

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
**AGENDA**  
**MONDAY, MARCH 28, 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. Ch.30A s.21(a)(3) and s.21(a)(6) – To consider, with potential vote, the value of Mayflower Wind Electric Cable easements and to discuss strategy, with potential vote, regarding pending regulatory litigation before the Energy Facilities Siting Board for Mayflower Wind, EFSB 21-03/D.P.U. 21-142 & 21-143.
2. M.G.L. Ch. 30A, s. 21(a)(3) – To discuss offer and settlement of disputed demolition lien on property at 630 Waquoit Highway and imminent litigation.

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

1. Call to Order
2. Pledge of Allegiance
3. Recognition
4. Announcements
5. Public Comment
6. Affirm appointment of Beach Superintendent

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

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

1. Vote to Establish and Adopt Rules and Regulations for Vessels (Watercraft) on Town Property (15 minutes)
2. Wetlands/Dock Hearing – Adamo and Carol Rufo – to reconstruct a permitted pier, ramp and float in the waters of Eel Pond located at 139 Edgewater Drive West, East Falmouth (15 minutes)
3. Wetlands/Dock Hearing – Jay Rao – to reconstruct a dock in the waters of Wing Pond located at 124 North Falmouth Highway, North Falmouth (15 minutes)
4. Application for a New All Alcoholic Beverages Common Victualler License – Tiger Ramen, Inc. d/b/a Tiger Ramen located at 587 Main Street, Falmouth (10 minutes)

**8:25 p.m. BUSINESS**

1. Discuss and vote new Solid Waste Advisory Committee mission statement (10 minutes)
2. Discussion on request for expansion of Emerald House Community Garden (10 minutes)
3. Report to Select Board on Embarkation Fund (10 minutes)
4. Vote to affirm direction on historic horse trough water fountains (10 minutes)
5. Follow up discussion on fire station staffing policy (10 minutes)
6. Vote questions for ballot for May municipal election relative to debt exclusions for Sandwich Road fire station and wastewater treatment plant projects (15 minutes)

7. Vote questions for ballot for May municipal election relative to five Falmouth Home Rule Charter amendments proposed by the November 15, 2021 Annual Town Meeting (15 minutes)
8. Respond to petition by Ivan Valiela and others for non-binding advisory question on ballot for May, 2022 annual town election re: disposal of nuclear waste in Cape Cod Bay (10 minutes)
9. Licenses
  - a. Approve application for a Change of Manager of an all Alcoholic Beverages Common Victualler License – Water Street Kitchen, located at 56 Water Street, Woods Hole (5 minutes)
  - b. Approve application for a Change of Manager of an all Alcoholic Beverages Common Victualler License – Quicks Hole Tavern, located at 29 Railroad Avenue, Woods Hole (5 minutes)

**10:05 p.m. CONSENT AGENDA**

1. Licenses
  - a. Approve application to amend the Entertainment License and Sunday Entertainment License – Shipwrecked, LLC dba Shipwrecked, 263 Grand Avenue, Falmouth

2. Approve 2022 Seasonal/Annual License Renewals

SEASONAL ALL ALCOHOL COMMON VICTUALLER LICENSE  
 Falmouth Pier 37 Boathouse, 88 Scranton Avenue  
 Falmouth Raw Bar, 56 Scranton Avenue  
 Landfall Restaurant, 9 Luscombe Avenue  
 Quicks Hole Taqueria, 28 Water Street, Unit C  
 Shuckers, 91A Water Street  
 The Woods Hole Wharf, 71 Water Street

SEASONAL ALL ALCOHOL CLUB LICENSE  
 Seacoast Shore Association, 7 Farview Lane

SEASONAL COMMON VICTUALLER LICENSE  
 Eulinda's, 634 West Falmouth Highway  
 Falmouth Pier 37 Boathouse, 88 Scranton Avenue  
 Falmouth Raw Bar, 56 Scranton Avenue  
 Jim's Clam Shack, 227 Clinton Avenue  
 Landfall Restaurant, 9 Luscombe Avenue  
 Quicks Hole Taqueria, 28 Water Street, Unit C  
 Seacoast Shore Association, 7 Farview Lane  
 Shuckers, 91A Water Street  
 The Village Café of West Falmouth, 634 West Falmouth Highway  
 The Woods Hole Wharf, 71 Water Street

LODGING HOUSE LICENSE  
 Frederick William House, 594 Palmer Avenue  
 Inn on the Square, 40 North Main Street  
 Woods Hole Inn, 28 Water Street, Unit D

SECOND-HAND DEALER LICENSE  
 Cash Point, 348 East Falmouth Highway  
 Home Again, 93 East Falmouth Highway  
 Hope Restored, 75 County Road  
 St. Vincent DePaul Thrift Shop, 18A Davisville Road  
 Trendy Tots, 426 Main Street

ENTERTAINMENT LICENSE  
 Falmouth Raw Bar, 56 Scranton Avenue  
 Landfall Restaurant, 9 Luscombe Avenue  
 Quicks Hole Taqueria, 28 Water Street, Unit C  
 Shuckers, 91A Water Street  
 Seacoast Shore Association, 7 Farview Lane  
 The Woods Hole Wharf, 71 Water Street

SUNDAY ENTERTAINMENT LICENSE  
 Falmouth Raw Bar, 56 Scranton Avenue  
 Landfall Restaurant, 9 Luscombe Avenue  
 Quicks Hole Taqueria, 28 Water Street, Unit C  
 Seacoast Shore Association, 7 Farview Lane  
 Shuckers, 91A Water Street  
 The Woods Hole Wharf, 71 Water Street

3. Review and Vote to Approve Minutes of Meetings:
  - a. Public Session – March 9, 2022
  - b. Executive Session – February 28, 2022 (1, 2 and 3); March 9, 2022 and March 14, 2022.

**10:10 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT**

**10:15 p.m. SELECT BOARD REPORTS**

**10:25 p.m. DISCUSSION OF FUTURE AGENDA ITEMS**

**10:30 p.m. ADJOURN**

Douglas C. Brown, Chair  
 Select Board

**OPEN SESSION**

**TOWN MANAGER'S PRELIMINARY REPORT**

## REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

DATE: March 25, 2022

*JMSuso*

- The Board will convene at 6:30PM in executive session for an update on Mayflower Wind as well as a proposed settlement discussion on a private property. Town Counsel Maura O'Keefe and Senior Counsel Frank Duffy will join us.
- I am requesting that the Board vote to affirm my appointment of Ms. Maggie Clayton as Beach Superintendent for the Town. I am also asking for a waiver of residency. As we know, Ms. Clayton has served in this acting capacity in the recent past and brings us a welcomed wealth of experience. Ms. Clayton will be in attendance with us on Monday evening.

### PRELIMINARY

- Select Board members will conduct four public hearings. The first is a proposed, timely update to the Towns Regulations for watercraft on Town property. These Regulations are forthcoming from Marine and Environmental Services. Harbormaster Gregg Fraser will be joining us.
- The remaining hearings are for pier, ramp and float reconstruction in East Falmouth as well as dock reconstruction in North Falmouth.
- You will consider issuance of a new All Alcoholic Beverages Common Victualler License. For the consideration of such a license, the Board commonly asks for the manager and representatives to attend.
- In your Business items, I am recommending the Board's favorable consideration of a proposed adjustment to the Solid Waste Advisory Committee mission statement.
- Your discussion on a proposed expansion of the Emerald House Community Garden is challenging, given the timing and the significant interest in the use of ever-growing parts of the Emerald House properties for important potential community uses, including affordable housing and recreation. You have a memorandum from Peter J-S summarizing the challenges here.
- I am joined by several staff members in transmitting the result of our further analysis of the Embarkation Fund in response to an inquiry received

through the Inspector General's Office. With the Board's concurrence, we will transmit this report to the Inspector General.

- Working with Peter McConarty, I have transmitted to the Board the summary of the suggested "compromise" from your recent discussion on the historic horse fountains. I respectfully encourage the Board to consider voted approval of this compromise to bring this matter to reasonable closure.
- You will be considering voted placement of multiple municipal election items on the upcoming May, 2022 ballot. This includes a non-binding advisory question which just arrived on Wednesday of this week.
- Two "changes of manager" for an All Alcoholic Beverages Common Victualler are placed as Business items for the Board, as you traditionally have determined to speak directly with the individual who will be assuming management responsibility for the sale of alcoholic beverages.

#### SUPPLEMENTAL

- The Board's next meeting will be your traditional "brief" meeting which convenes just before the onset of Town Meeting – Monday, April 4, to be held at the Lawrence School. As we know, there are 38 Town Meeting Articles to be acted upon including the \$146.7 Million Annual Operating Budget for FY23.
- I attended the Town Meeting Precinct meetings on Tuesday (Precinct 3) and Wednesday (Precincts 8 & 9) evenings of this past week. These Precinct meetings continue in the coming week, with Precincts 1 & 2 as well as Precincts 4 & 7 all meeting on Wednesday, March 30 and Precincts 5 & 6 meeting on Thursday, March 31.
- Your next regular business meeting, following April Town Meeting, is scheduled for Monday, April 11.

## **OPEN SESSION**

6. Affirm appointment of Beach Superintendent

## Margaret G. Clayton

2 Harvard Drive, Falmouth, MA 02536 ■ [REDACTED] ■ [REDACTED]

### Licensure

#### Massachusetts

#470880

Initial Educator License: English 5-12

Initial Educator License: History 5-12

SEI Endorsement

### Education

#### Lesley University

May 2020

Master's in Education, Middle School Humanities

GPA: 3.68

#### University of Massachusetts Amherst

May 2012

Commonwealth Honors College, Scholar *with great distinction* GPA: 3.64; Dean's List all semesters

Bachelor of Arts, Magna Cum Laude, English and French & Francophone Studies

#### Université Stendhal - Grenoble III, Grenoble, France

Fall 2010

Centre Universitaire d'Études Françaises

Language Skills: Conversational French

### Work Experience

#### Acting Beach Superintendent, Falmouth, MA

March 2020-present

- Oversee Beach Dept. including daily operations of 10 waterfront sites and staff of 110+ employees
- Uphold policies and procedures outlined in Town bylaws
- Retain certification in CPR, First Aid/AED, and Waterfront Lifeguarding

#### English Teacher, Remote Learning Academy & Driscoll, Brookline, MA

September 2020-present

- Implement the Teachers College Reading and Writing Project workshop model
- Support students navigating 7th grade in-person, and using Zoom video conferencing & Canvas

#### English/Social Studies Student Teacher, Lawrence School, Brookline, MA

January-May 2020

- Practicum placement with 2 mentor teachers in the 6th grade
- Contributed to the work required of pivoting to remote learning during the COVID-19 pandemic

#### English/Social Studies Teacher, Chenery Middle School, Belmont, MA

March-June 2018

- Created literary lessons for 52 students in the 5th grade based on all individuals' needs
- Strengthened student engagement with the historical curriculum using primary sources

#### English/French Teacher, Academy of Notre Dame, Tyngsboro, MA

July 2015-June 2017

- Guided coursework in Grade 5-8 Language Arts through Loyola's Voyages grammar text & trade books
- Encouraged development of written expression in formal essay and creative writing
- Facilitated Grade 6-8 students' understanding of French language/culture with oral and written practice
- Instructed using technology for multimodal language learning

#### Reading Teacher, Holten-Richmond Middle School, Danvers, MA

December 2014-June 2015

- Used Fusion Reading intervention program to improve reading skills of 68 students in grades 6-8
- Led Academic Study Skills offering time management, test preparation & organization support

**Language Arts Teacher**, Holten-Richmond Middle School, Danvers, MA August-December 2014  
• Developed the reading comprehension, language and writing skills of 95 students in the 7th grade  
• Worked cooperatively with the Special Education liaison to support a co-taught class

**English Teacher**, Ottoson Middle School, Arlington, MA April-June 2014  
• Worked with 125 students in the 7th grade to develop reading/writing/comprehension skills  
• Accommodated the needs of students with Individual Education Plans and 504s

**Daily Substitute Teacher**, Belmont Public Schools, Belmont, MA March 2014-March 2018  
• Per diem education experience, worked to fill absences of classroom teachers and professional aides

**English Tutor**, Westford, MA September 2017-February 2019  
• Tutored 7th grader weekly in reading comprehension, vocabulary development & poetry  
• Prepared student for HSPT Exam Fall 2018

**Daycare Assistant**, Arlington Public Schools Childcare Program, Arlington, MA 2010-2019  
• Provided daycare for children of employees of APSaged 3 mos.-3 yrs. on a part-time basis

**Banquet Staff**, Wellesley Country Club, Wellesley, MA January 2013-July 2015  
• Prepared and handled function rooms for events ranging from 12-300 people

**Peer Mentor**, University of Massachusetts Amherst, Amherst, MA 2009-2012  
• Served as live-in mentor to first year students in the areas of academic success & the college transition  
• Implemented initiatives to provide students with opportunities to connect to faculty and instructors  
• Assisted in the creation of an inclusive, academically-focused, residential community

### **Volunteer Experience**

**Girl Scout**, Girl Scouts of Eastern Massachusetts 1996-present  
• Silver Award recipient, 2004

**Classroom Aide**, École Saint Joseph, Grenoble, France Fall 2010  
• Helped weekly in Cours Moyen 2<sup>nd</sup> year (CM2) classroom in French and English  
• Coordinated small group instruction for verbal language skills

### **Additional Background**

Co-leader, High School Youth Group, Crawford Memorial United Methodist Church 2017-present  
GSA Advisor, Remote Learning Academy, Brookline, MA 2020-2021  
Game Staff, Arlington High School Athletic Department 2018-2020  
Yearbook Adviser, Academy of Notre Dame, Tyngsboro, MA 2015-2017  
Head Coach, Track & Field, Academy of Notre Dame, Tyngsboro, MA 2016-2017  
Head Coach, Cross Country, Academy of Notre Dame, Tyngsboro, MA Fall 2016  
Writer, Arts & Living Staff, *The Massachusetts Daily Collegian* 2011-2012  
Student Representative on Academic Honesty Board, University of Massachusetts 2010-2012  
Commonwealth Honors College Student Advisory Board, University of Massachusetts 2008-2012

## **PUBLIC HEARINGS**

### **1. Vote to establish and Adopt Rules and Regulations for Vessels (Watercraft) on Town Property**

#### **Public hearing checklist:**

- Read 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 28, 2022

TOWN OF FALMOUTH

NOTICE OF PUBLIC HEARING

Rules and Regulations for Vessels (Watercraft) on Town Property

The Falmouth Select Board, under the authority of the Falmouth Home Rule Charter section C3-7 Subsection H of the Code of the Town of Falmouth, will hold a public hearing to establish and adopt Rules and Regulations for Vessels on Town Property for the Town of Falmouth. The hearing will be held on Monday, March 28, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, 59 Town Hall Square, Falmouth, MA.

Interested parties may review the draft regulations at the Harbormaster's Office or online at <https://www.falmouthma.gov/233/Harbormaster>.

Per Order of the Falmouth Select Board

*Publication date: Friday, March 11, 2022; Falmouth Enterprise*

## Diane Davidson

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**From:** Julian Suso  
**Sent:** Monday, January 24, 2022 8:28 AM  
**To:** Gregg Fraser  
**Cc:** Peter Johnson-Staub; Frank Duffy; Michael Palmer; Diane Davidson  
**Subject:** FW: vessel on shoreline-town property revised Jan2022.docx  
**Attachments:** vessel on shoreline-town property revised Jan2022.docx

Hello Gregg,

Thank you for this proposal. I have copied Diane Davidson who can assist us with the necessary advertising for the public hearing necessary for an upcoming SB agenda – with Frank's guidance for any other details.

Julian

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**From:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Sent:** Monday, January 24, 2022 7:56 AM  
**To:** Julian Suso <julian.suso@falmouthma.gov>  
**Cc:** Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>; Michael Palmer <michael.palmer@falmouthma.gov>; Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Subject:** vessel on shoreline-town property revised Jan2022.docx

Good Morning Julian and Peter:

Attached please a proposed Select Board regulation governing dinghies on town property. As you may know, we have then all over town in various conditions and currently have no mechanism for dealing with them. This regulation would apply only to those on town owned property.

This regulation was modeled after the one currently in effect in Barnstable. Frank has reviewed and made a few legal changes which have been incorporated into this document. Mike Palmer has proposed the number as 272-1. The Conservation Commission has voted to support this regulation.

The next step would be for the SB to hold a hearing for adoption purposes. I'm not in any rush for this to happen so whenever it might be convenient to place on their agenda would be fine.

Thank you,  
Gregg

Select Board Authority: Town Charter C3-7 (H)

272-1 Vessels on Town Property

A. Purpose:

To establish a regulation in order to effectively utilize public access to the water over town land by controlling the size and types of vessels placed upon these ways. This regulation also limits the timeframe in which vessels will be permitted to remain in the areas, requiring annual removal.

B. Definitions:

**Vessel:** For purposes of this regulation, a vessel is watercraft of every description used or capable of being used as a means of transportation upon the water. (See MGL Chapter 90B & 323 CMR 2.02)

**Structure:** Structure means any man-made object which is intended to remain in place in, on, over, or within the tidelands or other waterways and would require a local permit from the Conservation Commission and/or DEP Chapter 91. Structures include any types of anchoring system that is put in place by the altering, digging, and/or burying of poles, posts, rods, pipes, anchors, concrete or similar attachments into the ground or shore of the Town.

C. Regulation:

1. Only non-motorized vessels may be placed on town land with public access to water and landings between April 16 and November 14 of each calendar year.
2. No vessel greater than 12 feet in length overall and no vessel greater than 5 feet in beam may be placed on any town way to water or landing.
3. Vessels may only be placed so as not to cause damage to town property or the environment. No new structure may be erected or placed without prior authorization from the Harbormasters Office. Any object or item that is used to secure a vessel must be removed each year by November 15<sup>th</sup> and may not be put back in place until April 16<sup>th</sup>. This includes existing structures in existence on the date these regulations are adopted.
4. New and replacement structures shall be auger style screw in ground anchors only.
5. The town may require the use of dinghy racks or rails where available and appropriate. The town may charge a reasonable fee for use of town provided dinghy racks as determined by the Select Board. Dinghy rack stickers will be issued by the Harbormaster.
6. All vessels stored along the shores of town owned property shall display the owners name and phone number in a clearly visible location attached to the vessel. Identification stickers may be available from the Harbormasters Department for this purpose.
7. Vessels may not be placed on resource areas as defined by the Conservation Commission Regulations such as Coastal Dunes, Coastal Banks, Inland Banks or Salt Marshes. Vessels shall not be secured to trees or other vegetation.

8. The Town of Falmouth assumes no responsibility for the loss and/or damage to any vessel placed on town property. Any vessel so placed on Town property is done so at the owner's risk and any liability incurred therefore shall be at the owner's expense.
9. Unless a vessel owner secures written permission of the Harbormaster for a proven need, no vessel shall be shored or placed on town property between November 15 and April 15 annually. Any vessel placed or remaining on town property between November 16 and April 14 shall be considered abandoned under this regulation and disposed of in the best interest of the town and disposed of at the owner's expense.
10. The owner of any vessel or structure in violation of this regulation may be fined \$50.00 per day. Each day constitutes a separate offense. Any vessel or structure in violation of this regulation may be removed by the Harbormasters Department. Vessels or structures removed by the Harbormaster's Department shall be considered derelicts/abandoned and will be disposed of in the best interest of the town and at the owner's expense.

*Town of Falmouth, MA  
Wednesday, February 9, 2022*

## Chapter C. Falmouth Home Rule Charter

### Article III. The Select Board

#### § C3-7. Specific powers, administrative duties and responsibilities.

- A. The Board shall not administer the day-to-day operations of the town but shall direct the Town Manager to do so. The Board shall act only as a collective body and members shall possess no individual authority. The Board shall work through the Town Manager when dealing with matters involving department heads or other town employees.
- B. The Board shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and impose such restrictions as it considers to be in the public interest, and further to enforce, or cause to be enforced, the laws, rules and regulations relating to all businesses for which it issues licenses.
- C. The Board shall be recognized as head of the town government for all ceremonial purposes.
- D. The Board shall have the power to approve all collective bargaining contracts to which the Town is a contracting party.
- E. The Board shall maintain liaison with all governmental bodies and shall mediate disputes among governmental bodies.
- F. The powers and duties of the former Board of Public Works shall be vested in the Select Board..
- G. The Select Board. shall publish a copy of the Warrant in a newspaper of general circulation in the Town at least four (4) weeks before a Town Meeting and, again, with recommendations by the Finance Committee, Planning Board and Select Board. at least 14 days before a Town Meeting.
- H. The Board shall have the power and authority, after public hearing and publication, to adopt rules and regulations for the conducting of town business, the use of town real and personal property and other matters within its jurisdiction and set the penalties for violations thereof.

[Added ATE 5-19-2020, Question 7]

## Diane Davidson

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**From:** Gregg Fraser  
**Sent:** Tuesday, March 15, 2022 9:57 AM  
**To:** Diane Davidson  
**Cc:** Gregg Fraser  
**Subject:** Boats on Town Property

Hi Diane,

Pictures attached for the hearing on 3/28.

