hoses shall have nozzles attached.

12. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.

13. Special Condition 3 shall be written into the Certificate of Compliance and shall be registered with and ongoing with the deed.

**VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS**

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



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

Provided by MassDEP:  
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 MassDEP File #  
 1278693  
 eDEP Transaction #  
 Falmouth  
 City/Town

**E. Signatures**

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

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

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

3/8/22  
 1. Date of Issuance

4  
 2. Number of Signers

Jennifer Lincoln  
 Signature

Jennifer Lincoln, Conservation Administrator

Jamie Mathews  
 Signature

Printed Name  
Jamie Mathews, Chair

Kevin O'Brien  
 Signature

Printed Name  
Kevin O'Brien

Peter Walsh  
 Signature

Printed Name  
Peter Walsh

Steve Patton  
 Signature

Printed Name  
Steve Patton

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

# 7019 2970 0000 0046 5213  
 Date

For Signature Authorization see  
 Doc: 1,393,708  
 BARNSTABLE LAND COURT REGISTRY



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

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 Falmouth  
 \_\_\_\_\_  
 City/Town

## F. Appeals

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

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

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



Massachusetts Department of Environmental Protection  
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### G. Recording Information

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

\_\_\_\_\_  
 Conservation Commission

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

-----

To:

\_\_\_\_\_  
 Conservation Commission

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

\_\_\_\_\_  
 Project Location

\_\_\_\_\_  
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
 County

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

for: \_\_\_\_\_  
 Property Owner

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

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

In accordance with the Order of Conditions Issued on:

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Instrument Number

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

\_\_\_\_\_  
 Document Number

\_\_\_\_\_  
 Signature of Applicant



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee  
Transmittal Form**

Provided by DEP

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

**A. Request Information**

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

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

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

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

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

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

**B. Instructions**

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

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee  
Transmittal Form**

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

DEP File Number:

\_\_\_\_\_  
Provided by DEP

**B. Instructions (cont.)**

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

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

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



# TOWN OF FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540  
PHONE (508) 495-7445  
E-mail: [concom@Falmouthma.gov](mailto:concom@Falmouthma.gov)

**FORM #1**

**DEP # SE 25-4711** \_\_\_\_\_

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

Please sign name on this line.

Please print name on this line.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Applicant (if different)

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Project Supervisor

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Alternate Project Supervisor

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Other (Please Specify)

\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Other (Please Specify)

\_\_\_\_\_

\_\_\_\_\_  
DATE

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



# TOWN OF FALMOUTH CONSERVATION COMMISSION

59 Town Hall Square, Falmouth, Massachusetts 02540  
PHONE (508) 495-7445  
E-mail: [concom@falmouthma.gov](mailto:concom@falmouthma.gov)

**FORM #2**

DEP # SE 25-4711

Below please find the names, addresses, and business telephone numbers of the project supervisor and alternate project supervisor who are responsible for ensuring on-site compliance with the Order of Conditions for DEP # SE 25-4711.

**Project Supervisor:**

**Alternate Supervisor:**

\_\_\_\_\_  
**Name:**

\_\_\_\_\_  
**Name:**

\_\_\_\_\_  
**Address:**

\_\_\_\_\_  
**Address:**

\_\_\_\_\_  
**Business Telephone #:**

\_\_\_\_\_  
**Business Telephone #:**

\_\_\_\_\_  
**Property Owner's Signature:**

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**Print Name:**

\_\_\_\_\_  
**Applicants Signature (if different):**

\_\_\_\_\_  
**Date:**

\_\_\_\_\_  
**Print Name:**

27 Atamansit Rd

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

## Diane Davidson

---

**From:** Diane Davidson  
**Sent:** Wednesday, March 2, 2022 2:47 PM  
**To:** Jennifer Lincoln (jennifer.lincoln@falmouthma.gov)  
**Cc:** Amy Coughlin; Gregg Fraser (gregg.fraser@falmouthma.gov)  
**Subject:** Wetlands/Dock Special Permit Application - Lowell - 27 Atamansit Road  
**Attachments:** FINAL Special Permit - Lowell.pdf; 89-3-05A REV 01-25-2022 sh1of1 Proposed Site Modifications.pdf; Maria Hickey Land Management Plan.pdf

Hi Jennifer,

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

**Applicant:** Nicholas and Amy Lowell

**Location:** 27 Atamansit Road, Hatchville

**Proposed Work:** Proposed waterfront improvement project includes the removal of an existing pier and the construction and maintenance of a seasonal timber pier, float and pipe piles with disk feet.

**Body of Water:** Coonamesett Pond

Would you please email a copy of the Order of Conditions and any Harbor Master comments on this application by Thursday, March 10, 2022?

The hearing is scheduled at the Select Board meeting on Monday, March 14, 2022 at 7:30 p.m.