Pictures are of Green Pond, Waquoit Bay, and Great Pond.

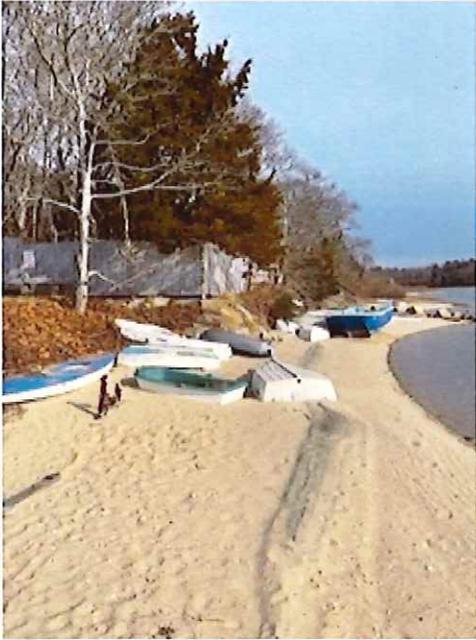
Thanks,  
Gregg

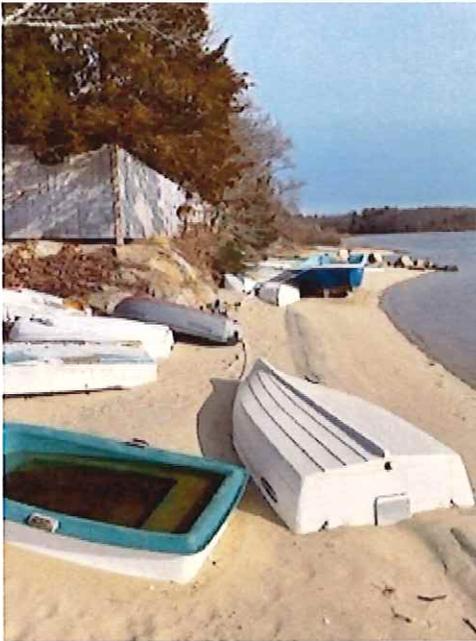
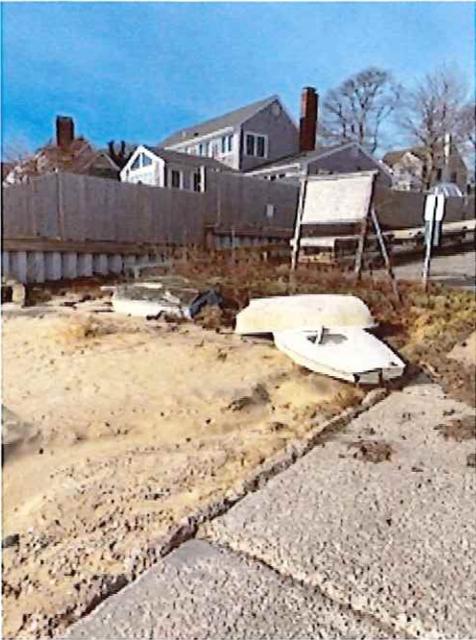
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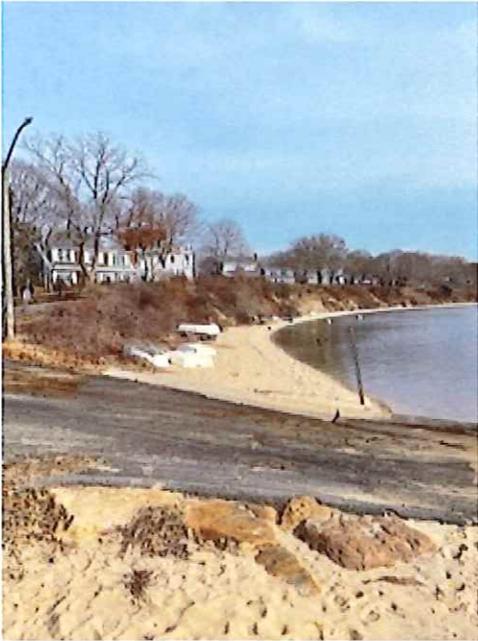
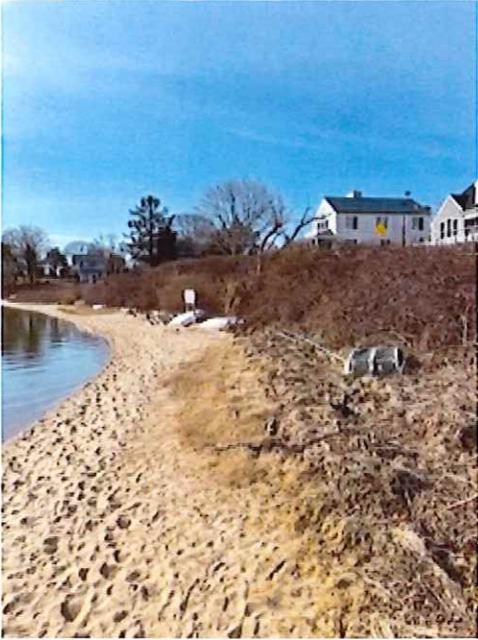
**From:** Gregg Fraser <gpf63@icloud.com>  
**Sent:** Tuesday, March 15, 2022 9:53 AM  
**To:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Subject:**













Sent from my iPhone

## **PUBLIC HEARINGS**

2. Wetlands/Dock Hearing – Adamo and Carol Rufo – to reconstruct a permitted pier, ramp and float in the waters of Eel Pond located at 139 Edgewater Drive West, East Falmouth

### Public hearing checklist:

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



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## 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 28, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Adamo and Carol Rufo for permission to reconstruct a permitted pier, ramp and float in the waters of Eel Pond located at 139 Edgewater Drive West, East Falmouth, MA. Area affected is Eel Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the  
Select Board

*Publication dates: Friday, March 11, 2022 and Friday, March 18, 2022; Falmouth Enterprise.*

**139 EDGEWATER DR WEST**

CERTIFIED



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

21 SADYS LN ANTICO TRUSTEE FRANCESCO ANTICO TRUSTEE PIERINA 18 SHELDON AVE WILMINGTON. MA 01887-2921	32 08 001 012 LUC: 101	143 EDGEWATER DR WEST CUTONE JONATHAN AKERS CUTONE JENNIFER 14 BRADY RD EXT WESTBOROUGH. MA 01581	32 14 000E 010 LUC: 101	155 EDGEWATER DR WEST KELLEY TRUSTEE LEONA A WILLIAM J KELLEY JR TRUST PO BOX 13 EAST FALMOUTH. MA 02536-0013	32 14 000E 007 LUC: 101
6 COLUMBUS DR ANTONELLIS TRUSTEE DONATO ANTONELLIS TRUSTEE KIM E 6 COLUMBUS DR EAST FALMOUTH. MA 02536	32 12 000C 016 LUC: 101	5 SACHEM DR DAVENPORT THOMAS DAVENPORT MARY 17 SMITH AVE STOUGHTON. MA 02072	32 14 000E 037 LUC: 101	25 COLUMBUS DR KUMYSH ANNA 169 WARD ST NEWTON. MA 02459	32 14 000E 067 LUC: 101
8 HAMPDEN RD BETRO RICHARD A BETRO PAMELA 8 HAMPDEN RD EAST FALMOUTH. MA 02536	32 14 000E 063A LUC: 101	9 HAMPDEN RD DEMELLO BETTY J 9 HAMPDEN RD EAST FALMOUTH. MA 02536-6456	32 14 000E 052 LUC: 101	159 EDGEWATER DR WEST MASTRIANO ESTATE OF FRANK L 8A SOMERSET LN C/O MICHAEL MASTRIANO PR NANTUCKET. MA 02554	32 14 000E 006 LUC: 101
110 ANTLERS SHORE DR BISHOP WENDELL E 110 ANTLERS SHORE DR EAST FALMOUTH. MA 02536	32 08 001 008 LUC: 101	130 EDGEWATER DR WEST FALMOUTH HOUSING AUTHORITY 115 SCRANTON AVE FALMOUTH. MA 02540-3560	32 14 000E 064 LUC: 970	7 HAMPDEN RD MCCULLOUGH JR LESTER W MCCULLOUGH MARY E 30 BRASTOW AVE SOMERVILLE. MA 02143-1403	32 14 000E 051 LUC: 101
104 ANTLERS SHORE DR BISSETT JOHN R BISSETT EILEEN 104 ANTLERS SHORE DR EAST FALMOUTH. MA 02536	32 08 001 007 LUC: 101	0 EDGEWATER DR WEST FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH. MA 02540-2761	32 14 000E 000 LUC: 936	135 EDGEWATER DR WEST NICKERSON TRUSTEE MAUREEN T MTN REALTY TRUST PO BOX 524 EAST FALMOUTH. MA 02536	32 14 000E 012 LUC: 101
14 SACHEM DR BREW BLAINE S BREW KRISTIN S 188 FRANKLIN ST BRAintree. MA 02184	32 14 000E 046 LUC: 101	152 EDGEWATER DR WEST FINEGOLD DANIEL W FINEGOLD STEPHANIE L 5 WHIPPOORWILL DR WESTWOOD. MA 02090	32 14 000E 049 LUC: 101	21 COLUMBUS DR NORRIS ELIAH E NORRIS JENNIFER M 21 COLUMBUS DR EAST FALMOUTH. MA 02536	32 14 000E 066 LUC: 101
10 SACHEM DR CARDOSO JORGE M MARTINS FILOMENA D 10 SACHEM DR E FALMOUTH. MA 02536	32 14 000E 047 LUC: 101	11 SADYS LN FRIES DONALD E FRIES DIANE M 11 SADYS LN E FALMOUTH. MA 02536-6268	32 08 001 010 LUC: 101	151 EDGEWATER DR WEST PACOSA PETER A BREEN SUSAN A 102 BAY RD HADLEY. MA 01035	32 14 000E 008 LUC: 101
139 EDGEWATER DR WEST CARDUCCI TRUSTEE FRANCESCA V CARPI B REALTY TRUST 1560 WASHINGTON ST NEWTON. MA 02465	32 14 000E 011 LUC: 101	6 SACHEM DR HALL DAVID MILTON HALL DONNA LEE 53 ANAWAN RD NORTH ATTLEBORO. MA 02760	32 14 000E 048 LUC: 101	121 EDGEWATER DR WEST PHILBRICK DARLENE A 73 METZLER RD EAST BRIDGEWATER. MA 02333-2522	32 12 000C 014 LUC: 101
140 EDGEWATER DR WEST CHIANCA KENNETH R CHIANCA KATHLEEN A 200 WALNUT RD WRENTHAM. MA 02093	32 14 000E 050 LUC: 101	11 HAMPDEN RD HEFFERNAN III TRUSTEE WALTER A MKW REALTY TRUST 156 SAVIN HILL AVE DORCHESTER. MA 02125	32 14 000E 053 LUC: 101	12 HAMPDEN RD RABIDOU JOHN J RABIDOU DEBORAH L 2 MERRIAM DIST NORTH OXFORD. MA 01537	32 14 000E 060 LUC: 101
122 ANTLERS SHORE DR CROSS DANIEL F CROSS MARY E 25 WALDRON RD BRAintree. MA 02184	32 08 001 019 LUC: 101	133 EDGEWATER DR WEST JOYAL GARY J 29 PURINGTON AVE NATICK. MA 01760	32 14 000E 013 LUC: 101	17 COLUMBUS DR REDMAN CURTIS L MCHALE CARLA A 10549 BETHESDA CHURCH RD DAMASCUS. MD 20872	32 14 000E 065 LUC: 101

15 SADYS LN 32 08 001 011

STONE JOHN LUC: 101

STONE THERESA  
15 SADYS LN  
EAST FALMOUTH. MA 02536

116 ANTLERS SHORE DR 32 08 001 005

STONE JR RICHARD D LUC: 101

STONE LAURA F  
15 GIBBS VALLEY RD  
FRAMINGHAM. MA 01701

9 SACHEM DR 32 14 000E 038

TOBIN TRUSTEE JOHN J LUC: 101

TOBIN TRUSTEE PATRICIA J  
13 VINCENT AVE  
BELMONT. MA 02478

158 EDGEWATER DR WEST 32 14 000E 036

TUCKWOOD TRUSTEE NORMA E LUC: 101

N E T REALTY TRUST  
PO BOX 812  
EAST FALMOUTH. MA 02536

129 EDGEWATER DR WEST 32 14 000E 014

TZANETAKOS NICHOLAS LUC: 101

16 THAXTER ST  
HINGHAM. MA 02043

10 HAMPDEN RD 32 14 000E 061

VARAO JOHN P LUC: 101

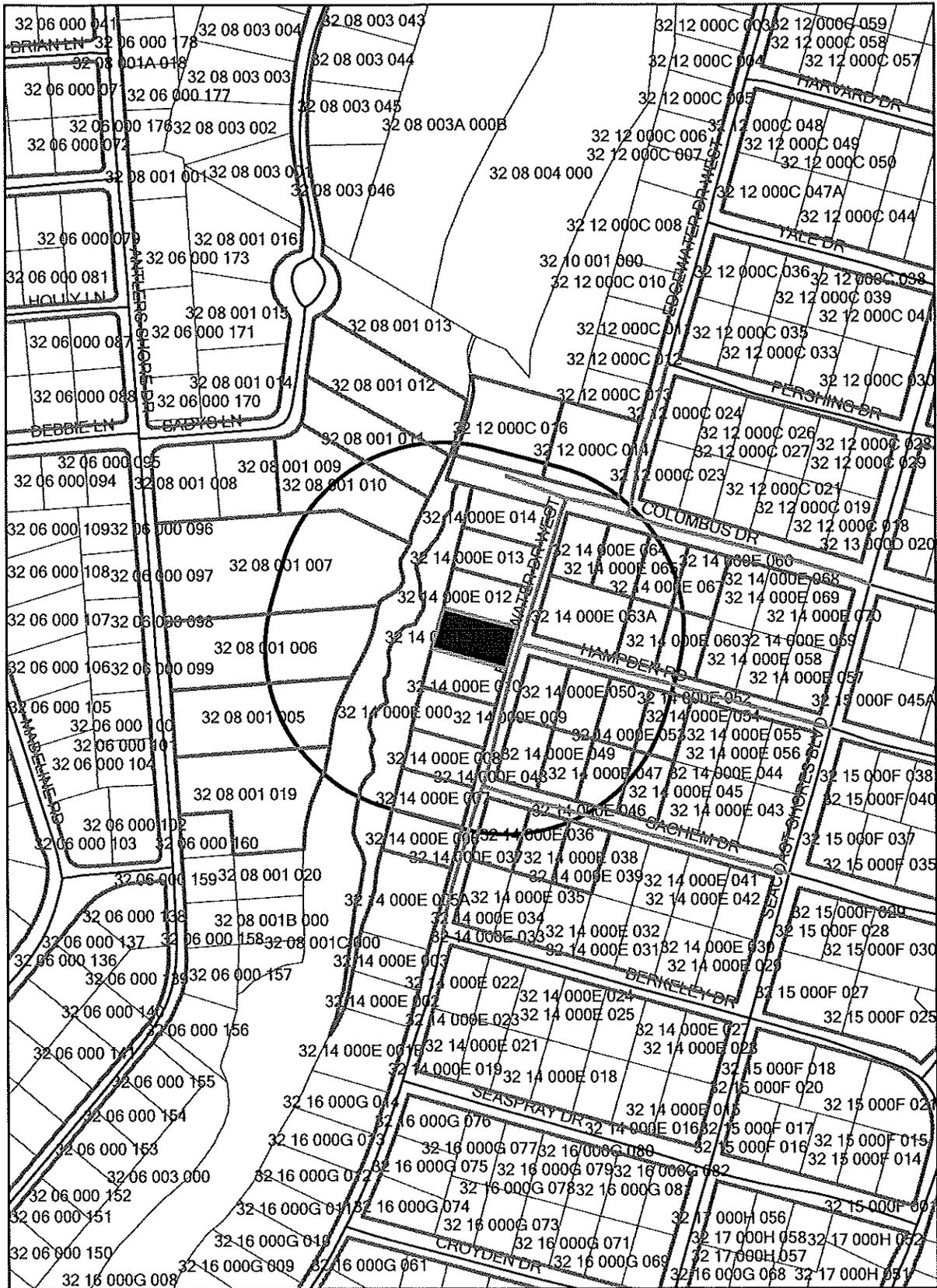
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E FALMOUTH. MA 02536-6402

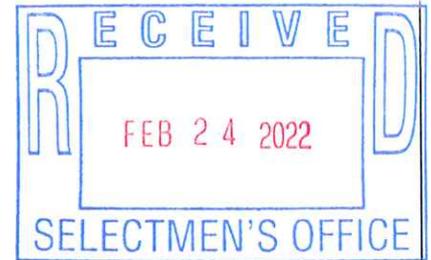
147 EDGEWATER DR WEST 32 14 000E 009

WILLIAMS JOHN M LUC: 101

WILLIAMS KRISTEN L  
147 EDGEWATER DR W  
E FALMOUTH. MA 02536

# 139 EDGEWATER DR WEST





*APPLICATION FOR PERMIT TO FILL, DREDGE OR  
OTHERWISE ALTER WETLANDS*

Filing under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law

TOWN CLERK

MAR 9, 2022 AM 10:01

RECEIVED

*PIER RE-CONSTRUCTION*

*139 EDGEWATER DRIVE WEST*

*EAST FALMOUTH, MASSACHUSETTS*

Prepared for:

Adamo and Carol Rufo

Prepared by:



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

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**ATTACHMENT A - PROJECT NARRATIVE**

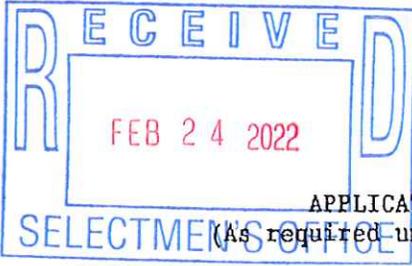
**ATTACHMENT B - HARBORMASTER COMMENTS**

**ATTACHMENT C - ORDER OF CONDITIONS 25-4693**

**ATTACHMENT D - DRIVING DIRECTIONS TO SITE**

**ATTACHMENT E - DEP INTERIM PERMIT**

**ATTACHMENT F - PLAN OF PROPOSED PIER**



TOWN OF FALMOUTH  
BOARD OF SELECTMEN

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

To the Board of Selectmen  
Falmouth, MA

Date: 2-24-22

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: Carpi B. Realty Trust, 1560 Washington St. West Newton, MA 02465, T.O. Falmouth 59 Town Hall Square Falmouth, MA 02540  
(full name) (address)

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

APPLICANT: Adamo & Carol Rufo 1560 Washington St. West Newton, MA 02465  
(full name) (address)

1. Location of Property: Map 32 Section 14 Parcel 00E Lot 011

Street Name and House Number 139 Edgewater Drive West

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

3. Description of property and project site: The lot consists of approximately 9,230± square feet of land in a densely developed residential area of East Falmouth.

a. Dimensions, Acreage of total parcel: 9,230± square feet

b. Length of water marsh frontage: 63'

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

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

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

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

Disposition of Spoil: N/A

f. Describe proposed riprap or bulkheading, if any: N/A

g. Other (docks, piers and etc.) Re-construction of dock.

h. Method (equipment to be used) for proposed work: Barge supported crane

4. Purpose of proposed work: Non-commercial docking & access to navigable waters.

5. Zoning which governs area: RC

6. Date of application for permit to dredge or fill from the Commonwealth of  
Mass. N/A Army Engineers N/A

7. Has a permit ever been approved or refused for this location by State,  
Federal or Local Authority? Order of Conditions 25-4693 (copy attached)

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

9. Project Summary for legal notice: \_\_\_\_\_

Reconstruction of a permitted pier, ramp and float in Eel Pond.

Owner: Carpi B. Realty Trust  
1560 Washington St.  
West Newton, MA 02465

T.O. Falmouth 59 Town Hall Square Falmouth, MA 02540

(Name & Address)

TEL #:

Agent: Falmouth Engineering, Inc.  
17 Academy Ln. Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #: 508.495.1225

Applicant: Adamo & Carol Rufo  
1560 Washington St.  
West Newton, MA 02465

(Name & Address)

TEL #:

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

## **ATTACHMENT A - PROJECT NARRATIVE**

### **1.0 Introduction and Project Overview**

Falmouth Engineering Inc. has filed this wetlands application on behalf of Adamo and Carol Rufo, the owners and applicants for 139 Edgewater Drive West in East Falmouth. The Applicant proposes to reconstruct a pier, ramp and float with a new elevated fixed pier. The existing pier, ramp and float were permitted by the previous owner via a DEP interim permit. The applicants and new property owner are required to re-permit the existing pier ramp and float to convert it to a Chapter 91 license. In an effort to reduce environmental impacts and improve navigation, the applicant proposes to re-construct the existing pier, ramp and float to an entirely fixed pier. The reconstructed pier will be slightly re-aligned to improve navigation and increase water depth.

Included in this construction project is the placement of eighteen (18) 6-inch posts, support timbers, decking, and railings. The pier will consist of a 4' wide fixed pier extending 44' seaward of mean high water.