Thank you,

Diane

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

## **BUSINESS**

1. Cape Cod Regional Transit Authority (CCRTA) digital bus schedule signage **(10 minutes)**

## Julian Suso

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**From:** Cahir, Tom <tcahir@capecodrta.org>  
**Sent:** Friday, February 18, 2022 3:50 PM  
**To:** Julian Suso  
**Cc:** Chris Kennedy; Jensen, Kathy; Diane Davidson  
**Subject:** RE: CCRTA Intelligent transit signage for Falmouth

Thank you Julian, see you then.

Tom C.

*Thomas S. Cahir*  
*Administrator*  
*Cape Cod RTA/CapeFLYER*  
*1 Transportation Avenue*  
*Hyannis, MA 02601*  
*508.775.8504*



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**From:** Julian Suso [mailto:julian.suso@falmouthma.gov]  
**Sent:** Friday, February 18, 2022 3:35 PM  
**To:** Cahir, Tom  
**Cc:** Chris Kennedy; Jensen, Kathy; Diane Davidson  
**Subject:** RE: CCRTA Intelligent transit signage for Falmouth

Tom,  
Thank you! Yes, Select Board meetings are now back to in-person. Would you please place Monday, March 14 on your calendar and plan to join us that evening? We begin at 7PM and with Diane Davidson's assistance we will advise you as we get closer to the date as to an approximation of likely "on time" (public hearings and a couple of other routine items are traditionally handled first if possible prior to "business"). Looking forward to seeing you as well and all the best in the meantime!  
Julian

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**From:** Cahir, Tom <tcahir@capecodrta.org>  
**Sent:** Friday, February 18, 2022 3:30 PM  
**To:** Julian Suso <julian.suso@falmouthma.gov>  
**Cc:** Chris Kennedy <ckennedy@capecodrta.org>; Jensen, Kathy <kjensen@capecodrta.org>  
**Subject:** RE: CCRTA Intelligent transit signage for Falmouth

I am happy to attend a Select Board meeting to discuss this or any other transportation related matter of interest. I am available on March 14<sup>th</sup> or March 28<sup>th</sup>. I assume it is in person as opposed to virtual correct? Let me know the date and I will put it on my schedule. Thank you and I look forward to seeing you.

Tom C.

Thomas S. Cahir  
Administrator  
Cape Cod RTA/CapeFLYER  
1 Transportation Avenue  
Hyannis, MA 02601  
508.775.8504



---

**From:** Julian Suso [mailto:julian.suso@falmouthma.gov]  
**Sent:** Friday, February 18, 2022 3:13 PM  
**To:** Cahir, Tom  
**Cc:** Chris Kennedy  
**Subject:** RE: CCRTA Intelligent transit signage for Falmouth

Sounds very promising Tom. I would definitely request that you or a fellow CCRTA representative join us for an upcoming Select Board meeting. Can you kindly take a look at potential availability for any of the following three upcoming SB evening meeting dates: (1) Monday, February 28 (2) Monday, March 14 (3) Monday, March 28? Certainly the Board would welcome a short presentation and the opportunity for a brief discussion with CCRTA. I have no doubt that Falmouth, given its size, could easily accommodate up to 5 such digital transit schedule signs (including the Depot, Downtown and Woods Hole). We would not want to miss any "deadline" to apply for inclusion in your pilot program. Thanks for taking this further look.  
Julian

---

**From:** Cahir, Tom <tcahir@capecodrta.org>  
**Sent:** Friday, February 18, 2022 3:01 PM  
**To:** Julian Suso <julian.suso@falmouthma.gov>  
**Cc:** Chris Kennedy <ckennedy@capecodrta.org>  
**Subject:** FW: CCRTA Intelligent transit signage for Falmouth

Hi Julian,

Yes, you are correct that it is instead a digital transit schedule and live-tracking sign and not "Digital wayfinding". We would be happy to be a part of a future select board meeting to discuss further if you'd like.

Our original thought was to begin this as a pilot program and identify the highest impact areas (i.e. highest ridership or visibility) where they would provide the most value. We were thinking beginning with 3-5 in any one town but would be open to less or more if the town desires.

Best,  
Tom C.

---

**From:** Julian Suso [<mailto:julian.suso@falmouthma.gov>]  
**Sent:** Thursday, February 17, 2022 3:53 PM  
**To:** Cahir, Tom  
**Cc:** Chris Kennedy  
**Subject:** RE: CCRTA Intelligent transit signage for Falmouth

Hello Tom,

Thank you for this helpful background information. The initial representation which I received suggested that this signage was some type of "digital wayfinding" sign – but it appears to me that this is instead a digital transit schedule sign. Am I correct on that? In any case, I would like to have a discussion with the Select Board at a future meeting, to be determined. Given this, it would be most helpful to have a representative from CCRTA join us – if that would be possible. Also, do you have any general insight in the number of these digital scheduling signs which would potentially be available to any one Town? Thanks.

Julian

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**From:** Cahir, Tom <[tcahir@capecodrta.org](mailto:tcahir@capecodrta.org)>  
**Sent:** Thursday, February 17, 2022 3:19 PM  
**To:** Julian Suso <[julian.suso@falmouthma.gov](mailto:julian.suso@falmouthma.gov)>  
**Cc:** Chris Kennedy <[ckennedy@capecodrta.org](mailto:ckennedy@capecodrta.org)>  
**Subject:** FW: CCRTA Intelligent transit signage for Falmouth

Hi Julian,

Hope you are doing well and thank you for reaching out and checking in with us about this. It was a staff member of mine who had directly communicated this information to Ed Dewitt but I was involved and included in the entire conversation. Just to be clear, we were first approached by Ed Dewitt about an idea his Falmouth Transportation Committee had about installing digital bus stop signage within Downtown Falmouth so this conversation and idea was spearheaded and originally proposed by him and that committee. I have worked with Ed on a number of transportation issues over the years and respect his transportation acumen. We have also never approached the town staff member about this in the past. However, we do agree that strategic placement of digital bus stop signs that display live bus information for the Sealine and the WHOOSH Trolley is a great way to make our services more accessible, visible, and help both Falmouth residents and visitors get around the town. As a background, we in recent months have allocated funds in our Capital Investment Plan towards piloting a digital bus stop sign installation initiative but had not identified locations and were in the very early planning stages. As you know, we are always looking for ways to improve the overall transportation experience for our customers, especially in Falmouth and have partnered on a number of great initiatives over the years to do so. I have attached a picture of a template version of what one of those signs look like for reference.

We essentially told Ed that we would be happy to help with this initiative as long as the Town is on board and gives their final approval. So if the town is on board, we are happy to help move this along. If not, we are more than okay locating other locations outside of Falmouth for this pilot program for these digital bus stop signs.

Please let me know if you need any additional information from us on this.

Best regards,  
Tom C.

*Thomas S. Cahir*  
*Administrator*

Cape Cod RTA/CapeFLYER  
1 Transportation Avenue  
Hyannis, MA 02601  
508.775.8504



**From:** Julian Suso <[julian.suso@falmouthma.gov](mailto:julian.suso@falmouthma.gov)>  
**Date:** February 15, 2022 at 12:05:52 PM EST  
**To:** "Cahir, Tom" <[tcahir@capecodrta.org](mailto:tcahir@capecodrta.org)>  
**Cc:** Peter McConarty <[peter.mcconarty@falmouthma.gov](mailto:peter.mcconarty@falmouthma.gov)>, Edward Dunne <[edward.dunne@falmouthpolicema.gov](mailto:edward.dunne@falmouthpolicema.gov)>  
**Subject:** FW: CCRTA Intelligent transit signage for Falmouth

Hello Tom,  
Regarding this information just received, was there an earlier outreach from CCRTA to staff members on this opportunity? Any further information or direct guidance that you can give would be much appreciated prior to the Town considering proceeding. It is not clear who from CCRTA was sourcing this information. Thanks.  
Julian

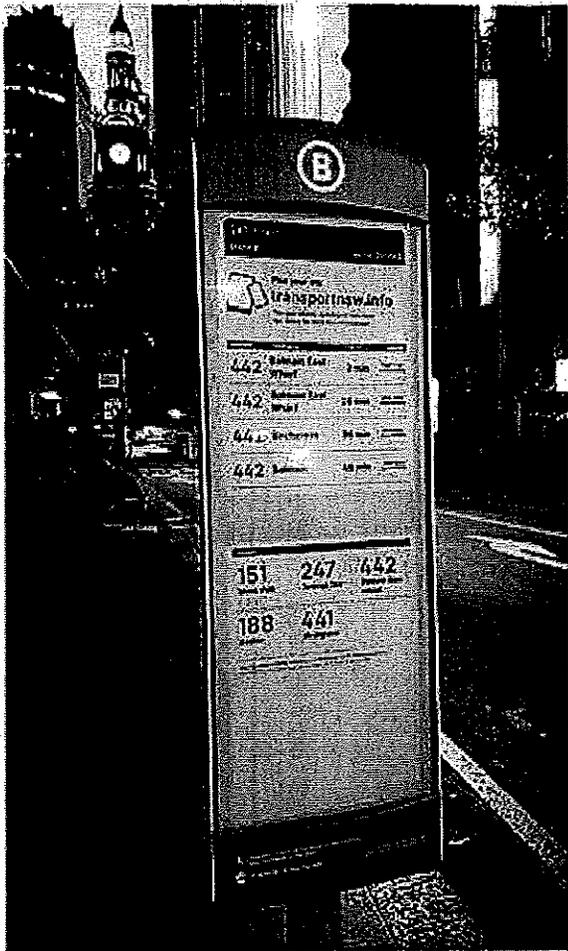
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**From:** EDWARD DEWITT <[edwdewitt@verizon.net](mailto:edwdewitt@verizon.net)>  
**Sent:** Tuesday, February 15, 2022 11:06 AM  
**To:** Doug Brown <[doug.brown@falmouthma.gov](mailto:doug.brown@falmouthma.gov)>; Falmouth Selectboard <[selectboard@falmouthma.gov](mailto:selectboard@falmouthma.gov)>  
**Cc:** Rhona Carlton-Foss <[rcarltonfoss@gmail.com](mailto:rcarltonfoss@gmail.com)>; Falmouth Transportation Management Committee <[transportationmgmt@falmouthma.gov](mailto:transportationmgmt@falmouthma.gov)>; Ed DeWitt <[edwdewitt@verizon.net](mailto:edwdewitt@verizon.net)>; Paul Dreyer <[paulcdreyer@yahoo.com](mailto:paulcdreyer@yahoo.com)>; Ralph Herbst <[herbst.wheeler@comcast.net](mailto:herbst.wheeler@comcast.net)>; Alison Leschen <[leschenlindell@gmail.com](mailto:leschenlindell@gmail.com)>; Chris McGuire <[m McGuire@gmail.com](mailto:m McGuire@gmail.com)>; Michael Kasparian <[mkasparian@falmouthchamber.com](mailto:mkasparian@falmouthchamber.com)>; Deb Maguire <[deb@liammaguire.com](mailto:deb@liammaguire.com)>; Dan Maxwell <[dan@maxwellandco.com](mailto:dan@maxwellandco.com)>; Ghelfi Candies <[ghelfis@meganet.net](mailto:ghelfis@meganet.net)>; Linda Collins <[lcollins@falmouthpubliclibrary.org](mailto:lcollins@falmouthpubliclibrary.org)>; Karen Rinaldo <[rinaldoart@aol.com](mailto:rinaldoart@aol.com)>; Julian Suso <[julian.suso@falmouthma.gov](mailto:julian.suso@falmouthma.gov)>  
**Subject:** CCRTA Intelligent transit signage for Falmouth