The application is being jointly filed pursuant to the Section 240-77 (Wetland Regulations) of the Falmouth Zoning By-Law.

### **2.0 Existing Conditions**

The lot consists of approximately 9,230± square feet of land in a densely developed residential area of East Falmouth (refer to Figure 1-Site Location Map). A single family residence occupies the central portion of the site. Other residential properties lie to the north and south of the site. Eel Pond is located directly west of the site. A residence, driveway and landscaping typical of the area is located on the lot. A broad salt marsh also abuts the property to the west.

#### *2.1 Regulated Wetland Resource Areas*

All coastal resource areas within 100 feet of the proposed project facilities have been identified and appropriately located in the field. Adjacent resource areas include land under the ocean (Eel Pond), land containing shellfish, salt marsh, and land subject to coastal storm flowage. The attached plan shows each of the resource areas that have been identified in the project area.

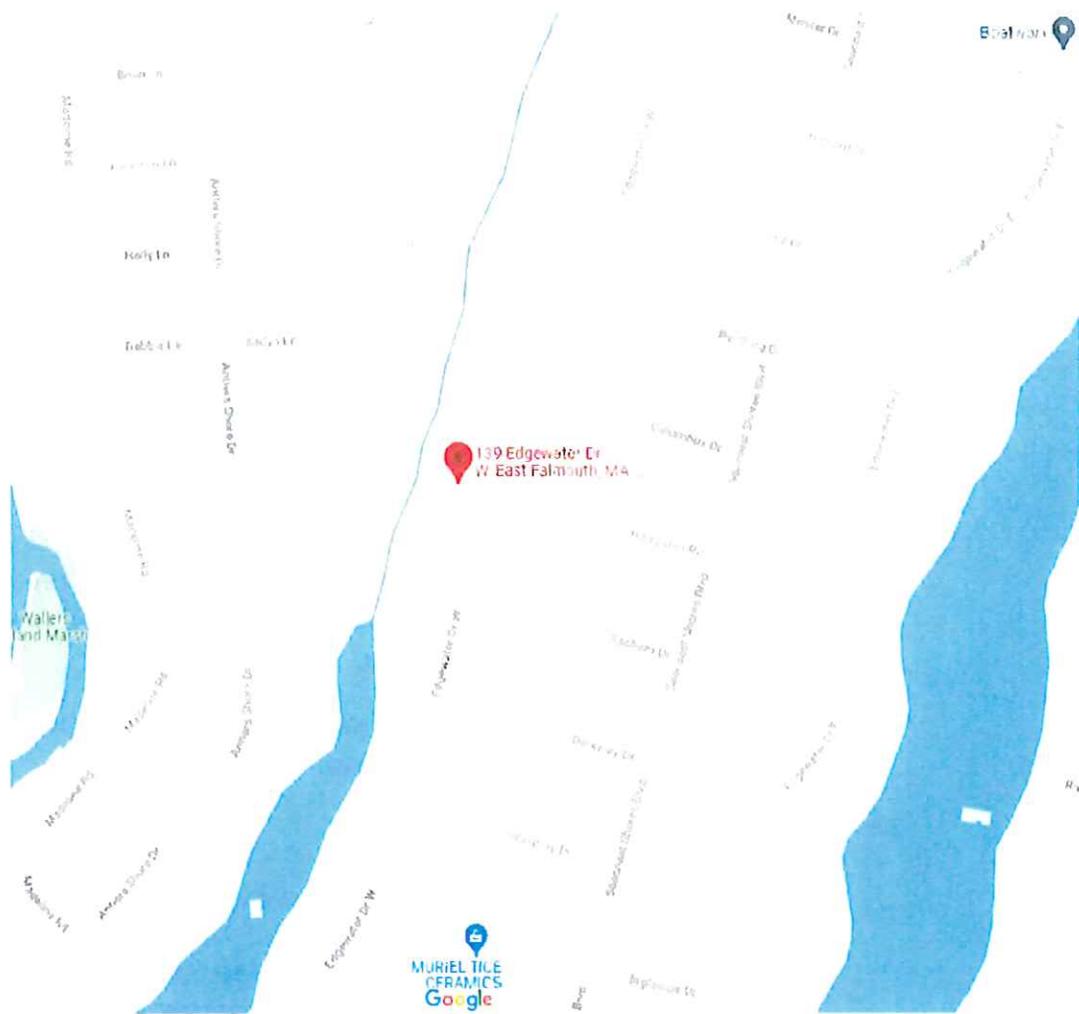


FIGURE 1- SITE LOCATION MAP  
139 EDGEWATER DRIVE WEST  
EAST FALMOUTH, MA

## *2.2 Estimated Habitat and Protected Species*

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program indicates that the proposed dock construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

### **3.0 Proposed Project**

The project involves the reconstruction of a permitted pier, ramp and float in Eel Pond. Included in this reconstruction project is the placement of eighteen (18) 6 inch posts, support timbers, decking, and railings. The pier will consist of a 4' wide fixed pier extending 44' seaward of mean high water.

Post will be driven by a barge supported pile driver, when accessible, or installed by hand in areas inaccessible. The barge will float at all times during the pier construction.

Pier construction will take place in and above land containing shellfish, land under the ocean, and salt marsh. The pier will be constructed using a barge that will operate from Eel Pond. All staging, cutting, and prep work will be done on the barge or from upland areas of the property.

Although the proposed pier does not meet all application standards for dock construction, it will with replace a substandard permitted pier ramp and float.

The existing pier, ramp and float are substandard in the following ways:

- The walkway is very low and to the salt marsh surface. This low profile, combined with insufficient decking impact the salt marsh by shading the entire area beneath the walkway. The existing walkway does not meet DMF standards of 1.5 to 1 width to height requirement.
- The low-profile walkway does not allow for public access beneath the structure.
- The existing dock terminates at a 4' x 12' float. The float is located in shallow water (less than 1 foot referenced to mean low water).

The reconstructed dock, while still be unable to meet all standards, is a significant improvement to the existing dock for the following reasons:

- The new dock will be entirely fixed with no floats.

- The walkway will be elevated to meet DNF standards.
- The walkway will be elevated to allow for public access.
- The walkway will be elevated to mitigate for current shading to the salt marsh caused by the low-profile existing walkway.
- The walkway will be fitted with Thru-Flow decking to allow for 50% sunlight penetration to the salt marsh.
- The dock end will be fixed instead of floating.
- The dock end will be located in slightly deeper water.
- The dock orientation will improve navigation and impact to surrounding docks.

#### **4.0 Anticipated Impacts to Resource Areas**

##### *Anticipated Impacts*

The pier is proposed as an elevated structure with direct contact with the substrate only at the post installation points. The pier has been designed to be installed to improve separation from the salt marsh. The post spacing will be increased, reducing the number of salt marsh penetrations.

The timber posts will be driven using a barge-mounted pile driver equipped with a vibratory hammer, or installed by hand in areas not reachable by barge. Post installation will directly impact approximately five (5) resource areas.

Impacts to wetland resources will be temporary during installation. Long term impacts will be vastly improved by the reconstruction of the dock.

#### **5.0 Compliance with Applicable Performance Standards**

The Massachusetts Wetland Protection Act regulations allows for the construction of water-dependant structures within wetland resource areas provided that the design and construction of the structure is in accordance with the best available measures so as to minimize adverse effects (310 CMR 10.27(6)). The Massachusetts Department of Environmental Protection, Bureau of Resource Protection, Wetlands and Waterways Program has published specific design standards for small pile supported docks and piers (DEP, 2003), which are specifically intended to minimize adverse impacts

resulting from the installation and maintenance of such structures. The proposed dock meets or exceeds each of these design standards.

Other design requirements for docks and piers are found under the Falmouth Wetland Regulations at FWR 10.16 (1) (d) (1-10) (Design Specifications and Performance Standards for Docks and Piers in Recreational Harbors) and at FWR 10.16 (1) (h)(1-7) (General Requirements and Prohibitions all Docks and Piers). Other relevant performance standards are addressed at FWR 10.34 (5) (Land Containing Shellfish).

### **5.1 Design Specifications and Performance Standards for Docks and Piers in Recreational Harbors (Falmouth Wetland Regulations 10.16 (1) (d) (1-10))**

- 1 Docks shall not exceed one hundred feet in length beyond mean high tide, or one hundred feet in length beyond the landward edge of salt marsh, or otherwise prohibit or unreasonably impede legitimate passage along a beach or through navigation over the waters for recreational or aquiculture purposes;*

The proposed dock extends 44 feet seaward of the mean high water line. The fixed pier is elevated at least five feet above the mean high water elevation at the shoreline to permit lateral access along the waterfront. Therefore the proposed pier complies with this performance standard.

- 2. To keep disturbance of the bottom minimal at all times during both construction and use, the water depth at the end of the dock shall be a minimum of three feet at the time of mean low water.*

The water depth at the end of the proposed dock is less than 3 feet at mean low water. The existing pier has the benefit of an interim permit from DEP. The existing pier has been in existence since prior to 1978. The new pier will be entirely fixed. While the new dock cannot meet this performance standard, it improves over current conditions.

- 3. The area of the terminal "L" or "T" shape in a fixed dock, or the float, or combination thereof, shall not exceed one hundred square feet;*

The existing "T" is 96 square feet in area, therefore meets this standard.

- 4. The design and construction shall not interfere with recreational intertidal access;*

The proposed fixed pier structure is elevated a minimum five feet above the mean high water elevation to permit lateral access along the shoreline. Therefore the proposed pier complies with this performance standard.

5. *No portion of the dock or pier may be closer than ten feet from the property boundary or extended property boundary line into the intertidal and tidal zones;*

The proposed pier is more than 29' from the extension of the northerly and southerly property lines; therefore the proposed pier complies with this performance standard.

6. *Floating docks shall be fixed by piers using a hoop roller or other approved design fastening system;*

The proposed pier is a fixed structure, and does not have any floating components. Therefore the proposed pier complies with this performance standard.

7. *The landward approach to a dock shall not harm vegetation on a coastal wetland, freshwater wetland or coastal bank (a marsh shall be crossed by a raised walkway, and coastal banks must be preserved by the use of suitable stairs);*

The pier will be accessed by a 4' wide walkway that extends from the landward side of the salt marsh to the pier tee. Minor temporary disturbance will occur to install the posts. The overall impact to salt marsh will be reduced.

8. *An area where the float(s), if any, will be stored shall be designated on the plan;*

The proposed pier is a fixed structure, and does not have any floating components. Therefore the proposed pier complies with this performance standard.

9. *Except for floating portions of a dock, the decking surface shall not reduce normal ambient light, i.e. sunlight, by more than 50 percent over salt marsh and bordering vegetated wetland;*

Thru-flow decking will be used in all areas. Thru-flow decking allows for 50% sunlight penetration. Therefore the proposed pier complies with this performance standard.

10. *The maximum horizontal foot-candle level as measured directly below each complete lighting unit shall not exceed 0.2 foot-candles.*

Proposed lighting will not exceed two-tenths (0.2) foot-candles as measured directly beneath each unit. Therefore the proposed pier complies with this performance standard.

**5.2 General Requirements and Prohibitions all Docks and Piers (Falmouth Wetland Regulations 10.16 (1) (h) (1-7))**

1. *No new dock or pier or extension of an existing dock or pier may be constructed in any portion of FEMA designated velocity zone (V-Zone) unless the applicant demonstrates that there will be a public benefit from the project. The commission shall weigh the potential likelihood damage and harm that any such dock or pier would cause during a storm event with the public benefit demonstrated by the applicant in determining whether the project should be allowed.*

No portion of the site is designated by FEMA as being within a velocity zone. Therefore the proposed pier complies with this performance standard.

2. *No CCA-treated materials may be used to construct a dock or pier.*

No CCA-treated materials will be used in the construction of the pier. Therefore the proposed pier complies with this performance standard.

3. *For singular ownership docks, any floating section of a dock or pier shall have a minimum water depth of three feet under all portions of the floating section of the dock or pier including times of extreme low water. This depth shall be measured as the shortest distance from any portion of the bottom of the floating section to the seabed.*

The proposed pier is an entirely fixed structure with no floating sections. Therefore, this performance standard does not apply.

**5.3 Performance Standards for Land Containing Shellfish (FWR 10.34 (6-8))**

4. *Any project on land containing shellfish shall not adversely affect any portion of such land or marine fisheries by a change in the productivity of such land caused by:*

- a. *Alteration of water circulation;*

The construction of the proposed pile-supported fixed pier will have negligible impact on water circulation. The piles have been spaced to the maximum extent feasible to minimize impacts to water circulation.

- b. *Alterations in relief elevation;*

No alterations in relief elevation are proposed.

- c. *The compacting of sediments by vehicular traffic;*

No compacting of sediments by vehicular traffic is proposed.

*d. Alterations in the distribution of sediment grain size;*

No alterations in the distribution of sediment grain size are proposed or anticipated.

*e. Alterations in natural drainage from adjacent lands;*

No changes in natural drainage patterns are proposed.

*f. Changes in water quality, including but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature, or turbidity, or the addition of pollutants.*

The proposed pier has been designed to avoid and potential changes in water quality through the use of non-CCA timber, and provision of adequate water depths.

*5. Notwithstanding FWR 10.34(6), projects approved by DMF that are specifically intended to increase the productivity of land containing shellfish may be permitted.*

The proposed project is not specifically intended to increase the productivity of land containing shellfish, and therefore this performance standard does not apply.

*6. Notwithstanding FWR 10.34(6) and 10.34(7), no project may be permitted which will have any adverse effect on habitat of rare species.*

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2006) indicates that the proposed pier construction is not located within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat.

## **6.0 Summary**

The existing wetland resources, potential project impacts, and proposed mitigation measures associated with this pier construction project have been fully documented in the Notice of Intent submission. While the proposed pier reconstruction cannot meet all performance standards, the existing pier ramp and float have the benefit of an interim permit and pre-date the more stringent performance standards. The reconstructed pier will vastly improve over the current conditions as outlined in the narrative above.

**Mike Borselli**

---

**From:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Sent:** Wednesday, October 6, 2021 12:48 PM  
**To:** Mike Borselli  
**Cc:** Jennifer Lincoln  
**Subject:** RE: Rufo - 139 Edgewater Drive West

Hi Mike,

Given the location I believe any impact to navigation would be minimal and affect only those properties north in the river. I have no objections to this plan as presented.

Gregg

**From:** Mike Borselli <mike@falmouthengineering.com>  
**Sent:** Wednesday, October 06, 2021 11:22 AM  
**To:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Cc:** Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>  
**Subject:** Rufo - 139 Edgewater Drive West

Hello Gregg,

Attached is a plan showing a proposed dock reconstruction, an aerial photo of the area and a photo of the existing walkway with the closest dock across the channel shown in the background.

The existing dock has a Chapter 91 Interim Permit. The new owner wished to apply for permits to reconstruct the dock to improve conditions by shifting the alignment so there is more room in the channel.

The existing permitted dock has a float and is shown on the plan for reference. The new dock will be fixed and proposes to angle the dock so when the boat is tied to it, there is more room between both docks.

There are only a few of docks "upstream" from this position (see the aerial photo attached).

The reconstructed dock will eliminate the float, elevate the walkway above the salt marsh and provide great separation between the boats tied to this dock and the dock directly across from this dock.

As you know, we must include your comments in any dock application we submit to Conservation Commission.

Please review and comment at your earliest convenience so we can proceed with the Notice of Intent application.

I copied Jen Lincoln on this email.

Thank you.

*Michael J. Borselli, P.E.*  
*President*  
*Falmouth Engineering, Inc.*  
*17 Academy Lane, Suite 200*  
*Falmouth, MA 02540*  
508.495.1225  
[www.falmouthengineering.com](http://www.falmouthengineering.com)



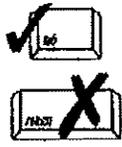
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 25-4693  
 MassDEP File #  
 1321776  
 aDEP 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:  
Adamo & Carol      Rufo  
 a. First Name      b. Last Name

1560 Washington St  
 c. Organization  
 d. Mailing Address  
W Newton      MA      02465  
 e. City/Town      f. State      g. Zip Code

4. Property Owner (if different from applicant):  
Carducci      Franchesca V.  
 a. First Name      b. Last Name  
Carpi B Realty Trust / Town of Falmouth  
1560 Washington St, W Newton, MA 02465 / 59 Town Hall Sq, Falmouth, MA 02540  
 d. Mailing Address  
 e. City/Town      f. State      g. Zip Code

5. Project Location:  
139 Edgewater Dr West      E Falmouth  
 a. Street Address      b. City/Town  
32 14      000E 011  
 c. Assessor's Map/Plat Number      d. Parcel/Lot Number  
 Latitude and Longitude, if known:      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

Provided by MassDEP:  
25-4693  
MassDEP File #  
1321776  
eDEP Transaction #  
Falmouth  
City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable
- |           |  |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 33480     | 243  |
| c. Book   | d. Page                                    |
|           | 1/20/2022                                  |
7. Dates:
- |                                |                               |                     |
|--------------------------------|-------------------------------|---------------------|
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |
| 11/10/2021                     | 1/5/2022                      | 1/20/2022           |
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Site Plan - Pier Reconstruction, Proposed Pier Details (2 sheets)
- |                                      |   |         |
|--------------------------------------|---|---------|
| a. Plan Title                        | b. Prepared By                          | c. Date |
| Falmouth Engineering, Inc            | Michael J Borselli, PE & Gary S Labrie, |         |
|                                      | PLS                                     |         |
| 12/27/2021                           | 1"=10'                                  |         |
| d. Final Revision Date               | e. Scale                                |         |
| f. Additional Plan or Document Title | g. Date                                 |         |

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

- |  |   |  |
|--|---|--|
| a. <input type="checkbox"/> Public Water Supply  | b. <input type="checkbox"/> Land Containing Shellfish | c. <input type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries                 | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply   | h. <input type="checkbox"/> Storm Damage Prevention   | i. <input type="checkbox"/> Flood Control                  |

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

Approved subject to:

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



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

Provided by MassDEP:  
 25-4693  
 MassDEP File #  
 1321776  
 eDEP Transaction #  
 Falmouth  
 City/Town

**B. Findings (cont.)**

Denied because:

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

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

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



**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:  
 25-4693  
 MassDEP File #  
 1321776  
 eDEP Transaction #  
 Falmouth  
 City/Town

**B. Findings (cont.)**

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	200			
	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. $\frac{\text{cu yd}}{\text{nourishment}}$	d. $\frac{\text{cu yd}}{\text{nourishment}}$
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	420			
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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### B. Findings (cont.)

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.6.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

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

The following conditions are only applicable to Approved projects.

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



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

6. 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        25-4693        "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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

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

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

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



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

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Falmouth 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 \_\_\_\_\_ 2. Citation 10.00

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

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



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**E. Signatures**

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

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

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

1/26/2022

1. Date of Issuance

4

2. Number of Signers

*Jennifer Lincoln*  
Signature

Jennifer Lincoln, Conservation  
Administrator

*Jamie Mathews*  
Signature

Printed Name

*Jamie Mathews*  
Signature

Jamie Mathews, Chair

*Courtney Bird*  
Signature

Printed Name

Courtney Bird

*Kevin O'Brien*  
Signature

Printed Name

Kevin O'Brien

*Elizabeth Gladfelter*  
Signature

Printed Name

Elizabeth Gladfelter

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

# 7020 2450 0000 8972  
7124

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



## Falmouth Conservation Commission

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

Name: Adam & Carol Rufo  
Address: 139 Edgewater Drive West  
DEP: 25-4693

### FINDINGS:

1. The applicant proposes to reconstruct the existing pier, ramp and float with a fixed pier in the existing licensed footprint.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Ocean, Salt Marsh, Land Subject to Coastal Storm Flowage (LSCSF), Land Containing Shellfish and Resource Area Buffer.

### STANDARD CONDITIONS

1. Permission is granted Adamo and Carol Rufo, 139 Edgewater Drive West, Falmouth to reconstruct the existing pier, ramp and float with a fixed pier in the existing licensed footprint according to the plans by Falmouth Engineering, Inc., dated September 28, 2022 and revised December 27, 2021 subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E., 10 Mass. App. Ct. 623 (1980).

5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
  - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
  - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
  - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
  - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
  - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
  - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into

the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
15. Equipment, vehicles or other objects are not allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand or from a barge-supported crane during high tide.
18. Any barge used for this project must float at all times.
19. Piles shall be driven, not jetted.
20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.
21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
22. All construction debris shall be removed off-site to an approved upland disposal site.
23. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
24. 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.
25. Water lines and attached hoses shall have nozzles attached.

26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
27. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
30. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
31. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

**SPECIAL CONDITIONS (Use as appropriate)**

1. The Conservation Department and the Marine and Environmental Services (MES) shall be notified of the date and time of construction activities utilizing a barge.
2. Only one (1) boat shall be moored to the dock at any one time.

**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

The Commonwealth of Massachusetts

No. 4490



INTERIM APPROVAL ONLY

Whereas,

James M. Brines

of Falmouth, in the County of Barnstable and Commonwealth aforesaid, has applied to the Department of Environmental Protection for Interim Approval to maintain an existing pier, ramp, float and piles-----

and has submitted plans of the same; and whereas due notice of said application has been given to the Board of Selectmen of the Town of Falmouth.