To the Select Board:

In the Transportation Committee's endeavor to bring systematic wayfinding to Falmouth (thank you for your unanimous vote last June to begin this process), we reached out to the CCRTA about inclusion of electronic wayfinding signage for the town. Such electronic wayfinding signage not only provides transit route information, it provides live bus and trolley updates e.g. next trolley to Woods Hole 7 minutes and constantly updates the information through the use of GPS. The CCRTA has a grant to install such "intelligent transportation" signage in limited locations.

In a recent series of discourses with the CCRTA the Committee was advised of the following:



## **BUSINESS**

2. Request for Sign Variance – Off-Premise Promotional Signs – Falmouth Commodores Baseball Clinics and Falmouth Commodores Game Day Signs – late-April to August 14, 2022 **(5 minutes)**

## Diane Davidson

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**From:** Mark Ordway [REDACTED]  
**Sent:** Tuesday, February 15, 2022 9:51 AM  
**To:** Diane Davidson  
**Subject:** Falmouth Commodore Baseball Sign permit application(s)  
**Attachments:** 2022 Clinic and Game Day Sign Permit Application.pdf; Game Today Sign.pdf; Clinic Sign.pdf

Dear Diane,  
Town of Falmouth,

The Falmouth Commodores will once again seek a sign variance for placement of off-premise signs for the purpose of advertising our 2022 Game Day events and our summer Baseball Clinics. The proposed signs would be placed at the following locations (permission of owners has been obtained):

### 10 Baseball Game Day Signs

1. Home of Rob Blomberg (559 Woods Hole Rd., Woods Hole)
2. Smitty's Ice Cream (326 East Falmouth Highway, E. Falmouth)
3. Waquoit Grain & Feed (411 Waquoit Highway, E. Falmouth)
4. Admiralty Inn (51 Teaticket Highway, E. Falmouth)
5. Seafood Sam's (356 Palmer Ave., Falmouth)
6. Back gate of Guv Fuller park on Dillingham, Falmouth
7. Kinlin Grover (10 County Rd., North Falmouth)
8. West Falmouth Market (623 Rt. 28-A, Falmouth)
9. Black Dog Heights Café (465 Grand Ave., Falmouth)
10. Black Dog General Store (214 Main St., Falmouth)

### 13 Baseball Clinic Signs

1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
2. Morse Pond (323 Jones Road, Falmouth)
3. East Falmouth School (33 Davisville Rd., East Falmouth)
4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
6. Lawrence Middle School (113 Lakeview Ave., Falmouth)
7. Johnson Homes (143 Palmer Ave., Falmouth)
8. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
9. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
10. Rockland Trust (20 Davis Straits, Falmouth)
11. Rockland Trust (78 County Rd., North Falmouth)
12. Gus Canty Community Center (790 Main St., Falmouth)
13. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)

We would like to begin sign placement in late-April and will remove them no later than August 14<sup>th</sup>. Please let me know if you need any further information. Can you let me know which selectmen's meeting we will be able to get placed on the agenda?

I attach images of the sign application and the two requested signs.

Please let me know at which selectboard's meeting my request will be placed on the agenda.

Again, thank you for all your previous help.

Best,  
Mark Ordway  
Fan Relations Administrator



Falmouth Commodores Baseball Clinic Signs:

Request for off-premise promotional signs.