NOW, said Department, having fully considered said application, hereby, authorizes the said James M. Brines, subject to the provisions of 310 CMR 9.10, to maintain an existing pier, ramp, float and piles-----

in and over the waters of Eel Pond in the Town of Falmouth and in accordance with the locations shown and details indicated on DEP Interim Approval Plan No. 4490 (2 sheets), original of which is on file in the office of said Department.

The structures hereby authorized shall be limited to the following use(s): noncommercial docking and boating access to navigable waters.

This Interim Approval is valid for 30 years from the date of issuance. If the affected property is transferred to a new owner, for valuable consideration, this approval shall expire one year from the date of transfer.

This Interim Approval shall be void unless the same is recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Barnstable.

INTERIM APPROVAL ONLY

James M. Brines  
127 Edgewater Drive  
East Falmouth MA 02536

SPECIAL INTERIM APPROVAL CONDITIONS

In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely over all structures within such intertidal area.

Accordingly, the Licensee shall place and maintain, in good repair, a ladder and public access sign on both the northerly and southerly sides of the pier authorized herein, adjacent to the mean high water shoreline. The ladders be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier decking in order to facilitate safe passage.

The signs shall include any statement and/or logo specified by the Department and shall otherwise conform to the "Signage Specifications of the Waterways Regulation Program", as may be amended hereafter. A Licensee's copy of such written specifications is provided with this license, and an additional copy shall be kept in the Department's permanent license file (No. 4490). Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

If, at any time, pier reconstruction in excess of 50% is necessary, the Licensee shall raise the decking, within the intertidal zone, to provide a minimum clearance of 5.0 feet between the pier and the mean high water datum. Upon reconstruction, ladders and signage shall no longer be required. The Licensee shall notify the Department prior to any reconstruction.

The project authorized herein has been completed in conformance with the accompanying License Plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

-----  
Please see Page 3 for additional conditions to this Interim Approval.  
-----

STANDARD INTERIM APPROVAL CONDITIONS

1. Nothing in this Interim Approval shall be so construed as to impair the legal rights of any person.

2. Any change in use or any structural alteration of any structure or fill authorized herein shall require the issuance of a Waterways License. Any unauthorized change in use or unauthorized structural alteration of any structure or fill authorized herein shall render this Interim Approval void.

3. This Interim Approval authorizes structure(s) and/or fill on:

Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

Commonwealth Tidelands. The licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

a Great Pond of the Commonwealth. The licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this Interim Approval.

4. Unless otherwise expressly provided by this Interim Approval, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this tenth day of March in the year nineteen hundred and ninty-five

Commissioner \_\_\_\_\_

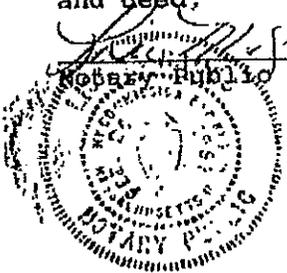
*Ad*  
Director \_\_\_\_\_

Section Chief \_\_\_\_\_

Thomas B. Powers  
Carl J. Dine  
Jan A. Dwyer

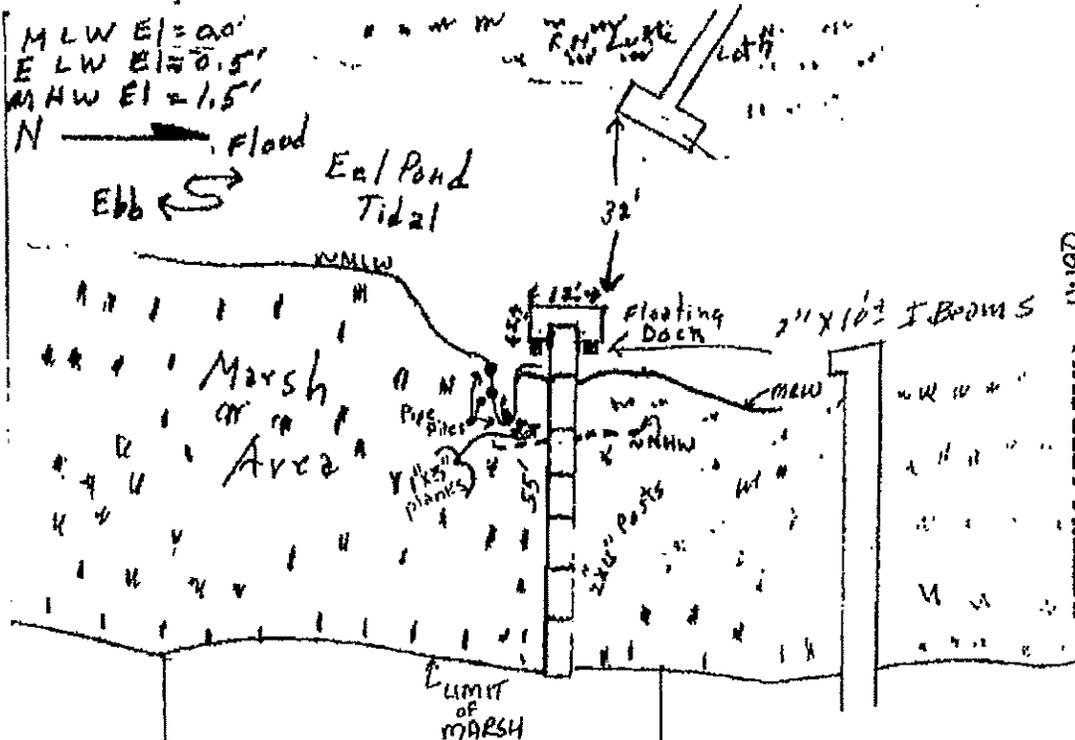
Department of  
Environmental  
Protection

On this 10<sup>th</sup> day of March, 1995 before me personally appeared Thomas B. Powers, Carl Dine, Jan Dwyer to me known to be the person described in and who executed this Interim Approval and acknowledged that he/she executed the same as his/her free act and deed.

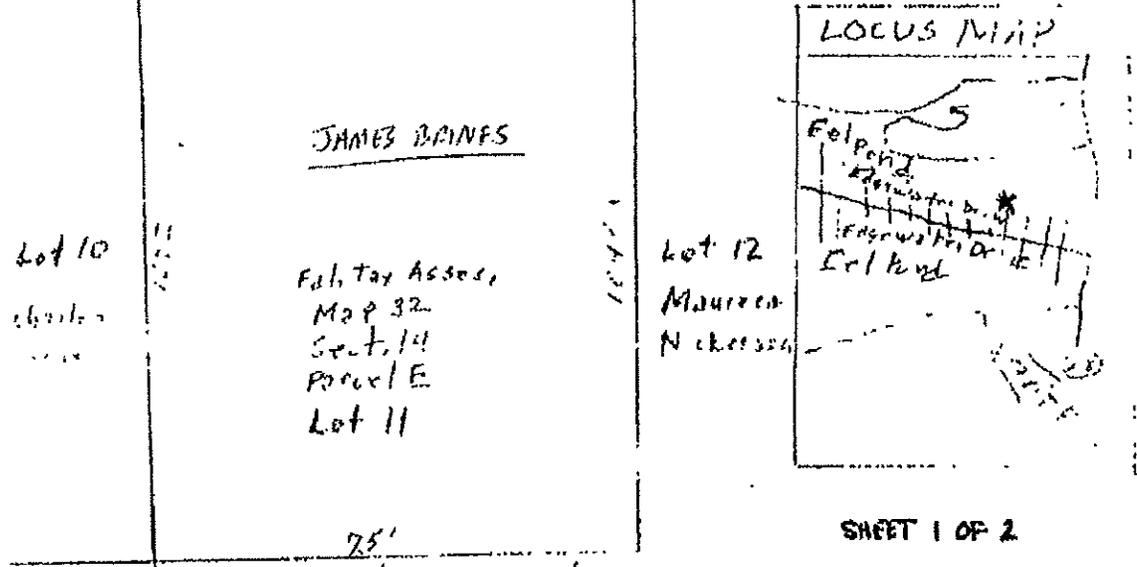


February 28, 1997  
My commission expires on

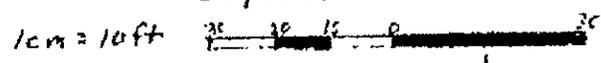
**INTERIM  
APPROVAL  
ONLY**



INTERIM APPROVAL 4-190  
 Approved by Department of Environmental Protection  
 Date: MAR 10 1995



SHEET 1 OF 2

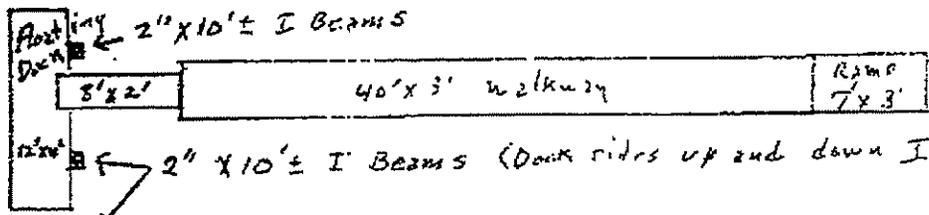


Plan of existing walkway and floating dock existing at Seacoast Shore & 189 Edgewater Drive West, Lot 11, East Falmouth, Ma. 02536

JAMES M. BRINES  
 139 EDGEWATER DR. WEST  
 E. FALMOUTH, MA 02536

BARNSTABLE REGISTRY OF DEEDS

Top View

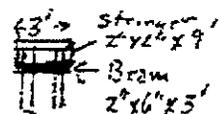


2x6 Decking with approx 1/2" to 1" spacing on walkway and ramp.

2" x 10" I Beams (Down sides up and down I Beams with tidal fluctuations)

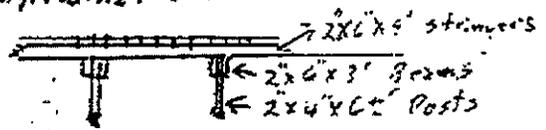


2" x 4" Posts  
2" x 6" stringers  
2" x 6" Beams



Cross Section

Longitudinal Section



SHEET 2 OF 2

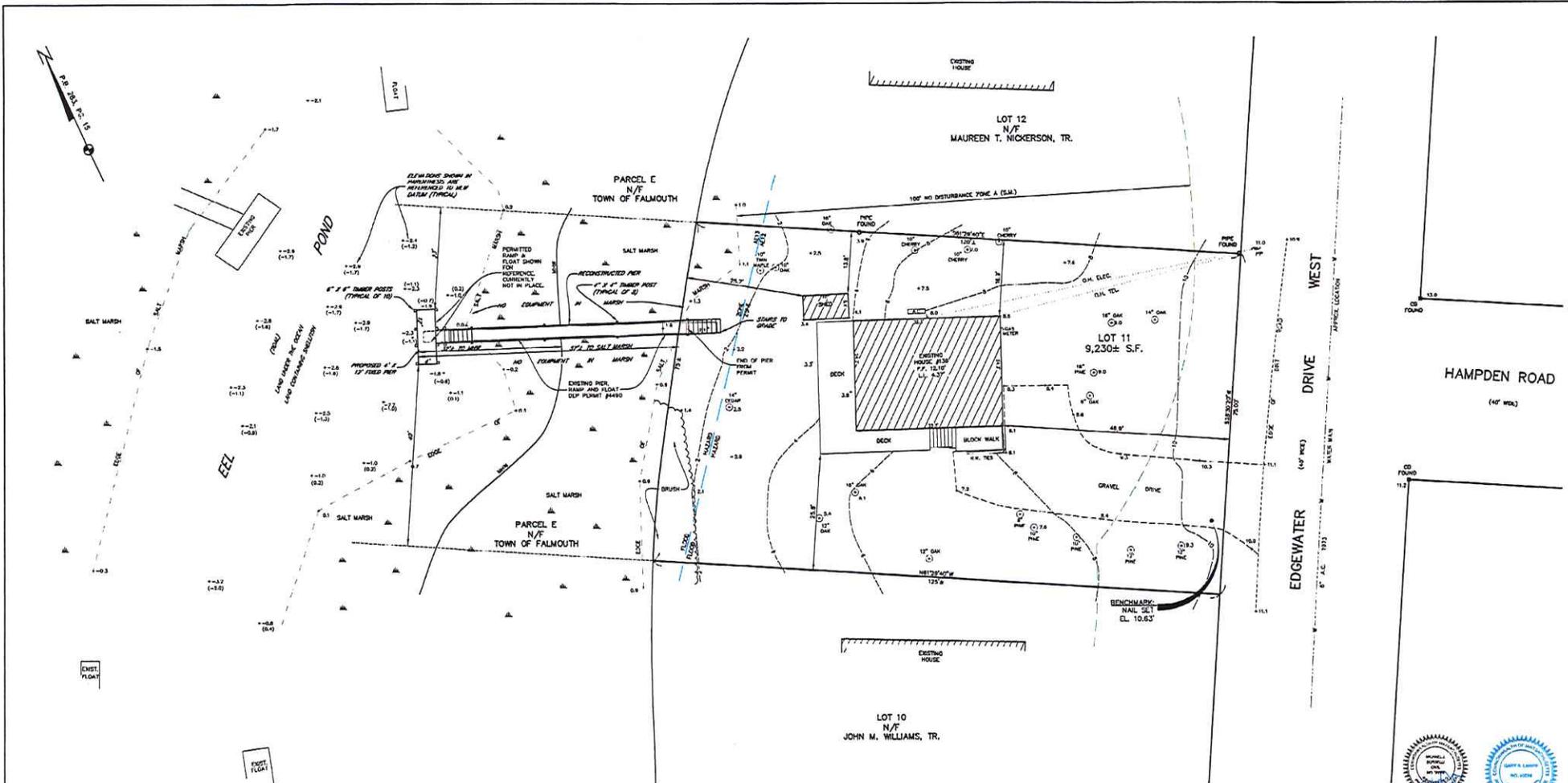
scale 1" = 10'

JAMES M. BRINES  
Building/Construction plans of  
existing walkway and float at  
Sea Coast Shores  
139 Edgewater Drive West  
East Falmouth, Ma 02536

Falmouth Tax Asses.  
Map 32  
sect. 14  
Parcel E  
Lot 11

INTERIM APPROVAL 4490  
Approved by Department of Environmental Protection  
Date: MAR 10 1995

BP109648-0278 95-05-01 8:25 020457

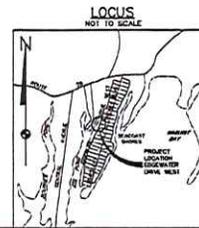


**GENERAL NOTES:**

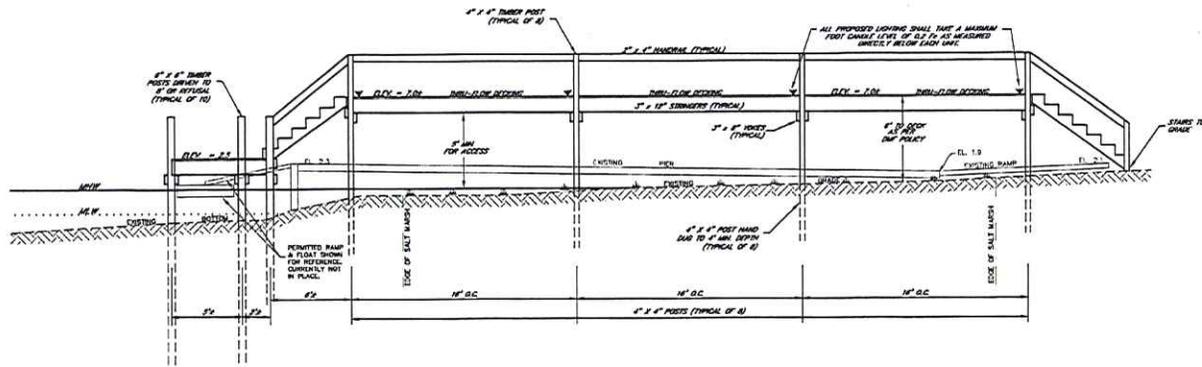
1. ASSESSOR'S INFORMATION: 22 14 000E 011
2. FLOOD ZONES: AC12 & AC13 (FEMA MAP 25001C0733)
3. ZONING DISTRICT: RC
4. WIND EXPOSURE CATEGORY: C
5. LOT COVERAGE BY:
  - A. STRUCTURES: 1,168 S.F./9,230 S.F. = 12.7% < 20%
  - B. STRUCTURES/PARKING/PAVING: 1,492 S.F./9,230 S.F. = 16.2% < 40%
6. WIND BORNE DEBRIS REGION: HIGH
7. STREET ADDRESS: EDGEWATER DRIVE WEST
8. HOUSE NUMBER: 139
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.

**LEGEND**

- 10- EXISTING 2' CONTOUR
- 11.5- EXISTING 10' CONTOUR
- +11.5- EXISTING SPOT ELEVATION
- EXISTING TREE
- PP ○ EXISTING UTILITY POLE
- FOUND EX
- FOUND II



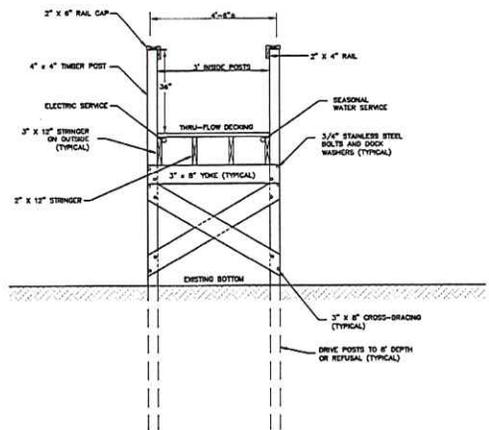
12/27/21	RE-ALIGN PIER, REDUCE SIZE AS REQUIRED BY CONSERVATION COMMISSION.
DATE	REVISION
<b>SITE PLAN - PIER RECONSTRUCTION</b> FOR #139 EDGEWATER DRIVE WEST PREPARED FOR <b>ADAMO &amp; CAROL RUFO</b> IN FALMOUTH MA	
PLAN DATE: SEPTEMBER 28, 2021	PLAN SCALE: 1" = 10'
CIVIL ENGINEERING MASTER PLAN DESIGN TITLE 3 PLOT PLANS LAND USE PLANNING	REGULAR PERMITTING COASTAL ENGINEERING PIER AND DOCKS COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.405.1225 PROJECT NUMBER: 2009R CAD FILE NAME: 2009RSP DRAWN BY: L.M. SHEET 1 OF 2	



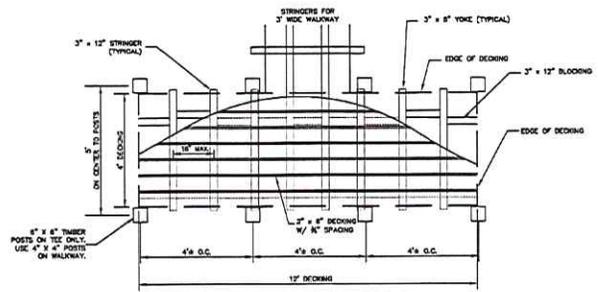
**PIER PROFILE**  
SCALE: 1/4" = 1' - 0"

**CONSTRUCTION NOTES:**

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



**TYPICAL PIER CROSS-SECTION**  
SCALE: 1/2" = 1' - 0"



**LAYOUT OF PIER TEE**  
SCALE: 1/2" = 1' - 0"

12/27/21	REVISION	REVISION
DATE	REVISION	
<b>PROPOSED PIER DETAILS</b> FOR #139 EDGEWATER DRIVE WEST PREPARED FOR <b>ADAMO &amp; CAROL RUFO</b> FALMOUTH MA		
PLAN DATE: SEPTEMBER 28, 2021	PLAN SCALE: AS SHOWN	
CIVIL ENGINEERING		WETLANDS PERMITTING
WASTEWATER DESIGN		COASTAL ENGINEERING
TITLE & PLOT PLANS		PIERS AND DOCKS
LAND USE PLANNING		COMMERCIAL/RESIDENTIAL
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 20096 CAD FILE NAME: 200965P DRAWN BY: L.M. SHEET 2 OF 2		



## **PUBLIC HEARINGS**

3. Wetlands/Dock Hearing – Jay Rao – to reconstruct a dock in the waters of Wing Pond located at 124 North Falmouth Highway, North Falmouth

### Public hearing checklist:

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



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## 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 28, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Jay Rao for permission to reconstruct a dock in the waters of Wing Pond located at 124 North Falmouth Highway, North Falmouth, MA. Area affected is Wing 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, March 11, 2022 and Friday, March 18, 2022; Falmouth Enterprise.*

**124 A NORTH FALMOUTH HWY**

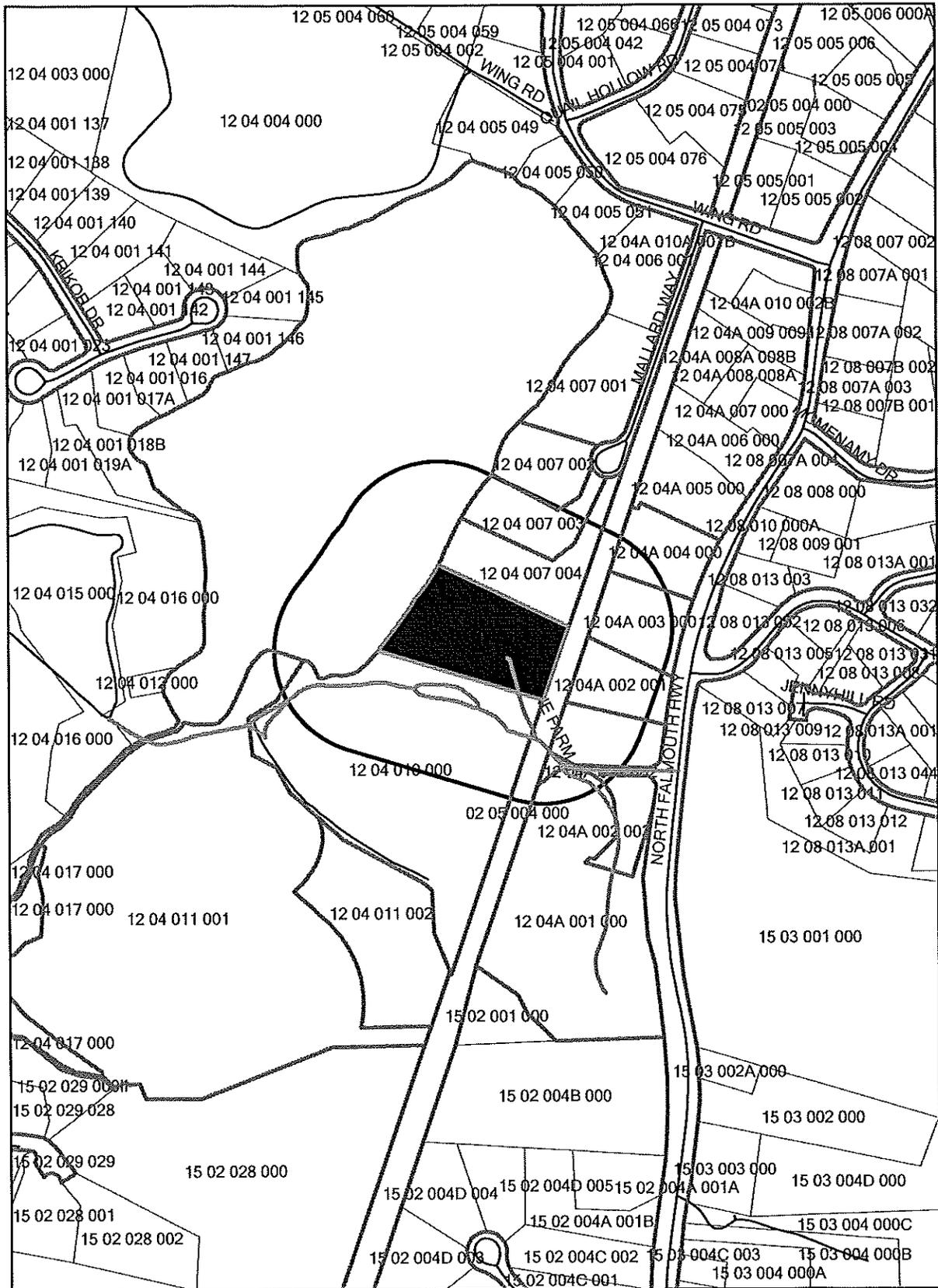
CERTIFIED



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

116 NORTH FALMOUTH HWY BORDMAN MARGARET L 116 N FALMOUTH HWY NORTH FALMOUTH, MA 02556-3101	12 04A 002 002 LUC: 101	0 MALLARD WAY ROBBINS ROBERT L 42 CACHALOT LN FALMOUTH, MA 02540-3018	12 04 007 004 LUC: 130
15 MALLARD WAY CALLAHAN KEITH D CALLAHAN AMY 9 GREEN LN SHERBORN, MA 01770	12 04 007 002 LUC: 101	126 NORTH FALMOUTH HWY SMITH A DICKSON SMITH WINDER C 126 N FALMOUTH HWY NORTH FALMOUTH, MA 02556-3101	12 04A 002 001 LUC: 101
0 PALMER AVE OFF COMMONWEALTH OF MASS DEPT OF TRANSPORTATION 10 PARK PLZ EOTC STE 3170 BOSTON, MA 02116-3933	02 05 004 000 LUC: 924	21 MALLARD WAY SNOWMAN DOUGLAS P SNOWMAN MARILOIS 21 MALLARD WAY N FALMOUTH, MA 02556-3040	12 04 007 003 LUC: 101
0 NORTH FALMOUTH HWY FALMOUTH TOWN OF CONSERVATION COMMISSION 59 TOWN HALL SQ FALMOUTH, MA 02540	12 04 011 001 LUC: 932		
0 WING RD HANDY TRUSTEE MARGARET B HANDY TRUSTEE ROBERT M PO BOX 75 POCASSET, MA 02559-0075	12 04 010 000 LUC: 710		
84 NORTH FALMOUTH HWY HANDY TRUSTEE MARGARET B HANDY TRUSTEE ROBERT M PO BOX 75 POCASSET, MA 02559-0075	12 04A 001 000 LUC: 017		
0 NORTH FALMOUTH HWY HANDY TRUSTEE MARGARET B HANDY CRANBERRY TRUST PO BOX 75 POCASSET, MA 02559-0075	12 04A 002 003 LUC: 720		
142 NORTH FALMOUTH HWY HERRING RIVER MARINA LLC PO BOX 272 SCITUATE, MA 02066	12 04A 004 000 LUC: 111		
134 NORTH FALMOUTH HWY NAUGHTON TRUSTEE CIARAN NAUGHTON TRUSTEE VICTORIA 134 NORTH FALMOUTH HWY NORTH FALMOUTH, MA 02556	12 04A 003 000 LUC: 101		
124 A NORTH FALMOUTH HWY RAO JAY 36 WACHUSETT RD NEEDHAM, MA 02492	12 04 008 000 LUC: 109		

# 124 A NORTH FALMOUTH HWY





*APPLICATION FOR PERMIT TO FILL, DREDGE OR  
OTHERWISE ALTER WETLANDS*

Filing under Section 240-77 (Wetland Regulations) of the Falmouth Zoning By Law

TOWN CLERK

MAR 9, 2022 AM 10:01

RECEIVED

*PROPOSED DOCK RECONSTRUCTION*

*124 NORTH FALMOUTH HIGHWAY*

*NORTH FALMOUTH, MASSACHUSETTS*

Prepared for:

**Jay Rao**

Prepared by:



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

## **TABLE OF CONTENTS**

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**APPLICATION TO FILL, DREDGE, FILL, OR OTHER ALTER WETLANDS**

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**ATTACHMENT B - ORDER OF CONDITIONS 25-4706**

**ATTACHMENT C - DRIVING DIRECTIONS TO SITE**

**ATTACHMENT D - HARBORMASTER COMMENTS**

**ATTACHMENT E - PROJECT PLANS**



TOWN OF FALMOUTH  
BOARD OF SELECTMEN

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

To the Board of Selectmen  
Falmouth, MA

Date: February 24, 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: Jay Rao 36 Wachusett Road Needham, MA 02492  
(full name) (address)

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

APPLICANT: Jay Rao 36 Wachusett Road Needham, MA 02492  
(full name) (address)

1. Location of Property: Map 12 Section 04 Parcel 008 Lot 000  
Street Name and House Number 124 N. Falmouth Highway

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

3. Description of property and project site: Approximately 117,395 square feet of land in a residential area containing a single family dwelling, dock, lawn, and landscaped areas.

a. Dimensions, Acreage of total parcel: 1,7.395 square feet

b. Length of water marsh frontage: 305'

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

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

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

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

Disposition of Spoil: N/A

f. Describe proposed riprap or bulkheading, if any: N/A

g. Other (docks, piers and etc.) Re-construction of dock.

h. Method (equipment to be used) for proposed work: small work float

4. Purpose of proposed work: Non-commercial docking & access to navigable waters.

5. Zoning which governs area: RB

6. Date of application for permit to dredge or fill from the Commonwealth of  
Mass. N/A Army Engineers N/A

7. Has a permit ever been approved or refused for this location by State,  
Federal or Local Authority? Order of Conditions 25-4706 (copy included)

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

9. Project Summary for legal notice: Re-construction of dock.

Owner: Jay Rao

36 Wachusett Road

Needham, MA 02492

(Name & Address)

TEL #:

Agent: Falmouth Engineering, Inc.

17 Academy Ln. Ste. 200

Falmouth, MA 02540

(Name & Address)

TEL #: 508.495.1225

Applicant: Same as owner

(Name & Address)

TEL #:

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

## **ATTACHMENT A - PROJECT NARRATIVE**

---

### **1.0 Introduction**

Falmouth Engineering, Inc. has filed this Notice of Intent on behalf of Jay Rao (The Applicant). The Applicant is seeking permission to reconstruct an existing dock. The proposed work involves construction activities within 100' of Land Under a Water Body, namely Wing Pond, an Inland Bank and coastal Bank (By Definition).

This application has been jointly filed with the Department of Environmental Protection and Town of Falmouth pursuant to the Massachusetts Wetlands Protection Act (MWPA, M.G.L. Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00) and the Falmouth Wetlands Protection Bylaw and its submission regulations.

### **2.0 Existing Conditions**

The project site is located within a residential neighborhood with single family dwellings. (refer to Figure 1 - Project Location Map). The property consists of approximately 2.7 acres of previously developed land with frontage on Wings Pond.

The site is currently occupied by a residential home, dock, lawn and landscaped areas. A gravel driveway provides access to the property.

#### *2.1 Regulated Resource Areas*

All the resource areas within 100 feet of the proposed construction have been identified and appropriately located in the field. Adjacent resource areas include Land Under a Water Body, Inland Bank and coastal Bank (by definition). The plan attached shows the resource areas.

#### *2.2 Natural Heritage and Endangered Species Habitats*

Information published by the Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (Natural Heritage Atlas, 2008) indicates that the proposed dock reconstruction is not within Estimated Habitat of Rare Wetlands Habitat and Priority Habitat. The proposed work is therefore not subject to review under the Massachusetts Endangered Species Act.



**PROJECT LOCATION MAP**  
**124 NORTH FALMOUTH HIGHWAY**  
**NORTH FALMOUTH, MA**

### **3.0 Proposed Project**

The applicant proposes to replace the existing dock with a new dock. The proposed dock will be fitted with a bubbler system. The applicant intends to leave the new dock in the pond all season.

The purpose of the dock is to provide access to the water for passive recreational purposes, including fishing, swimming, kayaking and canoeing. Currently access is via the existing dock.

The proposed dock will extend 42' +/- into Wing Pond. The width of the walkway is 4'. The terminal end measures 100 square feet (8.5' x 12').

The fixed dock will be anchored to the pond bottom using helical anchors. These anchors will be installed from a small work float. The balance of the dock construction will be performed by hand from the work float, or from the new fixed dock itself, section by section.

A dock profile and typical section are shown on the attached plans.

The proposed permanent dock will be fitted with a bubbler system that will allow the dock to remain in the pond all season. This will eliminate the seasonal temporary disturbance to the pond bottom.

Public access along the edge of Wing Pond will be provided under the fixed dock. Signs will be attached to the dock indicating public access is allowed, in accordance with DEP Division of Wetlands and Waterways Regulations. DEP Division of Wetlands and Waterways mandates that public access be provided.

### **4.0 Applicable Performance Standards**

The Massachusetts Wetland Protection Act Regulations provides for the construction of piers, elevated walkways and other boating related structures as limited projects (310 CMR 10.53 (3)(j)). The limited project provisions recognize that certain projects, such as the proposed water-dependant structure, may be inherently unable to satisfy the performance standards normally applied to construction within certain resource areas. Nevertheless, the review and approval of a limited project remains at the discretion of local authority, and as always, the applicant is required to demonstrate that the anticipated impacts have been minimized.

## 5.0 Potential Impacts and Mitigation Measures

### 4.1 *Impacts to Resource Areas and Buffer Zone*

Construction at the site will require temporary minor disturbance within Land Under a Water Body during the installation the helical anchors. Once installed, no further impacts are anticipated.

All other work will be performed by hand. Dock sections will be constructed in manageable section either from a small work float, or from the upland, section by section.

Both the work float will be in sufficient water depth to float at all times.

### 4.2 *Avoidance, Minimization and Mitigation*

The proposed dock will be installed from the upland or a work float once the helical anchors have been installed. Each section will be installed and work will progress to the end of the walkway it is installed. The permanent anchors will eliminate the need to remove the dock in the offseason, minimizing impacts.

The applicant wishes to reserve permission to allow the dock to remain in place year-round with a bubbler system.

This proposed walkway and dock are similar to other walkways and docks reviewed by Conservation Commission and DEP.

## 6.0 Summary

The existing wetland resources, potential impacts, and proposed mitigation measures associated with this project have been fully documented in this application. The project meets the performance standards for such projects and satisfies the guidelines developed by the Falmouth zoning bylaw. In light of these considerations, we trust the Select Board can issue a favorable Decision.



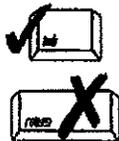
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
25-4706  
MassDEP File #  
1331037  
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:

Jay      Rao  
a. First Name      b. Last Name  
c. Organization  
36 Wachusett Rd  
d. Mailing Address  
Needham      MA      02492  
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:

124 N Falmouth Highway      Falmouth  
a. Street Address      b. City/Town  
12 04      008 000  
c. Assessor's Map/Plat Number      d. Parcel/Lot Number  
Latitude and Longitude, if known:      d      m      s      e      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

Provided by MassDEP:  
 25-4706  
 MassDEP File #  
 1331037  
 eDEP Transaction #  
 Falmouth  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable  
 a. County \_\_\_\_\_ b. Certificate Number (if registered land) \_\_\_\_\_  
24958 \_\_\_\_\_ 333 \_\_\_\_\_  
 c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 12/15/2021 1/5/2022 2/14/2022  
 a. Date Notice of Intent Filled b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Plot Plan Proposed Dock for 124 N Falmouth Hwy, Falmouth for Jay Rao  
 a. Plan Title \_\_\_\_\_  
Falmouth Engineering, Inc \_\_\_\_\_ Michael J Borselli, PE & Gary Labrie, PLS \_\_\_\_\_  
 b. Prepared By c. Signed and Stamped by  
1/18/2022 \_\_\_\_\_ 1"=20' \_\_\_\_\_  
 d. Final Revision Date e. Scale
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

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



**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:  
25-4706  
MassDEP File #  
1331037  
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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	<u>4</u> a. linear feet	<u>          </u> b. linear feet	<u>          </u> c. linear feet	<u>          </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u>          </u> a. square feet	<u>          </u> b. square feet	<u>          </u> c. square feet	<u>          </u> d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>235</u> a. square feet <u>          </u> e. c/y dredged	<u>          </u> b. square feet <u>          </u> f. c/y dredged	<u>          </u> c. square feet	<u>          </u> d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u>          </u> a. square feet	<u>          </u> b. square feet	<u>          </u> c. square feet	<u>          </u> d. square feet
Cubic Feet Flood Storage	<u>          </u> e. cubic feet	<u>          </u> f. cubic feet	<u>          </u> g. cubic feet	<u>          </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>          </u> a. square feet	<u>          </u> b. square feet	<u>          </u> c. square feet	<u>          </u> d. square feet
Cubic Feet Flood Storage	<u>          </u> e. cubic feet	<u>          </u> f. cubic feet	<u>          </u> g. cubic feet	<u>          </u> h. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u>          </u> a. total sq. feet	<u>          </u> b. total sq. feet	<u>          </u> c. square feet	<u>          </u> d. square feet
Sq ft within 100 ft	<u>          </u> e. square feet	<u>          </u> f. square feet	<u>          </u> g. square feet	<u>          </u> h. square feet
Sq ft between 100-200 ft	<u>          </u> i. square feet	<u>          </u> j. square feet	<u>          </u> k. square feet	<u>          </u> l. square feet



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

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**B. Findings (cont.)**

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

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



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**B. Findings (cont.)**

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

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

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

The following conditions are only applicable to Approved projects.

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



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

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            25-4706 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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



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

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

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

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



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

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

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

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

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

1. Municipal Ordinance or Bylaw	10.00
	2. Citation
- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

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



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**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.

2/14/2022  
1. Date of Issuance

4  
2. Number of Signers

Signature	Jennifer Lincoln, Conservation Administrator
Signature	Jamie Mathews-Chair
Signature	Kevin O'Brien
Signature	Elizabeth Gladfelter
Signature	Steve Patton
Signature	Printed Name
Signature	Printed Name

by hand delivery on  
Date

by certified mail, return receipt requested, on  
Date 2/14/2022  
# 7020 2450 0000  
8972 7131

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



## Falmouth Conservation Commission

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

Name: Jay Rao  
Address: 124 North Falmouth Highway  
DEP: 25-4706

### FINDINGS:

1. The applicant proposes to construct a landing, stairway and dock in the waters of Wing Pond.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, and Resource Area Buffer.

### STANDARD CONDITIONS

1. Permission is to Jay Rao, 124 North Falmouth Highway, Falmouth, MA to construct a landing, stairway and dock according to the plans prepared by Falmouth Engineering, Inc., dated September 30, 2021 and revised January 18, 2022 and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

5. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner.
6. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error all work may have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
7. Issuance of this Order of Conditions does not relieve the applicant from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
8. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
9. Prior to any work commencing:
  - a. Proof of recording of this Order of Conditions including the plan of reference at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
  - b. At least 10 days advance written notification shall be provided to the Conservation Commission.
  - c. The Town of Falmouth Conservation Commission Pier Maintenance or Construction Form for Marine Contractors (which ever applies) must be completed and returned to the Conservation Commission.
  - d. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
  - e. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
  - f. Photographs shall be taken within 20 feet parallel to both sides of the dock alignment of any areas crossing freshwater wetlands or salt marsh. Post construction photographs shall be taken and submitted to the Conservation Commission. Any areas of wetland that have been damaged or destroyed shall be restored immediately to the satisfaction of the Conservation Commission.
10. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation on ground draining into

the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. No chemically treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
14. Equipment, vehicles or other objects are not allowed to be placed or stored on any wetland or resource area at any time.
15. 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.
16. All construction debris shall be removed off-site to an approved upland disposal site.
17. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
18. Water lines and attached hoses shall have nozzles attached.
19. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
20. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by and "Existing Conditions" plan and Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
21. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

**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

## Mike Borselli

---

**From:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Sent:** Wednesday, December 1, 2021 8:36 AM  
**To:** Mike Borselli  
**Cc:** Jennifer Lincoln  
**Subject:** RE: 124 North Falmouth Highway

Hello Mike,

I have no issues with this proposal assuming the commission will address removal or ice protection.

Thank you,  
Gregg

**From:** Mike Borselli <mike@falmouthengineering.com>  
**Sent:** Tuesday, November 30, 2021 2:46 PM  
**To:** Gregg Fraser <gregg.fraser@falmouthma.gov>  
**Cc:** Jennifer Lincoln <jennifer.lincoln@falmouthma.gov>  
**Subject:** 124 North Falmouth Highway

Hello Gregg,

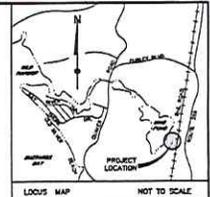
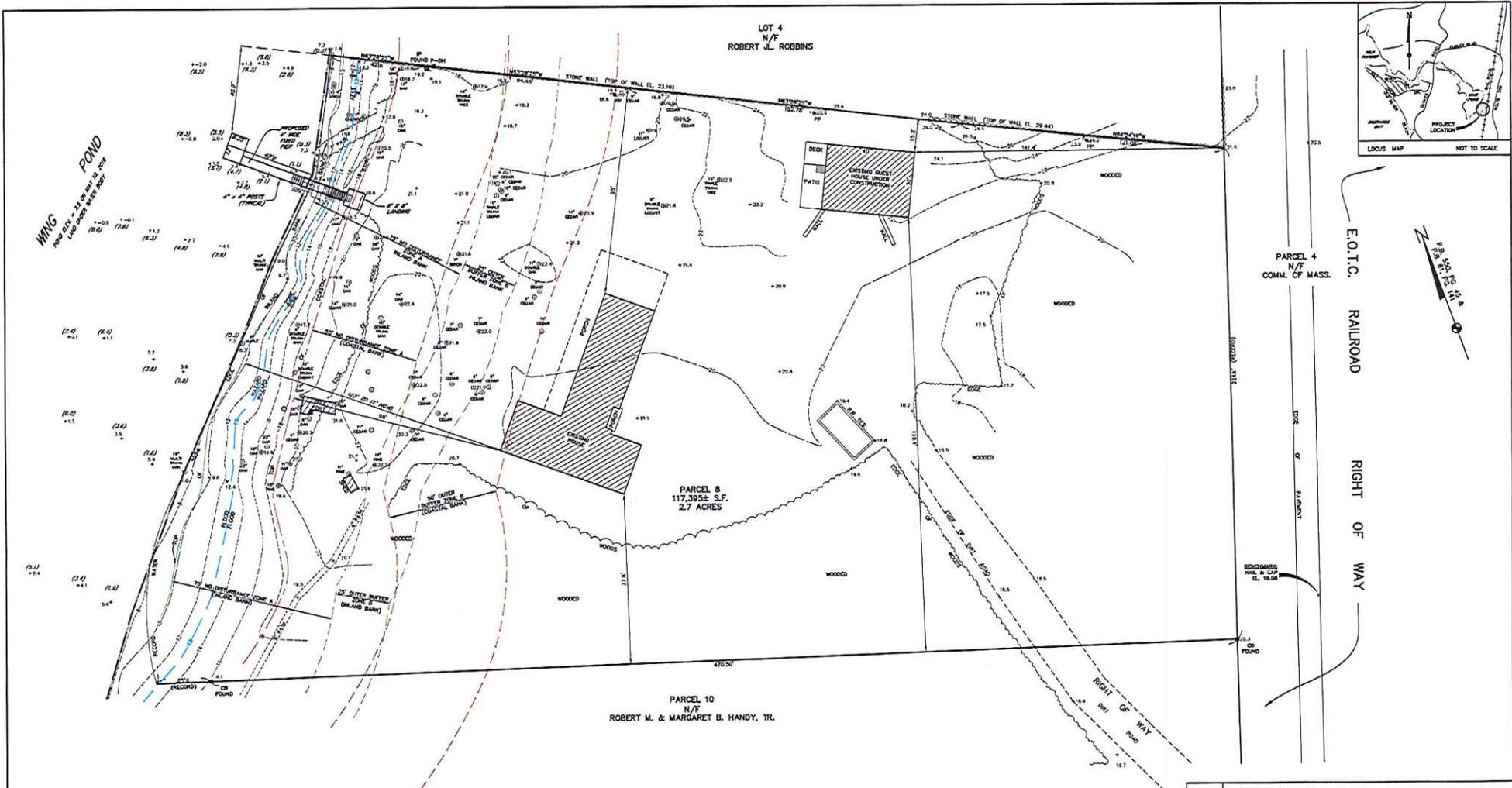
Attached is another proposed freshwater dock for you review and comment.