Locations:

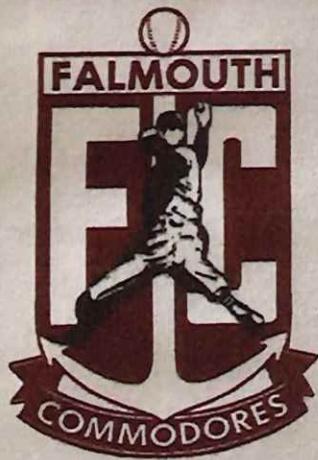
1. North Falmouth Elementary School (62 Old Main Rd., North Falmouth)
2. Morse Pond (323 Jones Road, Falmouth)
3. East Falmouth School (33 Davisville Rd., East Falmouth)
4. Mullen-Hall School (130 Katharine Lee Bates Road, Falmouth)
5. Teaticket Elementary School (45 Maravista Ave. Ext., Teaticket)
6. Lawrence Middle School (113 Lakeview Ave., Falmouth)
7. Johnson Homes (143 Palmer Ave., Falmouth)
8. The Cape Cod Cooperative (660 North Falmouth Highway, North Falmouth)
9. The Cape Cod Cooperative (238 Worcester Court, Falmouth)
10. Rockland Trust (20 Davis Straits, Falmouth)
11. Rockland Trust (78 County Rd., North Falmouth)
12. Gus Canty Community Center (790 Main St., Falmouth)
13. Dean's Market (580 North Falmouth #580A, North Falmouth, MA 02556)

Length of time: Late April through August 14, 2022.

Quantity: 13

Size: 3 square feet. Sign size is within the 8 sq. ft. maximum size.

**Falmouth Commodores**



**BASEBALL  
CLINICS**

**Tue-Fri Mornings  
thru end of July**

**falmouthcommodores.com**

Falmouth Commodores "Game Today" Signs:

Request for off-premise promotional signs.

Locations (permission of owners has been obtained):

1. Home of Rob Blomberg (559 Woods Hole Rd., Woods Hole)
2. Smitty's Ice Cream (326 East Falmouth Highway, E. Falmouth)
3. Waquoit Grain & Feed (411 Waquoit Highway, E. Falmouth)
4. Admiralty Inn (51 Teaticket Highway, E. Falmouth)
5. Seafood Sam's (356 Palmer Ave., Falmouth)
6. Back gate of Guv Fuller park on Dillingham, Falmouth
7. Kinlin Grover (10 County Rd., North Falmouth)
8. West Falmouth Market (623 Rt. 28-A, Falmouth)
9. Black Dog Heights Café (465 Grand Ave., Falmouth)
10. Black Dog General Store (214 Main St., Falmouth)

Length of time: Put out on game days (22 days total plus playoffs) from mid-June through August 14, 2022.

Quantity: 10

Size: 27" x 45" (2.25 " x 3.75" = 8.44 sq. ft.)

WWW.PLASTICAGE.COM  
(800) 772-0350  
U.S. Patent #  
7,257,689  
Other patents pending

# Falmouth Commodores Baseball



# TODAY

@ Guv Fuller Field  
Behind  
Falmouth Rec. Building

**790 Main Street  
Falmouth, MA 02540**

**GAME  
TIME:**

**Town of Falmouth Sign Permit Application (rev. 12/20)**  
 (508) 495-7470 Fax (508) 548-4290

**For office use only:**

BD Permit#: \_\_\_\_\_ Fee\*: \_\_\_\_\_ HDC App. #: \_\_\_\_\_ DRC App. #: \_\_\_\_\_  
 \*\$8 per \$1000/ Min. \$100 (per sign)

DATE: 2/15/2022  
 STREET ADDRESS FOR PROPOSED SIGN(S): see attached list GAME DAY SIGN  
 BUSINESS NAME: Falmouth Commodore Baseball Club P.O. Box 800, Falmouth, MA 02541  
 BUSINESS OWNER: Mark Ordway ADDRESS/PHONE: 781-367-3420  
 PROPERTY OWNER: see attached lists ADDRESS/PHONE: 501 C 3  
 CONTRACTOR / SIGN COMPANY: Sign-O-Rama  
 APPLICANT E-MAIL: \_\_\_\_\_ BASEBALL CLINIC SIGN

**Please Provide Two Copies of the Following:**

- \*Finished sign design.
- \*Storefront elevations and plan to show sign location.
- \*Documentation (including dimensions) of all existing signs on site.
- \*Pictures of the building and all signs on property.
- \*Structural Design for Freestanding Signs
- \*Attachment Details for Wall Mounted Signs

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**IS THE PROPOSED SIGN LOCATED WITHIN A LOCAL HISTORIC DISTRICT?** Y (N)

If YES, the applicant must first submit this application to the Historic District Commission (HDC) for their approval (§184-13).

**Type of Sign**

**Check**

- FREESTANDING SIGN(s) § 184-25; Projecting sign(s) § 184-35
- WALL SIGN(s) § 184-37; Awning(s) § 184-22
- ROOF SIGN(s) § 184-37
- PROMOTIONAL/SPECIAL EVENT SIGN(s) § 184-30 (No Fee)
- OFF-PREMISES SIGN(s) § 184-32; VARIANCE § 184-20

- see attached files
- listing property locations for
- 1. GAME DAY SIGNS
- 2. BASEBALL CLINIC SIGNS

The Select Board must approve all off-premise signs.