As you know, we are required to solicit comments from you prior to applying to Conservation Commission.

Please respond at your earliest convenience.

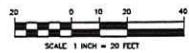
Thank you.

*Michael J. Borselli, P.E.*  
*President*  
*Falmouth Engineering, Inc.*  
*17 Academy Lane, Suite 200*  
*Falmouth, MA 02540*  
508.495.1225  
[www.falmouthengineering.com](http://www.falmouthengineering.com)



**GENERAL NOTES:**

1. ASSESSOR'S INFORMATION: 12 04 008 000
2. FLOOD ZONES: X & AC13 (FEMA MAPS 25001C04944, 25001C05134, 25001C0707J & 25001C0726J)
3. ZONING DISTRICT: R3
4. WIND EXPOSURE CATEGORY: B
5. LOT COVERAGE BY:
  - A. EXISTING STRUCTURES: 5,598 S.F./117,395 S.F. = 4.8% < 20%
  - B. EXISTING STRUCTURES/PARKING/PAVING: 5,920 S.F./117,395 S.F. = 5.0% < 40%
6. WIND BORNE DEBRIS REGION: HIGH
7. STREET ADDRESS: NORTH FALMOUTH HIGHWAY
8. HOUSE NUMBER: 124
9. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
10. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1985.
11. POND DEPTHS SHOWN IN PARENTHESES REPRESENT DEPTH BELOW POND ELEVATION OF 7.5

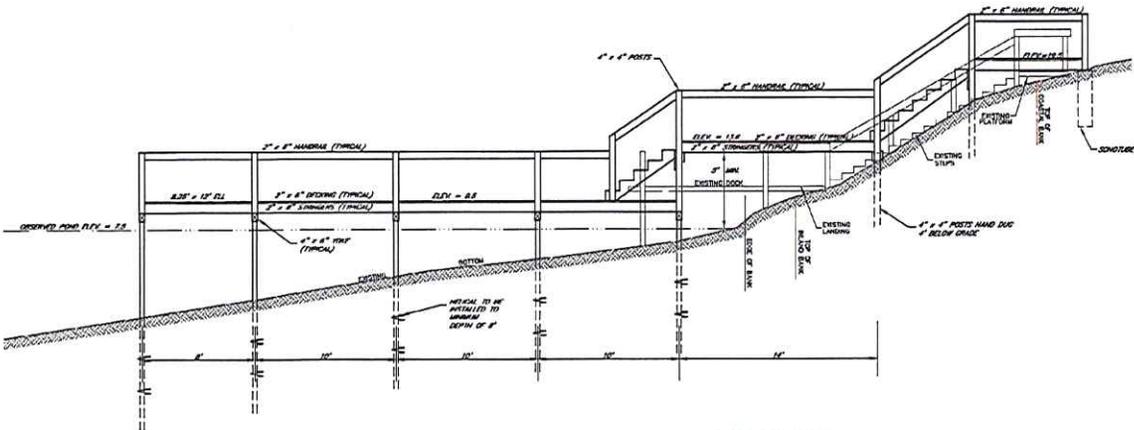
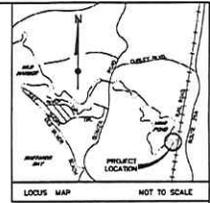


**LEGEND**

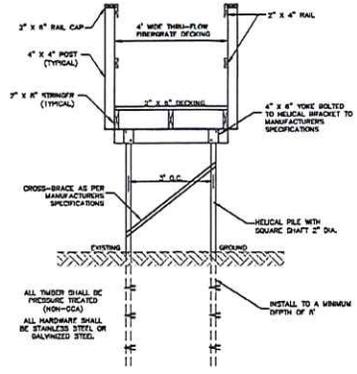
- 2' --- EXISTING 2' CONTOUR
- 10' --- EXISTING 10' CONTOUR
- +21.5 EXISTING SPOT ELEVATION
- PP UTI EXISTING UTILITY POLE
- 12" O EXISTING TREE
- EXISTING STONE WALL
- FOUND O IRON PIPE
- OH O DRILL HOLE
- CO FOUND □ CONCRETE BOUND



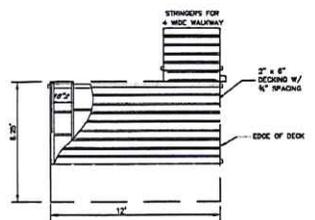
1/18/22	REVISE "ELL" SIZE AND ADD GUEST HOUSE.
DATE	REVISION
<b>PLOT PLAN - PROPOSED DOCK</b> FOR #124 NORTH FALMOUTH HIGHWAY PREPARED FOR <b>JAY RAO</b> IN FALMOUTH MA	
PLAN DATE: SEPTEMBER 30, 2021	PLAN SCALE: 1" = 20'
CIVIL ENGINEERING WATERWAY DESIGN SITE & PLOT PLANS LAND USE PLANNING	 <i>Surveying, Civil, and Structural Engineering</i>
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225 PROJECT NUMBER: 18023 CAD FILE NAME: 18023DP DRAWN BY: LM, DMM SHEET 1 OF 2	



**PIER PROFILE**  
SCALE: 1/4" = 1' - 0"



**TYPICAL PIER CROSS-SECTION**  
SCALE: 1/2" = 1' - 0"



**LAYOUT OF PIER ELL**  
SCALE: 1/4" = 1' - 0"

**CONSTRUCTION NOTES:**

1. ALL WOOD MATERIALS SHALL BE CUT IN THE UPLAND.
2. ALL METAL FASTENERS SHALL BE HOT DIPPED GALVANIZED STEEL.
3. ALL WOOD MATERIALS SHALL BE NON OCA TREATED.
4. DECK SPACING SHALL BE 3/4" MINIMUM.
5. FASTENING OF WOOD MATERIALS SHALL BE BY 3/4" BOLTS, NUTS AND DOCK WASHERS, HURRICANE CLIPS OR THRU BOLTS FOR STRINGER CONNECTION TO YOKE'S OF AS INDICATED ON THE PLANS.
6. ALL DOCK LIGHTING SHALL NOT EXCEED 0.2 FOOTCANDLE (FC).



1/18/22	REVISE "ELL" SIZE.
DATE	REVISION
<b>DOCK PROFILE AND CROSS SECTION</b> FOR #124 NORTH FALMOUTH HIGHWAY PREPARED FOR <b>JAY RAO</b> BY FALMOUTH, MA	
PLAN DATE: SEPTEMBER 30, 2021	PLAN SCALE: AS SHOWN
CIVIL ENGINEERING WASTEWATER DESIGN TITLE & PLOT PLANS LAND USE PLANNING	 FALMOUTH ENGINEERING Serving Cape Cod and Southwestern Massachusetts
17 ACADEMY LANE, SUITE 200 - FALMOUTH, MA - 02540 - 508.495.1225	
PROJECT NUMBER: 16023	CAD FILE NAME: 16023DP   DRAWN BY: LM,JD,MJM   SHEET 2 OF 2

## **PUBLIC HEARINGS**

4. Application for a New All Alcoholic Beverages Common Victualler License – Tiger Ramen, Inc. d/b/a Tiger Ramen located at 587 Main Street, Falmouth

### **Public hearing checklist:**

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



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Tiger Ramen, Inc. d/b/a Tiger Ramen has applied for an All Alcoholic Common Victualler License to be exercised at 587 Main Street, Falmouth, MA.

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

Per order of the Select Board

LICENSING BOARD

*Douglas C. Brown*

*Nancy R. Taylor*

*Samuel H. Patterson*

*Megan E. English Braga*

*Onjalé Scott Price*

*Publication date: Friday, March 18, 2022; Falmouth Enterprise*

LICENSE APPLICATION REVIEW

Restaurant/Business: Tiger Ramen, Inc. dba Tiger Ramen

Address: 587 Main Street, Woods Hole

License Type: All Alcoholic Beverages Common Victualler

New or Transfer of License New License

or

Change of License \_\_\_\_\_

- Police No Objection
- Fire No objection, fire alarm and sprinkler system tests required before license is issued
- Building see below
- Health Has applied for a Food Service Permit
- Zoning \_\_\_\_\_
- Planning Fine if no seats are added
- DPW \_\_\_\_\_
- Assessor \_\_\_\_\_
- Tax Collector \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

NOTES:

**The Building Commissioner gave verbal approval of this application.**

**Regular hours will be 12 noon to 9:00 pm with license for 10 am - 1:00am to allow for occasional brunch or special evening events. Weather permitting, interior seating will be reduced by the number of seats on the patio for a total of 22 seats.**

## NEW LICENSE

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

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

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



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee  DBA

Street Address  Zip Code

Manager

Granted under Special Legislation? Yes  No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Licensed premises to consist of the leased restaurant space, 1,500 sq. ft, including the dining room kitchen, one bathroom, and a seasonal-use outdoor patio to be enclosed by a rope boundary. Dining areas will accommodate a total of 22 seats. Weather permitting, interior seating will be reduced by the number of seats on the patio

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date  Time

Advertised Yes  No  Date Published  Publication

Abutters Notified: Yes  No  Date of Notice

Date APPROVED by LLA  Decision of the LLA

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

For Transfers ONLY:  
Seller License Number:  Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

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

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

APPLICATION FOR A NEW LICENSE

Municipality

**1. LICENSE CLASSIFICATION INFORMATION**

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

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

Concept is a casual full-service sit-down restaurant serving primarily Ramen. Service will be fast-paced with anticipated average seating times of an hour or less. Dining areas will include a total of 22 seats. There will be no bar seating. Beer, wine, and cocktails will be available to guests who are seated for lunch dinner. Regular hours will be 12-9pm, however we will seek lincence to include 10am-1am to allow occasional brunch or special evening events. Venue will not have any entertainment.

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

**2. BUSINESS ENTITY INFORMATION**

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

Entity Name  FEIN

DBA  Manager of Record

Street Address

Phone  Email

Alternative Phone  Website

**3. DESCRIPTION OF PREMISES**

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

Licensed premesis to consist of the leased restaurant space at 587 Main Street (1,500SF), including the dining room, kitchen, one bathroom, and a seasonal use outdoor patio to be enclosed by a rope boundary. Dining areas will accommodate a total of 22 seats.

Total Square Footage:  Number of Entrances:  Seating Capacity:

Number of Floors  Number of Exits:  Occupancy Number:

**4. APPLICATION CONTACT**

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

Name:  Phone:

Title:  Email:

**APPLICATION FOR A NEW LICENSE**

**5. CORPORATE STRUCTURE**

Entity Legal Structure	<input type="text" value="Corporation"/>	Date of Incorporation	<input type="text" value="02/11/2022"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

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

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

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Molly Wilson"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
<input type="text" value="President"/>	<input type="text" value="51%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	
		<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="John Wilson"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	
<input type="text" value="Secretary"/>	<input type="text" value="49%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	
		<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

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

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

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

Additional pages attached?  Yes  No

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

**APPLICATION FOR A NEW LICENSE**

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

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

Name	License Type	License Name	Municipality
Molly Wilson	Restaurant	Water Street Kitchen Inc.	Falmouth
John Wilson	Restaurant	Water Street Kitchen Inc.	Falmouth

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

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

Name	License Type	License Name	Municipality

**6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

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

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

**7. OCCUPANCY OF PREMISES**

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

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

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?  Yes  No



**DRAFT**

**DRAFT**

2022

# License Alcoholic Beverages

Fee: 1750

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

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

### **To Be Drunk On the Premises**

To Tiger Ramen, Inc dba Tiger Ramen  
Manager Molly Wilson

587 Main Street  
Falmouth MA 02540

On the following described premises:

Licensed premises to consist of leased restaurant space, 1,500 sq. ft., including the dining room, kitchen, one bathroom, and a seasonal-use outdoor patio to be enclosed by a rope boundary. Dining areas will accommodate a total of 22 seats.

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

#Type!

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

10:00 am - 1:00 am Monday - Sunday; NOTE: ALL GLASSES OFF  
TABLES/BAR AND PATRONS OUT BY 1:30 PM

Regular hours will be 12 noon to 9:00 pm with license for 10 am - 1:00am to allow for occasional brunch or special evening events. Weather permitting, interior seating will be reduced by the number of seats on the patio.

#Type!

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

Licensing Board

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

## **BUSINESS**

1. Discuss and vote new Solid Waste Advisory Committee mission statement **(10 minutes)**

**SOLID WASTE ADVISORY COMMITTEE  
MISSION STATEMENT**

**Approved by vote of the Solid Waste Advisory Committee March 1, 2022  
Submitted to the Town Manager's Office for review and to the Select Board for Approval,  
March 2, 2022**

The mission of the Town of Falmouth Solid Waste Advisory Committee is to advise the Select Board with regard to policy and practices related to solid waste. The Committee will research and promote the development and implementation of environmentally-, fiscally-, and socially-sound means and methods for reducing solid waste tonnage through increased reuse, improved recycling, food waste separation, composting, and enhanced consumer awareness. The seven-member committee, composed of community volunteers appointed by the Select Board, works to accomplish this mission by:

1. Taking a leading role in informing and guiding Town policy to enhance and maintain the integrated solid waste management program and facilities.
2. Educating the residents and visitors of Falmouth about State and Local policies and Best Management Practices for solid waste, recycling, and organics.
3. Advising on the development of Rules, Regulations, and Bylaws for the proper management and reduction of solid waste.
4. Partnering with the Department of Public Works in the operation of the community Swap Shop to facilitate the reuse of goods, reducing both solid waste and consumption.

## **BUSINESS**

2. Discussion on request for expansion of Emerald House Community Garden **(10 minutes)**



**TOWN OF FALMOUTH**  
Office of the Town Manager & Select Board  
59 Town Hall Square, Falmouth, Massachusetts 02540

---

**TO:** Julian M. Suso, Town Manager  
**FROM:** Peter Johnson-Staub, Assistant Town Manager *PJS*  
**SUBJECT:** Emerald House – Davisville Road Community Gardens  
**DATE:** March 24, 2022

This memo provides background information for the Select Board discussion of a potential expansion of community gardens at the Emerald House parcels on Davisville Road.

The Select Board voted on 02/24/2020 to approve a master plan which included three uses in addition to the lease of the Emerald House structure: a park designed for disabled individuals (AKA 'Community Play Space'), community gardens, and affordable housing. The Board discussed the uses of these parcels again on 05/24/2021, after initial staff review and input from housing developers. At that meeting, the Board agreed to have a feasibility study done to evaluate the scope of the housing development and the layout of the three uses for these two parcels of land. We have some preliminary results from this feasibility study and plan to initiate community input on housing options in the near future.

There are two adjacent parcels owned by the Town:

67 Davisville Road – Emerald House parcel:

- 4.9 Acres;
- Includes the Emerald House;
- Acquired 1995 for Public Recreation under the jurisdiction of the Select Board and Conservation Commission;
- Use of this parcel for housing would require a Town Meeting vote and Article 97 relief;
- Zoned Public Use;

81 Davisville Road - AKA "Raposa parcel":

- 3.9 Acres;
- Acquired 2007 for Public Recreation and Municipal Purposes;
- Zoned Residential A;

Community Gardens have been authorized for a defined area on the 67 Davisville parcel. The Board is now being asked to allow these gardens to be expanded. The Board may want to consider limiting the expansion of the gardens to avoid conflicts with future development of a park or affordable housing. The Board might also consider allowing community gardens to be expanded with a written agreement that the community gardens will be removed or relocated if the Select Board determines that some of the land is needed for one of these other two uses being considered.

Attachments:

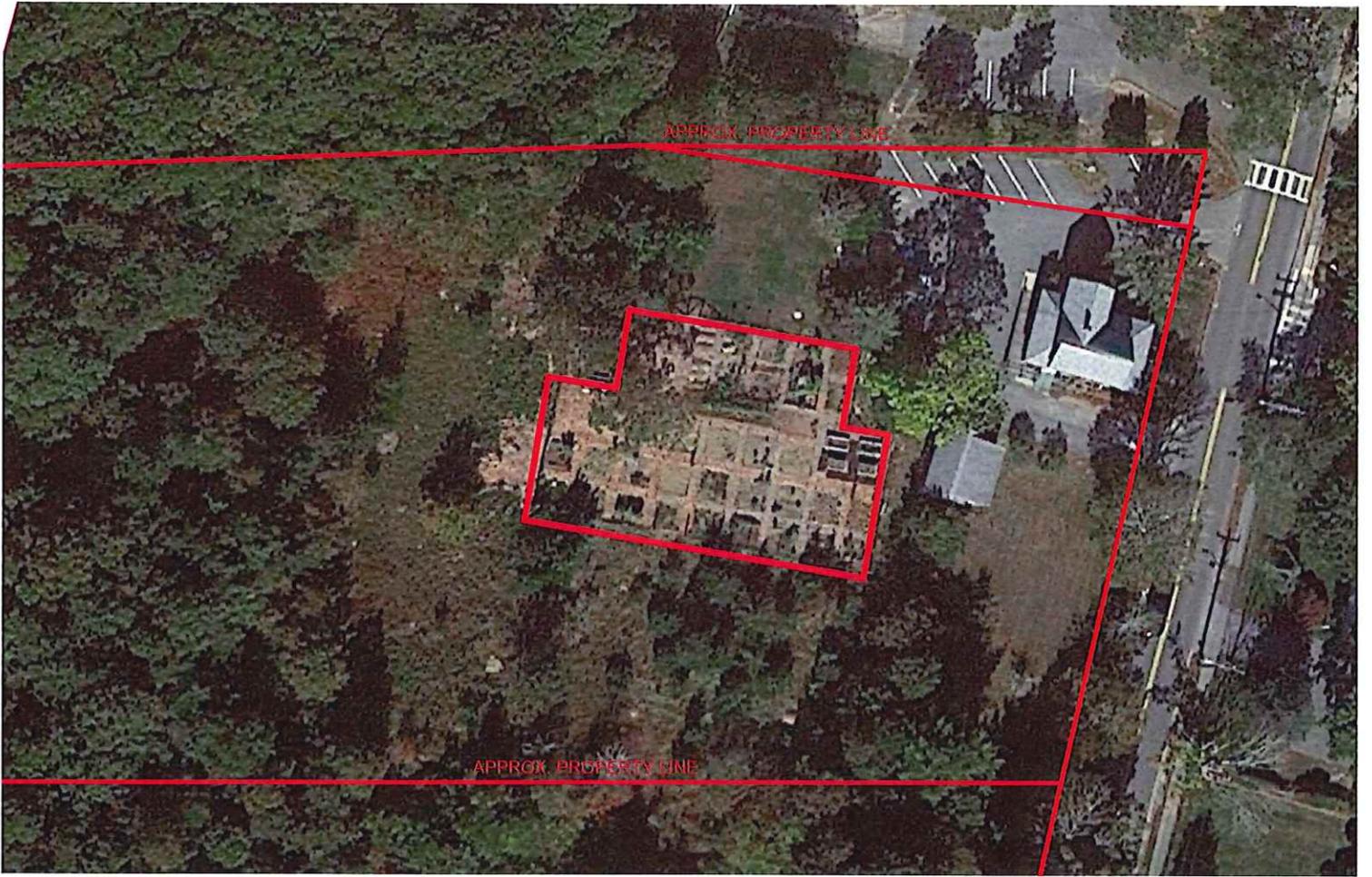
- *Aerial image with the existing community gardens outlined in red, west of the Emerald House.*
- *Landscape Plan from 2020 showing a park and an area for community gardens. Note this plan pre-dates the Select Board decision to pursue housing on this property. The Board may want to consider reducing the size of the community gardens to accommodate the other two uses.*