Proposed location: see attached list Size: →

\*Please Attach Approval Letter\*

Mark Ordway 2/15/2022 see attached listings  
 Signature of Applicant Date Signature of Owner Date

\_\_\_\_\_  
 Historic District Commission Date  
 With the following conditions: \_\_\_\_\_

\_\_\_\_\_  
 Sign Review Committee Date  
 With the following conditions: \_\_\_\_\_

\_\_\_\_\_  
 Building Commissioner/Inspector Date  
 With the following conditions: \_\_\_\_\_

## **BUSINESS**

3. Follow-up discussion on fire station staffing policy **(10 minutes)**

**SB STRATEGIC PLAN PRIORITY**

To Select Board 11-8-2021

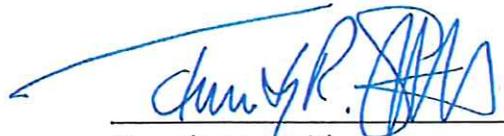
FY2022-FY2026 Plan, Adopted 8-30-2021, Page 4 - Action Step #6,

“Continue to staff West Falmouth fire station, as resources permit, until construction of new, replacement fire station is completed.”

Clarification:

Continue to pursue a staffing plan which includes the assignment of two firefighters at start of shift to the West Falmouth Fire Station until the construction of a new, replacement fire station is completed.

  
Julian M. Suso  
Falmouth Town Manager

  
Timothy R. Smith  
Falmouth Fire Chief

**The above Clarification adopted by the Select Board on a formal vote 11-8-2021**

Further Select Board Policy Clarification

Proposed 3-14-2022

**Continue to pursue a staffing plan which includes the assignment of two firefighters at start of shift to the West Falmouth Fire Station until the construction of the new, proposed Northwest Fire Station is completed.**

## **BUSINESS**

4. Discussion of Nutrient Management Bylaw **(10 minutes)**

**Diane Davidson**

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**From:** Judith McDowell <jmcdowell@whoi.edu>  
**Sent:** Thursday, March 10, 2022 10:24 AM  
**To:** Falmouth Selectboard  
**Subject:** Agenda Item for March 14th  
**Attachments:** Water Bill Insert v2.docx

Good morning!

Members of the Falmouth Water Stewards Board would like to meet with the Falmouth Select Board on March 14th to discuss increasing awareness of Falmouth's Nitrogen Bylaw. Attached is a draft insert that could be inserted in the mailing of all Town Water Bills and educate the public on the importance of this bylaw for protecting Falmouth's ponds and bays. Thank you for considering our request.

Sincerely,

Judith E. McDowell  
President, Falmouth Water Stewards



## **Protect Falmouth's Waters** **Stop** and think before you use fertilizer!

**Falmouth has a nitrogen control bylaw that applies to all bodies of water – salt, fresh, and wetlands**

- Do not fertilize lawns between mid-October and mid-April.
- Never apply fertilizer on paved surfaces; remove it immediately in the case of an accident.
- Do not fertilize within 100 feet of wetlands.
- Excess nutrients on lawns flow into ponds and disrupt ecological balance.
- For lawns farther away from wetlands, use fertilizers sparingly or use alternatives, including yard waste, compost, or other organic materials.

**Cape Cod's beauty, home values, and our quality of life depend on sparkling waters, not fertilized waters, choked with vegetation.**

**Falmouth's bays & ponds  
THANK YOU!**

**For more information:**

<https://www.falmouthma.gov/DocumentCenter/View/950/Fertilizer-Facts---Falmouths-Nitrogen-Control-Bylaw-PDF?bidId=>

<http://www.falmouthwaters.org/our-work/education/falmouth-friendly-lawns/>

## CONSENT AGENDA

### 1. Administrative Orders

- a. Vote to approve 2022-2023 Shellfish Resource Management Regulations

# memo

## Department of Marine & Environmental Services

To: Douglas C. Brown, Chair Falmouth Select Board  
CC: Julian Suso, Town Manager  
Peter Johnson-Staub, Assistant Town Manager  
From: Chuck Martinsen, Deputy Director of Marine & Environmental Services  
Date: March 7, 2022  
Re: 2022-2023 Shellfish Resource Management Regulations

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Dear Chair and members of the Falmouth Select Board,

Please find attached the recommended 2022-2023 Shellfish Resource Management Regulations. Annually the Select Board adopts regulations concerning the opening and closing of shellfish areas, as well as regulation modifications. Language in the proposed regulations is nearly identical to the 2020-2021 shellfish regulations, except for the early closing of the West Falmouth Harbor Family Area for the re-stocking of shellfish to pre-pandemic quantities.

The proposed 2022-2023 regulations are boiler plate regulations which are approved annually. Should you have any questions, please do not hesitate to contact me.