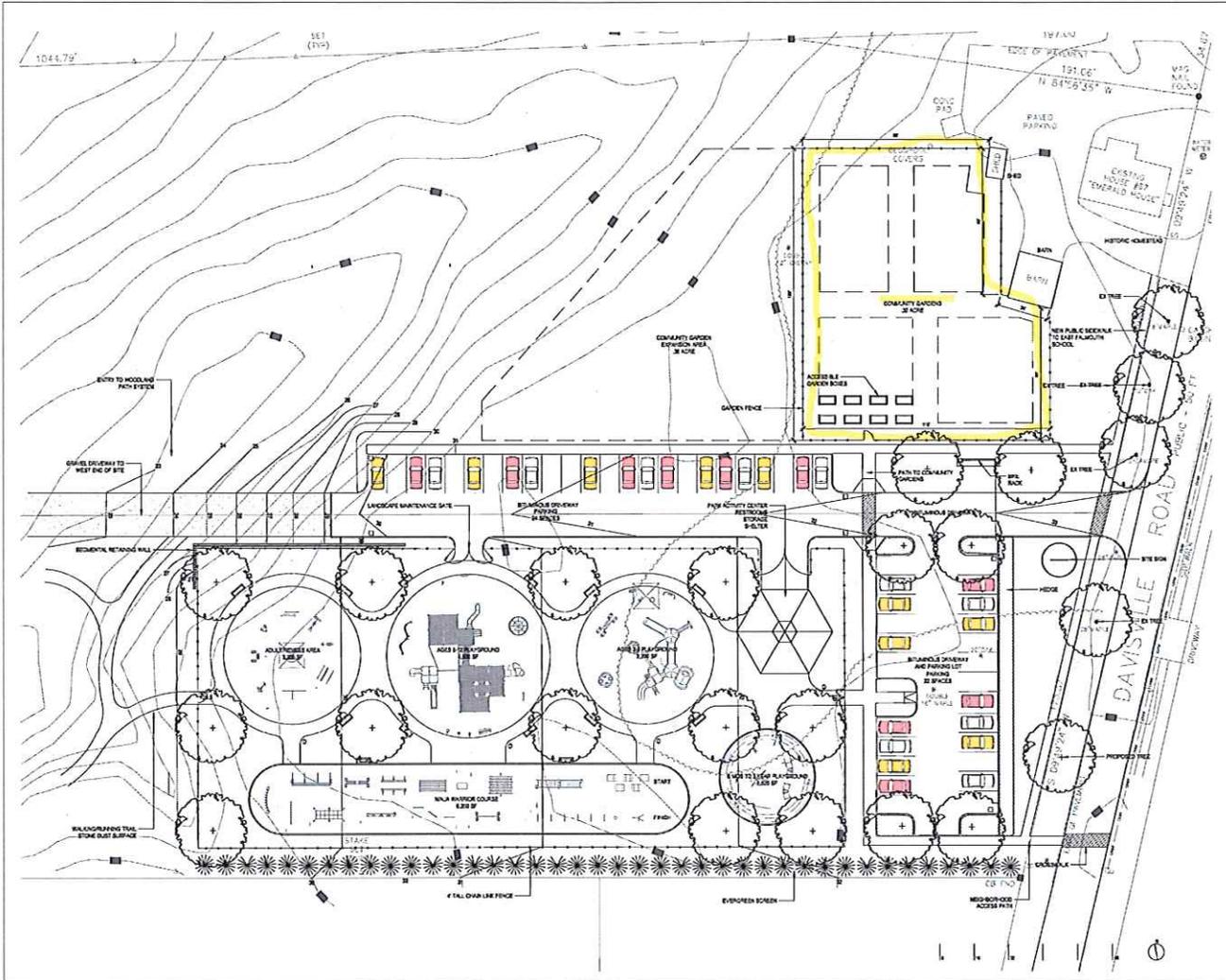
CC: Select Board

Joe Olenick, Recreation Director

Kathleen Haynes, Disabilities Commission Chair

//Emerald - Community Gardens Update 03-24-2022





HORIUCHI & SOLIEN  
LANDSCAPE ARCHITECTS

**FALMOUTH  
PLAYGROUND**  
67 DAVISVILLE RD  
EAST FALMOUTH, MA

PROJECT MANUAL 10  
DESIGNED BY 20  
CREATED BY 20  
SCALE 1/8" = 1'-0"

SITE PLAN

## PROPOSAL to EXPAND EMERALD HOUSE COMMUNITY GARDEN



Opening Day - May 16, 2021



Joint Education Session – Marina F Andrews & Emerald House Community Gardeners

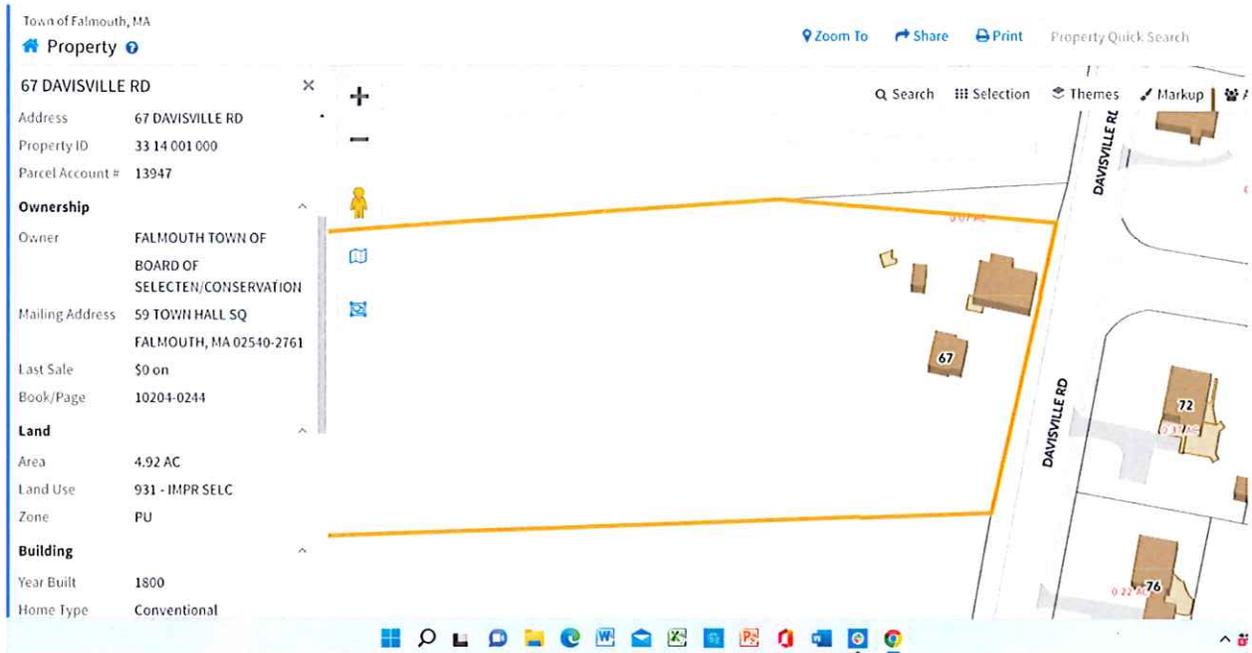
Russell Norton, Horticulture & Agriculture Educator, Barnstable County Extension



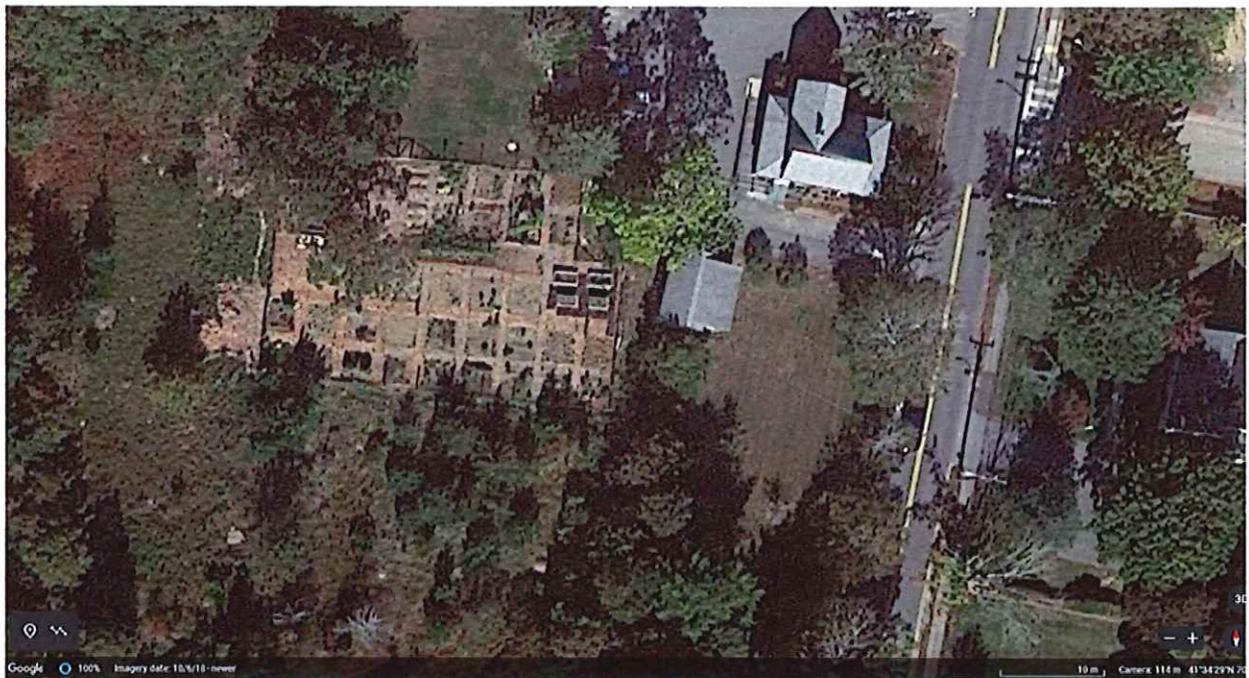
Accessible Beds



Picnic Area



67 Davisville Rd. (Cape Verdean Museum, Garage and Garden Shed)



Aerial View (Google Earth) Emerald House Community Garden -2021



**Proposed Expansion Area (outlined on aerial photo above)**

Southerly boundary - to be 5 feet from 81 Davisville Rd property line



**Existing Conditions – Proposed Expansion Area**





Volunteer Cleanup Crew – Fall 2021

## **BUSINESS**

3. Report to Select Board on Embarkation Fund **(10 minutes)**



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## MEMORANDUM

TO: Falmouth Select Board

FROM: Julian M. Suso 

DATE: March 25, 2022

SUBJECT: Response to Inspector General Inquiry – Falmouth Embarkation Fund

On behalf of the Select Board, this inquiry of January 21 has been reviewed and explored with the assistance of Finance Director Jennifer Mullen, Town Counsel Maura O'Keefe, Senior Counsel Frank Duffy, Police Chief Ed Dunne and Fire Chief Tim Smith. With regard to the specific issues raised on the matter of Town ferry embarkation funds, the following response is offered, in the order of the complaints which have been alleged.

- 1) (The Town) Does not keep accurate records concerning the use and collection of ferry embarkation fees.

**Response:** Chapter 55 of the Acts of 2003, Section 11 details the process of the collection of ferry fee funds. According to the Act, "the operator of the Ferry service shall pay the embarkation to the Commissioner of Revenue on a quarterly basis. The operator shall keep records on the number of passengers subject to the embarkation fee departing from each port that has accepted this Section, and forward the records to the Commissioner of Revenue at the time of payment of the fee in order to determine how the money is to be distributed to each participating port municipality." Continuing, "all sums received by the Commissioner under this Section as embarkation fees, penalties, or forfeiture, interest, costs of suit and fines shall be distributed, credited and paid by the State Treasurer at least quarterly upon certification of the Commissioner to each city or town that has accepted this Section."

The Town of Falmouth has received quarterly payments from the State since the inception of this Act and deposits these payments into a special fund required by the Act. The General Ledger account number is 23-210-3215-4320. This account is a Receipts Reserved for Appropriation Account according to State Department of Revenue Guidelines.

2) (The Town) Does not use ferry embarkation fees for their intended purpose.

**Response:** The Town of Falmouth is not allowed by law to directly spend from this account. All amounts voted from account #23-210-3215-5961 are appropriated by Town Meeting on the recommendation of the Finance Committee, consistent with the Falmouth Home Rule Charter. The Act states that funds need to be solely appropriated for the purpose of mitigating the impacts of ferry service on the city or town. Monies deposited may be appropriated for services including but not limited to, providing harbor services, public safety protection, emergency services or infrastructure improvements within and around the harbor of any city or town which receives money from this Section.

In 2004, the Town determined that an amount of \$350,500 would be adequate to offset annual expenses related to public safety protection and emergency services. The Town has appropriated that same amount (has not used an inflationary factor) every year for the last eighteen years as part of the annual budget process. The amount is voted at the annual April Town Meeting for "Police and Fire Expenses." The Commissioner of Revenue collects fees from three ferry service operators in Falmouth – Steamship Authority, Island Queen and the Pied Piper. Two operators are located in the downtown area and the largest ferry service, Steamship Authority – for which Falmouth is the major port for transportation to Martha's Vineyard, is located in Woods Hole. There is an increase in public safety call volume in the summer months which partially can be attributed to the effects that the ferry service consistently has on the Town of Falmouth. For example, a full-time police officer is stationed on the west side of Town including Woods Hole and a seasonal police officer is stationed in Woods Hole to enforce parking and assist with traffic issues. In addition, the Town operates a fully staffed fire station on Woods Hole Road, which is the primary access road to the Steamship Authority port and has significant increased traffic activity over the summer months. The increase of tourists and traffic caused by the ferry services puts a significant strain on the services provided by the Town. One specific circumstance is when then-President Obama vacationed on the Vineyard for multiple summers, it caused an increased presence of security and the coordination with Falmouth's public safety departments resulting in an enhanced demand on the Town's services.

The use of embarkation funds to offset these annual expenses is an acceptable use explicitly stated in the Act.

Town Meeting appropriated \$30,000 in November, 2021 from the embarkation fund for speed signs on Woods Hole Road and Palmer Avenue. The current unappropriated balance in the embarkation fund is \$1,301,820.

3) (The Town) Lacks policies and procedures regarding the appropriation of ferry embarkation funds.

**Response:** The Town of Falmouth does not lack a procedure regarding the ferry embarkation fund. This procedure is outlined in the response to allegation #2 above. The Act does not require a policy on the use of the embarkation funds. The Town has used the same policy and procedure for the last eighteen years.

On behalf of all staff involved, thank you to members of the Board for the opportunity to respond to these items received from the State Inspector General. With the concurrence of the Board, we are prepared to forward this information as requested by that office.

Cc Maura O'Keefe  
Frank Duffy  
Jennifer Mullen  
Ed Dunne  
Tim Smith

## BUSINESS

4. Vote to affirm direction on historic horse trough water fountains **(10 minutes)**



# TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## MEMORANDUM

TO: Falmouth Select Board  
FROM: Julian M. Suso, Town Manager *JMSuso*  
Peter McConarty, Director of Public Works *Peter McConarty*  
DATE: March 25, 2022  
SUBJECT: Compromise Action on Historic Horse Fountains

During a Select Board meeting held on February 28<sup>th</sup>, Board members heard two presentations regarding the historic horse fountains that are currently located at (650 Gifford Street), the entrance to the Water Treatment Facility. One presentation was given by Arden Edwards and Catherine Bumpus, a second presentation was given by Public Works Director Peter McConarty. Along with the presentations, you received multiple emails that were for and against the relocation of the historic horse fountains. As outlined during the presentations, this matter has a long and convoluted history involving many Town residents, committees, DPW directors and Town officials.

At the conclusion of the presentations, I recommended a compromise resolution to the Board. I feel that this represents a fair and equitable solution to have one fountain remain at the Water Treatment Facility location and the second fountain to be moved to another area of Town as decided upon and affirmed by the Board at a future date. Per the recommendation, both fountains would remain at their current locations until such future time when an area is selected for one of the horse fountains. Significant interest was expressed in a potential future location to be set-aside by the Steamship Authority for the public portion of SSA property in Woods Hole, related to their new terminal construction. This remains a work in progress.

There appeared to be general Select Board support for this compromise recommendation and both Public Works and Arden Edwards/Catherine Bumpus were also in agreement to support this recommendation. In addition to relocating one of the horse fountains, Public Works Director Peter McConarty requested that the sum of \$25,000 be set aside to replace the single, relocated horse fountain with an acceptable monument/memorial to thereby maintain the integrity of the original, approved design for the public entryway to the Water Treatment Facility. If the Board votes to approve this recommendation, Town Departments can work out the details for the single fountain relocation when the exact agreed upon location is determined.

---

**Recommendation for SB Action:** To have one historic horse fountain remain at the entrance to the Water Treatment Facility, and have the second horse fountain relocated to another location in Town to be affirmed by the Board at a future date. This is with the understanding that Public Works is requesting a sum of Twenty Five Thousand Dollars (\$25,000) to be set aside at that time for the purpose of replacing the relocated fountain with an acceptable monument/memorial to preserve the design integrity of the public entryway.

## **BUSINESS**

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

(Draft policy for Select Board consideration March 28 2022)



Select Board supports continued staffing plan currently in use by FFRD Chief with regard to 4 of the 5 current stations. Select Board directs Town Manager to negotiate with FFRD Union for full time mandatory staffing of West Falmouth Station #4. Staffing at Station #3 and #4 shall remain at 2 person minimum until such time as the Town has completed construction of a new North/West combined station to be staffed with a 4 person minimum.

Staffing commitment by town to hire 16 new FFRD personnel by 1/1/2024. Apply for SAFER Grant assistance to facilitate expedited hiring process. Incorporate same additional 16 positions into operating budget to make new hires permanent when SAFER Grant funds expire. These new hires must be available and added to shift strength prior to opening new Hatchville Station 1/1/2024 if new Hatchville Station #6 is to be staffed with 4 person minimum.

Commitment to second round of hiring of additional 8 new FFRD personnel to be added to shift strength by 1/1/2025. This will compensate for attrition and reduce the need for mandatory overtime holdovers.

Staffing commitment by FFRD Local 1397 to agree to mandatory 16 person fire rescue personnel at start of shift beginning 7/1/2022.

Staffing commitment by FFRD Local 1397 to agree to mandatory 20 person fire rescue personnel at start of shift by 1/1/2024. This will align with opening of new Hatchville station with 4 people.

Douglas C Brown and Megan English Braga

**SELECT BOARD FIRE STATION STAFFING POLICY**

Adopted by SB on 3-14-2022

The Select Board commits to provide a fully staffed (two firefighters) and operational West Falmouth Fire Station unless or until the Town of Falmouth votes to build a combined North/West Fire Station to be staffed with four firefighters.

## **BUSINESS**

6. Vote questions for ballot for May municipal election relative to debt exclusions for Sandwich Road fire station and wastewater treatment plant projects **(15 minutes)**

### **Debt Exclusion Ballot Question**

Shall the Town of Falmouth be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to pay costs of design and construction of a Fire Station to be located on Sandwich Road, including the payment of all costs incidental and related thereto?

### **Debt Exclusion Ballot Question**

Shall the Town of Falmouth be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued to pay costs of engineering, design and construction of improvements to the Wastewater Treatment Facility including, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c. 78, including the payment of all other costs incidental and related thereto?

## **BUSINESS**

7. Vote questions for ballot for May municipal election relative to five Falmouth Home Rule Charter amendments proposed by the November 15, 2021 Annual Town Meeting **(15 minutes)**

BALLOT QUESTION

(ARTICLE 26)

SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 15, 2021 RELATIVE TO REPRESENTATIVE TOWN MEETING SUMMARIZED AS FOLLOWS?

Amendment to Article II – The Representative Town Meeting. The Representative Town Meeting shall be held twice annually, in April on a date chosen by the Select Board and in the fall on a date chosen by the Select Board. The Town Meeting shall consider and act upon, with or without amendments, all operating and capital budgets, appropriations, borrowings and all other issues that may properly come before it.

BALLOT QUESTION

(ARTICLE 27)

SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 15, 2021 RELATIVE TO THE REPRESENTATIVE TOWN MEETING SUMMARIZED AS FOLLOWS?

Amendment to Article II – The Representative Town Meeting. The Moderator shall be elected by the voters of the town and shall preside at all sessions of Town Meeting and shall have no vote unless the members present and voting are equally divided. The Moderator shall further a) promulgate written procedures for the orientation of new Town Meeting members, b) in consultation with the Town Clerk prepare simplified rules of procedure, c) appoint ad hoc committees of the Town Meeting as necessary and d) preside at public hearings to discuss the suspension or removal of the Town Manager.