Shellfish Division  
2022-2023 Annual Shellfish  
Resource Management Regulations

March 14, 2022

**TOWN OF FALMOUTH  
OYSTER REGULATIONS  
2022-2023 SEASON**

**Family/Recreational:** Between **October 1, 2022 and March 31, 2023**, both dates inclusive, not more than (10) quarts of oysters per week may be taken from areas open to the taking of shellfish. Seed oysters (less than 3" in length) must be culled from the shells of adult oysters at the harvest site. After shucking, oyster shells must be returned to the harvest site or to the shell collection site located at the Falmouth DPW (416 Gifford Street), on the right leading up the hill. *Recreational harvesters are not required to have completed Vibrio training to harvest from areas between October 1, 2022 and October 19, 2022.*

**Commercial:** Between **October 20, 2022 and March 31, 2023**, both dates inclusive, commercial harvest of oysters shall be limited to no more that (2) level town-approved containers per day. Commercial fishing is allowed on **Tuesdays, Thursdays and Saturdays only**. Culling of seed oysters from the shells of adult oysters must take place at the harvest site.

DRAFT

**TOWN OF FALMOUTH  
2022-2023 FAMILY PERMIT SCALLOP REGULATIONS**

Pursuant to MGL Chapter 130, Section 52, the following regulations for the taking of scallops by Falmouth Permit Holders effective **OCTOBER 1, 2022 through MARCH 31, 2023** are hereby adopted:

1. Scallop season will open for all FAMILY shellfish permit holders on **October 1, 2022** throughout the town including areas "Closed to Shellfishing" for quahogs, clams, oysters and mussels.
2. Skin diving using mark, snorkel and fins may be used in any area.
3. Scuba diving with air tanks is allowed in Megansett Harbor, with the exception of the "Family Shellfishing Area, Buzzards Bay, Great Harbor Woods Hole and Vineyard Sound from shore only.
4. Skin and Scuba divers shall display a diver's flag.
5. Scallop boats shall not position themselves between the shoreline and any diver's flag. While towing scallop dredges, all boats shall remain outside a 100-foot radius of any dive flag.
6. Dredging is prohibited in West Falmouth harbor and all family shellfish areas.
7. Beginning on **November 1, 2022 until November 30, 2022**, dredging will be permitted in marked navigational channels except on the Atlantic Oyster grant in Seapit River and West Falmouth Harbor. Great Harbor and Little Harbor Woods hole will open for dredging on November 1, 2018.
8. FAMILY CATCH LIMIT: (1) bushel per week of bay scallops.
9. Dredges are limited to 3-foot width and two dredges per boat. Dredges must have two-inch or larger rings in the construction of the bag. Boats shall be limited to two permit holders per boat.
10. All bay scallops taken from Falmouth waters shall be landed in Falmouth. Scallops may not be shucked prior to landing.
11. The use of dredges shall be prohibited in any Family Shellfish Area.

**TOWN OF FALMOUTH  
2022-2023 COMMERCIAL SCALLOP REGULATIONS**

Pursuant to MGL Chapter 130, Section 52, the following regulations for the taking of scallops by Falmouth Permit Holders effective **OCTOBER 1, 2022 through MARCH 31, 2023** are hereby adopted:

1. No Commercial Scallop Fishing on Sundays.
2. Skin diving using mask, snorkel and fins may be used in any area.
3. Scuba diving with air tanks is allowed in Buzzard Bay, Megansett Harbor, Vineyard Sound and Great Harbor Woods Hole from shore only.
4. Skin and Scuba divers shall display diver's flag and commercial divers shall display their permit numbers in 3" numbers on their dive flag.
5. Scallop boats shall not position themselves between the shore and diver's flags. While towing scallop dredges, all boats shall remain outside a 100-foot radius of any dive flag.
6. Commercial season opens on **October 1, 2022** in Buzzards Bay, Vineyard Sound and Great Harbor Woods Hole. All other areas to include Waquoit Bay and West Falmouth Harbor shall open on Monday, **October 4, 2022** to commercial scalloping. Commercial permit holders may take (1) bushel per week in coastal ponds from **October 1, 2022 until October 8, 2022**. NOTE: Family shellfish areas are not open too commercial shellfishing of any species.
7. Beginning on **November 1, 2022 until November 30, 2022** dredging will be permitted in marked navigational channels, except in the Seapit River on the Atlantic Oyster Shellfish grant and in West Falmouth Harbor. Dredging of scallops in Great Harbor and Little Harbor Woods Hole shall be permitted from **November 1, 2022 to March 31, 2023**.
8. COMMERCIAL CATCH LIMIT: **October 1 through October 31<sup>st</sup>**, on (1) bushel per week. Beginning on **November 1<sup>st</sup>**, five (5) bushels per open days in coastal ponds. Beginning **October 1<sup>st</sup>**, the limit is ten (10) bushels per open day in the waters of Vineyard Sound, Megansett harbor and Buzzards Bay.
9. Dredges are limited to 3-foot width and two dredges per boat except in the waters of Vineyard Sound, Megansett Harbor and Buzzards Bay where 1 dredge not exceeding 5 feet in width is permitted in place of the 2 three foot dredges. Dredges must have two inch or larger rings in the construction of the bag. Boats shall be limited to two permit holders per boat.
10. All bay scallops taken in Falmouth waters shall be landed in Falmouth. Scallops may not be shucked prior to landing.
11. Scallop shells may not be discarded in the water at any town landing.

**TOWN OF FALMOUTH  
2022-2023 SHELLFISH REGULATIONS**

Pursuant to MGL Chapter 130, Section 52 the following changes to the Shellfish Regulations are hereby adopted:

**Openings and Closings of Areas for Shellfish Resource Management**

**SOUTHERN BOURNES POND SC-13**

The waters of Southern Bourne's Pond (Family Area) shall open **May 1, 2022** and shall be close for restocking on **November 7, 2022**.

**WEST FALMOUTH HARBOR FAMILY AREA BB-54**

The waters of the West Falmouth Harbor Family Area shall be closed for shellfish stocking from sunset on **March 20, 2022** until sunrise on **October 1, 2022** or until the MA DMF deems water quality is acceptable, whichever date is later.

DRAFT

TOWN OF FALMOUTH  
2022-2023 SHELLFISH REGULATIONS

Per order of the Falmouth Select Board

Date: March 14, 2022

Douglas C. Brown, Chair

\_\_\_\_\_

Nancy Robbins Taylor, Vice Chair

\_\_\_\_\_

Samuel H. Patterson

\_\_\_\_\_

Megan English Braga

\_\_\_\_\_

Onjalé Scott Price

\_\_\_\_\_

DRAFT

## **CONSENT AGENDA**

### **1. Administrative Orders**

- b. Authorize the Town Manager and Town Counsel to respond to Open Meeting Law complaint filed by David Moriarty re: Select Board meeting of March 5, 2022



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



## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

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

#### Instructions for filing a complaint:

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

#### Instructions for a public body that receives a complaint:

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

#### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

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



# OPEN MEETING LAW COMPLAINT FORM

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

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: David Last Name: Moriarty

Address: PO BOX 550

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

Phone Number: [REDACTED] Ext. \_\_\_\_\_

Email: [REDACTED]

Organization or Media Affiliation (if any): Concerned Citizen

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

## Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): TOWN OF FALMOUTH SELECTBOARD

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

Date of alleged violation: March 5, 2022

**Description of alleged violation:**

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

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

On January 15, 2022, I went to a rare Falmouth Select Board meeting on Saturday morning to discuss the creation of an (MLP) Municipal Light Plant.

I suggested that the future article be written for Broadband cables only and leave out the electric cables. I was told by the board it was impossible. It had to remain that way and the town attorney was next to me in the room.

On February 28, 2022, the board met to approve all Town Meeting articles as written and did.

On March 5, 2022, the Falmouth Select Board held another rare board meeting on a Saturday morning. The meeting was posted on the town bulletin board and online but was not posted in the local newspaper about Article 25 (MLP). Historically the board meets every other Monday night and is always posted in the local newspaper.

I missed the March 5, 2022 meeting as it was unusual and not posted in the newspaper. This is the (open meeting violation).

The meeting again involved an Article 25 (MLP) creation of a Municipal Light Plant to be presented for approval to the Town Meeting in April.

At that meeting on March 5, 2022, it was disclosed by the town attorney that the Article 25 (MLP) Municipal Light Plant could have been written as I (Dave Moriarty ) suggested but it was too late because Town Meeting is in April 2022

At that meeting on March 5, 2022, it was also disclosed that the Falmouth Select Board had been in correspondence with FalmouthNet the group that wanted the article passed but neglected to include me, David Moriarty in the ongoing correspondence.

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

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

Hold a public meeting on Article 25 (MLP) Municipal Light Plant advertised in the local newspaper as all previous Falmouth Select Board Meetings

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

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

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

**II. Consulting With a Private Attorney.**

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

**III. Submit Your Complaint to the Public Body.**

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

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

Signed: David Moriarty

Date: 3/9/22

For Use By Public Body  
Date Received by Public Body:

For Use By AGO  
Date Received by AGO:

## CONSENT AGENDA

### 1. Administrative Orders

- c. Authorize Planning Department to submit grant application to Massachusetts Historical Commission for Edward Marks Building exterior improvements

Per the presentation to the Select Board on February 28, 2022 by the Edward Marks Building Advisory Committee, for exterior improvements to completely restore portico, door and foundation; fix problems with foundation; and replace bulkhead, interior stair and replace compromised materials.

## **CONSENT AGENDA**

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

- Public Session – January 31, 2022**

**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; Onjalé 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 Month 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 Falmouth Police Department (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 Fire Department (FD) 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.

Marc 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 Carrie Callas 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, ServSafe 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, intercept 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 hearing. 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.

Marc 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: Scott 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.

Scott 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.

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 EDIC redevelopment plans for the Falmouth Station, 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.

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