BALLOT QUESTION

(ARTICLE 29)

SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 15, 2021 RELATIVE TO THE SELECT BOARD SUMMARIZED AS FOLLOWS?

Amendments to Article III and Article VII – Select Board and Appointed Governmental Bodies. The Select Board shall have the power to appoint governmental bodies as provided in Article VII; and to appoint members of other governmental bodies, to define their duties and scope of responsibilities and the terms of their existence. Prior to making appointments to governmental bodies, the Select Board shall publicize vacancies to be filled and provide the public with information on duties and responsibilities of the governmental body. The Select Board shall interview all applicants and make appointments in a timely manner.

BALLOT QUESTION

(ARTICLE 30)

SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 15, 2021 RELATIVE TO APPOINTED GOVERNMENTAL BODIES SUMMARIZED AS FOLLOWS?

Amendment to Article VII – Appointed Governmental Bodies. The Select Board shall be solely responsible for determining the size of governmental bodies created by it or to which it is the appointing authority unless otherwise governed by state law.

BALLOT QUESTION

(ARTICLE 31)

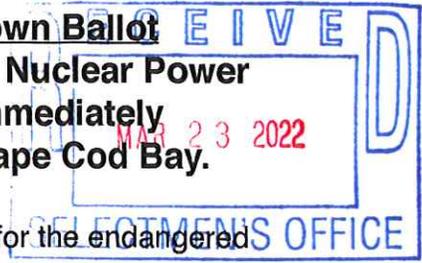
SHALL THE TOWN OF FALMOUTH APPROVE CHARTER AMENDMENTS PROPOSED BY THE TOWN MEETING HELD ON NOVEMBER 15, 2021 RELATIVE TO FINANCIAL PROVISIONS AND THE CAPITAL IMPROVEMENT PLAN SUMMARIZED AS FOLLOWS?

Amendment to Article VIII – Financial Provisions. The Town Manager shall prepare a Capital Improvement Plan consistent with the Strategic Plan and the Local Comprehensive Plan which shall include a clear summary of all capital improvements to be undertaken during the next five (5) fiscal years together with supporting data, estimated costs, recommended methods of financing and time schedules and the estimated cost of operation and maintenance of facilities or equipment to be constructed or acquired.

## **BUSINESS**

8. Respond to petition by Ivan Valiela and others for non-binding advisory question on ballot for May, 2022 annual town election re: disposal of nuclear waste in Cape Cod Bay **(10 minutes)**

**Non Binding Public Advisory Question for the 2022 Spring Town Ballot**  
**Calling upon Holtec Pilgrim, LLC, owner of the closed Pilgrim Nuclear Power Station and Holtec Decommissioning International, LLC, to immediately withdraw any plans to discharge any radioactive water into Cape Cod Bay.**



**WHEREAS**, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and  
**WHEREAS**, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and  
**WHEREAS**, The National Academies of Science has determined there is no safe dose of ionizing radiation,  
**WHEREAS**, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food chain from sediment to sea grasses to the fish we eat; and  
**WHEREAS**, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and  
**WHEREAS**, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and  
**WHEREAS**, The Commonwealth has the authority to stop the dumping;

**Therefore**, shall the people of the Town of \_\_\_\_\_ direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

PRINT NAME	SIGNATURE	RESIDENTIAL STREET ADDRESS
IVAN VALIELA	<i>Ivan Valiela</i>	193 Old Main Rd. Pt. J
Robert Melo	<i>Robert Melo</i>	23 CALLOS way
Shawn Gilfoy	<i>Shawn Gilfoy</i>	123 Davisville rd.
Jacob Guthrie	<i>Jacob Guthrie</i>	186 Coonasset Ct
FRANK BEAR	<i>Frank Bear</i>	344 PINECREST BEND, MA
Daniel R. Small	<i>Daniel R. Small</i>	209 Old Main Rd N.F.
<i>John Manning</i>	<i>John Manning</i>	213 Old Main Rd.
Lynn on Rice	<i>Kathryn Pietro</i>	36 overy Dr. North Falmouth
Peter Mubny	<i>Peter MacDonald</i>	21 Pine St 4A
<i>David</i>	<i>Diata</i>	21 Pine St 4B
Margaret Geist	<i>Margaret Geist</i>	40 County Road N Falmouth MA 02546
Kathryn Prokett	<i>Kathryn Prokett</i>	57 County Rd. N. Falmouth
Peggy Heasley	<i>Peggy Heasley</i>	262 Old Main Rd N. Falmouth

## Diane Davidson

---

**From:** Doug Brown  
**Sent:** Thursday, March 24, 2022 5:56 PM  
**To:** Diane Davidson  
**Cc:** Falmouth Selectboard  
**Subject:** Re: Select Board Agenda - 3/28/22

Hi Diane

One correction on the Agenda. The petition is being brought forth by Catherine Bumpus and Diane Turco of Cape Downwinders. Ivan Valiela is a signatory but not the proponent.

Thank You  
Doug Brown  
Falmouth Select Board  
508 560 4149

On Mar 24, 2022, at 4:03 PM, Diane Davidson <[diane.davidson@falmouthma.gov](mailto:diane.davidson@falmouthma.gov)> wrote:

To all,

Attached please find the agenda for the Monday, March 28, 2022 Select Board meeting.

Diane

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

<AGENDA - 2022-03-28.docx>

## Diane Davidson

---

**From:** Frank Duffy  
**Sent:** Thursday, March 24, 2022 1:59 PM  
**To:** Julian Suso  
**Cc:** Maura O'Keefe; Michael Palmer; Diane Davidson  
**Subject:** RE: Petition

Yes, Monday is a good time to vote this matter

Respond to petition by Ivan Valiela and others for non-binding advisory question on ballot for May, 2022 annual town election re: disposal of nuclear waste in Cape Cod Bay.

---

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

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**From:** Julian Suso <julian.suso@falmouthma.gov>  
**Sent:** Thursday, March 24, 2022 11:58 AM  
**To:** Frank Duffy <frank.duffy@falmouthma.gov>  
**Cc:** Maura O'Keefe <maura.okeefe@falmouthma.gov>; Michael Palmer <michael.palmer@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>  
**Subject:** RE: Petition

Thank you Frank. Given the timing, should we be bringing this to Monday's SB meeting for a vote (as there are others on the draft SB agenda) – and if so, can you suggest the appropriate wording?

Julian

---

**From:** Frank Duffy <frank.duffy@falmouthma.gov>  
**Sent:** Thursday, March 24, 2022 11:51 AM  
**To:** Julian Suso <julian.suso@falmouthma.gov>  
**Cc:** Maura O'Keefe <maura.okeefe@falmouthma.gov>; Michael Palmer <michael.palmer@falmouthma.gov>  
**Subject:** Petition

Julian: I checked with Michael Palmer. The Select Board may elect to include this petitioned question about nuclear waste in Cape Cod Bay on the ballot for the May annual town election. The board must vote at least 35 days prior to the election.

There will be other questions on the ballot this year. There are 5 charter amendment questions and maybe a Prop. 2 and ½ debt exclusion question(s).

---

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

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## **BUSINESS**

### 9. Licenses

- a. Approve application for a Change of Manager of an all Alcoholic Beverages Common Victualler License – Water Street Kitchen, located at 56 Water Street, Woods Hole **(5 minutes)**

The proposed new manager, John Wilson, responsible for the alcohol license, has been invited to attend the Select Board meeting.

LICENSE APPLICATION REVIEW

Restaurant/Business: Water Street Kitchen

Address: 56 Water Street, Woods Hole

License Type: All Alcoholic Beverages Common Victualler

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

or

Change of License Change of Manager

Police \_\_\_\_\_

Fire \_\_\_\_\_

Building \_\_\_\_\_

Health \_\_\_\_\_

Zoning No comment

Planning No physical changes, no concerns

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES:



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

**AMENDMENT-Change of Manager**

Change of License Manager

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Water Street Kitchen	Falmouth	00200-RS-0390

**2. APPLICATION CONTACT**

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

Name	Title	Email	Phone
Molly Wilson	President	molly@waterstreetkitchen.com	774-392-2882

**3A. MANAGER INFORMATION**

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

Proposed Manager Name	John Wilson	Date of Birth	[Redacted]
Residential Address	[Redacted]	[Redacted]	[Redacted]
Email	molly@waterstreetkitchen.com	Phone	[Redacted]
Please indicate how many hours per week you intend to be on the licensed premises	60	Last-Approved License Manager	Molly Wilson

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?\*

Yes  No \*Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.  
 Have you ever been convicted of a state, federal, or military crime?

Yes  No

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

Date	Municipality	Charge	Disposition

**3C. EMPLOYMENT INFORMATION**

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

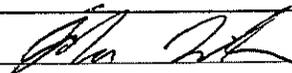
Start Date	End Date	Position	Employer	Supervisor Name
01/01/16	current	Chef Owner	Water Street Kitchen	Self

**3D. PRIOR DISCIPLINARY ACTION**

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

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

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

Manager's Signature  Date 2/24/22

**ENTITY VOTE**

The Board of Directors or LLC Managers of  Entity Name

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

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on  Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

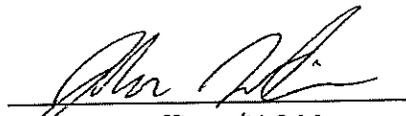
"VOTED: To authorize  Name of Person

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

"VOTED: To appoint  Name of Liquor License Manager

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

A true copy attest,

  
Corporate Officer / LLC Manager Signature

John Wilson  
(Print Name)

For Corporations ONLY

A true copy attest,

  
Corporation Clerk's Signature

John Wilson  
(Print Name)

# Certificate of Completion

This Certificate of Completion of  
**eTIPS On Premise 3.1**  
For coursework completed on February 20, 2022  
provided by Health Communications, Inc.  
is hereby granted to:

**John Wilson**

Certification to be sent to:

**Water Street Kitchen  
56 Water St  
Woods Hole MA, 02543-1026 USA**



HEALTH COMMUNICATIONS INC.



This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.

## **BUSINESS**

### 9. Licenses

- b. Approve application for a Change of Manager of an all Alcoholic Beverages Common Victualler License – Quicks Hole Tavern, located at 29 Railroad Avenue, Woods Hole

The proposed new manager, Edmund Reid, responsible for the alcohol license, has been invited to attend the Select Board meeting.

LICENSE APPLICATION REVIEW

Restaurant/Business:                     Quicks Hole Tavern                    

Address:                     29 Railroad Avenue, Woods Hole                    

License Type:                     All Alcoholic Beverages Common Victualler                    

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

or

Change of License                     Change of Manager                    

Police                     No objection                    

Fire \_\_\_\_\_

Building \_\_\_\_\_

Health                     No an issue                    

Zoning                     No comment                    

Planning                     No physical changes, no concerns                    

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES:



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

**AMENDMENT-Change of Manager**

Change of License Manager

**1. BUSINESS ENTITY INFORMATION**

Entity Name Quicks Hole LLC, d/b/a Quicks Hole Tavern	Municipality Town of Falmouth, MA	ABCC License Number 00053-RS-0390
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**2. APPLICATION CONTACT**

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

Name Michelle Slattery	Title Finance Manager	Email finance@woodsholeco.com	Phone 508-444-6702
---------------------------	--------------------------	----------------------------------	-----------------------

**3A. MANAGER INFORMATION**

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

Proposed Manager Name Edmund Reid	Date of Birth [REDACTED]
Residential Address [REDACTED]	
Email tavern.gm@woodsholeco.com	Phone 508-495-0048
Please indicate how many hours per week you intend to be on the licensed premises 55	Last-Approved License Manager Elizabeth S. Colt

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

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

Date	Municipality	Charge	Disposition

**3C. EMPLOYMENT INFORMATION**

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

Start Date	End Date	Position	Employer	Supervisor Name
2017	2022	GM & Area Director	British Beer Company	
2013	2015	Assist GM	Una Chicago Grill	

**3D. PRIOR DISCIPLINARY ACTION**

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

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

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

Manager's Signature Edmund Reid Date 3-7-22



## **CONSENT AGENDA**

### **1. Licenses**

- a. Approve application to amend the Entertainment License and Sunday Entertainment License – Shipwrecked, LLC d/b/a Shipwrecked, 263 Grand Avenue, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: Shipwrecked

Address: 263 Grand Avenue, Falmouth

License Type: Entertainment License

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

or

Change of License Request change to current license

Police \_\_\_\_\_

Fire \_\_\_\_\_

Building No increase in occupancy load.

Health \_\_\_\_\_

Zoning No comment.

Planning \_\_\_\_\_

DPW \_\_\_\_\_

Assessor \_\_\_\_\_

Tax Collector \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTES:



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

**ENTERTAINMENT LICENSE ANNUAL APPLICATION**

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

Required fields are outlined in red.

NAME OF BUSINESS: Shipwrecked LLC D/B/A Shipwrecked

ADDRESS: 263 Grand Ave

TOWN: Falmouth STATE: MA ZIP CODE: 02540

NAME OF OWNER/MANAGER: Rob Loewen

TELEPHONE #: [REDACTED] EMAIL: info@shipwreckedfalmouth.com

HOME ADDRESS: [REDACTED] 2644

LOCATION OF ENTERTAINMENT ON PREMISES: Courtyard

DAYS OF ENTERTAINMENT: Monday-Sunday

HOURS OF ENTERTAINMENT: 2pm-8pm

Provide a detailed description of proposed entertainment and provide a FLOOR PLAN showing the locaton of entertainment:

**Attached**

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT REQUESTED:

- SUNDAY ENTERTAINMENT: NO  YES  (if YES, complete a separate Sunday Entertainment application - contact Select Board office)
1. DANCING By Patrons  No Dancing
2. MUSIC Recorded  Live  Amplified  Acoustic  Other

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

**TAX ATTESTATION:** I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

DATE 03-11-22

X Rob Loewen

Signature - OWNER or MANAGER

**Total Town Fees: \$110**  
 Filing Fee: \$10  
 License Fee: \$100

*Fees payable to Town of Falmouth*

Dear Select Board,

We are submitting a modification request for our outdoor Entertainment license for your consideration. Shipwrecked acquired an outdoor Entertainment license last year for acoustic only. We are asking for your consideration to allow amplification in the courtyard. As you are aware, Falmouth Heights is a busy destination during the summer and this affects our musician's ability to be heard within the confines of the courtyard area without any amplification. The sounds of vehicle traffic (including cars, motorcycles, exhaust systems, music, etc.) makes it nearly impossible for guests not seated directly in front of the musician to hear them.

The entertainers can not be heard without some amplification (microphones and speaker(s)). We do not have full bands in the courtyard, it is mainly solo and duo acts. We mainly employ local Falmouth acts and our business has become an extremely popular location for the neighborhood residents and summer visitors. Our music venue outside is primarily from late May through October (weather permitting) from 2pm-8pm (usually 6pm). We do daily sound checks around the block and across the street from the beach to ensure that the volume from the courtyard area is unobtrusive.

We have personally received no complaints regarding weekend outdoor music. To the contrary, we have received many positive remarks from our neighbors as can be noted in numerous correspondences sent to the select board from local residents. We have always been extremely courteous and respectful to our neighbors and take pride in the relationships we have formed with them. Again, we really appreciate your consideration and we look forward to remaining "The Heights Neighborhood Restaurant".

Thank you,

Rob Loewen  
Shipwrecked



**CONSENT AGENDA**

- 2. Approve 2022 Seasonal/Annual License Renewals**

March 28, 2022

**SEASONAL ALL ALCOHOL COMMON VICTUALLER LICENSE**

Falmouth Pier 37 Boathouse, 88 Scranton Avenue  
Falmouth Raw Bar, 56 Scranton Avenue  
Landfall Restaurant, 9 Luscombe Avenue  
Quicks Hole Taqueria, 28 Water Street, Unit C  
Shuckers, 91A Water Street  
The Woods Hole Wharf, 71 Water Street

**SEASONAL ALL ALCOHOL CLUB LICENSE**

Seacoast Shore Association, 7 Farview Lane

**SEASONAL COMMON VICTUALLER LICENSE**

Eulinda's, 634 West Falmouth Highway  
Falmouth Pier 37 Boathouse, 88 Scranton Avenue  
Falmouth Raw Bar, 56 Scranton Avenue  
Jim's Clam Shack, 227 Clinton Avenue  
Landfall Restaurant, 9 Luscombe Avenue  
Quicks Hole Taqueria, 28 Water Street, Unit C  
Seacoast Shore Association, 7 Farview Lane  
Shuckers, 91A Water Street  
The Village Café of West Falmouth, 634 West Falmouth Highway  
The Woods Hole Wharf, 71 Water Street

**LODGING HOUSE LICENSE**

Frederick William House, 594 Palmer Avenue  
Inn on the Square, 40 North Main Street  
Woods Hole Inn, 28 Water Street, Unit D

**SECOND-HAND DEALER LICENSE**

Cash Point, 348 East Falmouth Highway  
Home Again, 93 East Falmouth Highway  
Hope Restored, 75 County Road  
St. Vincent DePaul Thrift Shop, 18A Davisville Road  
Trendy Tots, 426 Main Street

**ENTERTAINMENT LICENSE**

Falmouth Raw Bar, 56 Scranton Avenue  
Landfall Restaurant, 9 Luscombe Avenue  
Quicks Hole Taqueria, 28 Water Street, Unit C  
Shuckers, 91A Water Street  
Seacoast Shore Association, 7 Farview Lane  
The Woods Hole Wharf, 71 Water Street

**SUNDAY ENTERTAINMENT LICENSE**

Falmouth Raw Bar, 56 Scranton Avenue  
Landfall Restaurant, 9 Luscombe Avenue  
Quicks Hole Taqueria, 28 Water Street, Unit C  
Seacoast Shore Association, 7 Farview Lane  
Shuckers, 91A Water Street  
The Woods Hole Wharf, 71 Water Street

## **CONSENT AGENDA**

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

- Public Session – March 9, 2022

**TOWN OF FALMOUTH**  
**SELECT BOARD**  
59 Town Hall Square, Falmouth, MA 02540  
Meeting Minutes  
Open Session  
Wednesday, March 9, 2022  
Virtual Meeting via Zoom

*In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the Wednesday, March 9, 2022 public meeting of the Falmouth Select Board 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 Select Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting, send a comment or question to the Chair either via the Chat function, or use the "Raise Hand" button to ask the Chair to appear on the video to make a comment. Submitted text comments 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/BOS>.*
    - 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 [selectboard@falmouthma.gov](mailto:selectboard@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 Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office 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 the Town Manager's Office at [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov) so they may be displayed for remote public access viewing.*

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

1. **Chair Brown called the open session to order at 5:00 p.m. and motioned to convene the executive session under 1. M.G.L. Ch. 30A, Sec. 21(a)(6) – Discuss value of real property easements for Martha's Vineyard cable requested by NStar Electric dba Eversource because to not go into executive session could prejudice ongoing negotiations. English Braga seconded the motion. It was followed by a unanimous roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: English Braga aye; Brown, aye; Patterson, aye; Taylor, aye; Scott Price, aye.**
2. **Chair Brown reconvened the open session at 5:44pm. Chair Brown announced that the Select Board voted to authorize the Town Manager to enter into the agreement with Eversource.**
3. **Vote recommendation on Article 22 – Authorize NStar Electric dba Eversource easements**

Mr. Johnson-Staub provided an overview, addressing Article 22 which authorizes easements to Eversource which will allow them to construct an undersea cable that comes onto Surf Drive, goes up a route from Mill Road to the bike path, and then across Jones Road and ultimately to an existing substation on Stephen's Lane. This agreement allows for the Town to ensure that issues such as traffic management, season of construction, and noise can be appropriately addressed. Recognize that this is a significant impact to the community and is more than an inconvenience. Eversource recognizes that, and in addition to mitigating the impacts to the greatest extent possible, is providing \$800,000 to the Town for projects related to the impact the area. Eversource has also agreed to relocate utility poles currently within the sidewalk on Palmer Avenue that run parallel to the construction on the bikeway.

Mr. Johnson-Staub noted the article has been published; the draft explanation the Select Board has seen will be going to the printer tomorrow morning.

**Patterson motion to recommend Article 22 as printed. Second English Braga. Roll Call Vote: English Braga aye; Brown, aye; Patterson, aye; Taylor, aye; Scott Price, aye.**

Public Comment:

Tim Shea: Bikeways Committee discussed the following with Eversource: 1. Palmer Ave. detour for the pole relocations and bikeway detour. 2. The matter of electromagnetic force on the bikeway, questions may arise related to the Mayflower project. Cable with voltages being proposed do not pose harm to users and it is included in preliminary package on the project and when completed they perform some measurements that confirm the initial study requested. He would like something in writing from Eversource's expert.

Chair Brown noted that is not specifically addressed, he was told it is the same common power typically run and poses no threat.

Mr. Johnson-Staub had a dialogue with Eversource about that question; it is a 23 kilovolt line, same voltage most of the distribution lines. Not to be confused with a high tension line.

**Mr. Patterson motion adjourn at 5:58 pm. Second English Braga. Roll Call Vote: English Braga aye; Brown, aye; Patterson, aye; Taylor, aye; Scott Price, aye.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary