

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, APRIL 11, 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. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining with the Falmouth Public Library Association

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance
3. Proclamations:
 - a. Arbor Day
 - b. National Public Safety Telecommunicators Week
4. Recognition
5. Announcements – Select Board vote to retain special counsel
6. Public Comment

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

7:30 p.m. PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of a Seasonal All Alcoholic Club License – Seacoast Shores Association, Inc. at 7 Farview Lane, East Falmouth (15 minutes)
2. Flow Neutral Bylaw – Evaluation of Request for Variance – Excel 464 Main Street, LLC – 464 Main Street, Falmouth (parcel 47B 02 013 000) (15 minutes)

8:00 p.m. BUSINESS

1. Request for Variance to Sign Code – Chapter 184-30 (C) Special Events – John Wesley United Methodist Church, 270 Gifford Street, Falmouth (10 minutes)
2. Discuss and vote to approve Falmouth Housing Trust's Local Initiative Program (LIP) application to the Department of Housing and Community Development for premises at 33 Pheasant Lane, East Falmouth (15 minutes)
3. Discussion on date/location for Mayflower Wind public forum (10 minutes)

8:35 p.m. CONSENT AGENDA

1. Licenses
 - a. Approve application for a Special One-Day Liquor License – Bands for Badges, Cape Cod Fairgrounds – Saturday, 8/13/22
 - b. Approve application for three Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild, Highfield Theater, 58 Highfield Drive – Friday, Saturday, and Sunday; April 29, 30, & May 1; May 6, 7, 8; and May 13, 14, 15, 2022

- c. Approve application for a Change of Address of a Wine and Malt Beverages License – Quicks Hole, LLC dba Quicks Hole Taqueria, located at 28 Water Street, Unit #C, Woods Hole
 - d. Approve application for a Class II Used Car Dealer License – Intergas, Inc., located at 10 North Main Street, Falmouth
2. Administrative Orders
- a. Vote to Appoint Members to Board of Registrars: Grace O’Gorman, Kathleen Mortenson, Edward McCormack, III
 - b. Vote to approve ballot questions for May 17, 2022 municipal ballot
 - c. Vote and execution of petition to Legislature for special act to hold a special municipal election in November, 2022 to elect a Municipal Light Board
 - d. Approve Eversource petition to install approximately 40’ (feet) of conduit and cable under town road southwesterly starting at handhole 542/H1B and to install (1) new handhole labeled 542/H1A in public ROW on side of road at base of existing pole 542/1. This work is to be done to provide electric service to #118 Bywater Court.
 - e. Vote to request a list of long-term parking permittees including vehicle information from the SSA of vehicles using the long-term parking permit system (Palmer and Woods Hole lots)
 - f. Vote to approve request to submit application for FY23 MVP grant for low-lying roads

3. Approve 2022 Seasonal/Annual License Renewals

SEASONAL COMMON VICTUALLER LICENSE

The Tea Room, 196 Crystal Springs Avenue

LODGING HOUSE LICENSE

Elizabeth Hathon, 165 North Falmouth Highway

SECOND-HAND DEALER LICENSE

Cape Cod Gold & Silver Coin, 424 Main Street

Falmouth Stamp & Coin, 11 Town Hall Square

BOWLING ALLEY/POOL TABLE LICENSE

Grumpy’s Pub, 29 Locust Street

ENTERTAINMENT LICENSE

Falmouth Pier 37 Boathouse, 88 Scranton Avenue

SUNDAY ENTERTAINMENT LICENSE

Falmouth Pier 37 Boathouse, 88 Scranton Avenue

MOVIE THEATER LICENSE

Falmouth Cinema Pub, 137 Teaticket Highway

4. Review and Vote to Approve Minutes of Meetings:
- a. Public Session – February 14, 2022 and March 14, 2022
 - b. Executive Session – March 14, 2022 and March 28, 2022

8:45 p.m. TOWN MANAGER’S SUPPLEMENTAL REPORT

8:50 p.m. SELECT BOARD REPORTS

9:00 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

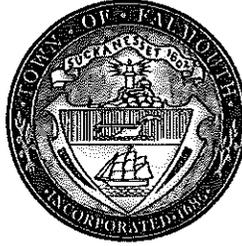
9:05 p.m. ADJOURN

Douglas C. Brown, Chair
Select Board

OPEN SESSION

3. Proclamations
 - a. Arbor Day

(Requested by Jeremiah Pearson, Parks Superintendent/Tree Warden)



PROCLAMATION

WHEREAS: The Town of Falmouth benefits from the graceful canopy of tree limbs that shade us from the blazing summer sun, purify our air of contaminants, provide a peaceful respite from the ordinary world, and generally beautify our community; and

WHEREAS: The Town has been recognized by a National Program and is known far and wide as a “Tree City”; and

WHEREAS: The Falmouth Tree Warden, Falmouth Garden Club and Falmouth Public Schools recognize the aesthetic value of the beautiful trees of Falmouth by organizing a day to celebrate the purity and strength exemplified by a statuesque tree and all living green things; and thereby honor the trees of Falmouth by singing songs, sharing thoughts and teaching more about the value of our trees; and

NOW, THEREFORE, WE, Douglas C. Brown, Nancy R. Taylor, Samuel H. Patterson, Megan English Braga and Onjalé Scott Price as the Select Board of the Town of Falmouth, do hereby **PROCLAIM**, Friday, April 29, 2022 as:

ARBOR DAY

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the Town of Falmouth to be affixed this day, Monday, April 11, 2022.

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

Samuel H. Patterson

SELECT BOARD

OPEN SESSION

3. Proclamations

b. National Public Safety Telecommunicators Week

(Requested by Christopher Campbell, Communications Administrator)



PROCLAMATION

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK APRIL 10-16, 2022

Whereas, emergencies can occur at any time that require police, fire or emergency medical services; and

Whereas, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

Whereas, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Falmouth Emergency Communications Center; and

Whereas, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

Whereas, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and

Whereas, Public Safety Telecommunicators of the Falmouth Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore, be it resolved that the Select Board for the Town of Falmouth declares the week of **April 10 through 16, 2022 to be National Public Safety Telecommunicators Week in the Town of Falmouth**, in honor of the men and women whose diligence and professionalism keep our community and citizens safe.

IN WITNESS THEREOF, We have hereunto set our hand and caused the great seal of the Town of Falmouth to be affixed on this 11th day of April, 2022.

Douglas C. Brown, Chair

Megan English Braga

Nancy R. Taylor, Vice Chair

Onjalé Scott Price

Samuel H. Patterson

SELECT BOARD

OPEN SESSION

5. Announcements – Select Board vote to retain special counsel

OPEN SESSION

TOWN MANAGER'S PRELIMINARY REPORT

April 11, 2022

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso

JMSuso

DATE: April 8, 2022

- The Board will convene at 6:30PM in executive session for an update on Mayflower Wind as well as consideration of a proposed collective bargaining agreement with Falmouth Library employees.

Preliminary Report

- You have two public hearings, one involving an all alcoholic club license for Seacoast Shores. The second involves a request for wastewater variance under the Flow Neutral Bylaw. Both appear to be in order. With regard to the wastewater variance, all matters are addressed and this property is indeed eligible.
- I recommend your favorable consideration of the request from the Methodist Church for a sign code variance, as we work with them routinely in this area.
- With Peter's assistance, the Board will review/discuss alternative dates and times for the planned public forum on Mayflower Wind. We have confirmed that the High School Auditorium will not be available, but the Lawrence School Auditorium is and should serve as an appropriate venue as is the case for Town Meetings.
- The Board will be considering a request for LIP support of the proposed 40B single home project at 33 Pheasant Lane. Under separate cover, you will have a memo on the background and legal issues involved for your deliberation.

Supplementary Report

- Thank you for the excellent collaborative work in bringing the April Town Meeting to successful completion!
- Town Hall and Town administrative offices will be closed on Monday, April 18 for the Patriot's Day Holiday.
- Your next regular business meeting is scheduled for Monday, April 25.

PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of a Seasonal All Alcoholic Club License – Seacoast Shores Association, Inc. at 7 Farview Lane, East Falmouth

NOTE:

Seacoast Shores Association applied for multiple transactions:

1. An alteration of the premises, and
 2. A change of manager
-
1. The alteration of premises was advertised for this meeting, Monday, April 11, 2022.
 2. The change of manager was accidentally left off this agenda. Therefore, the change of manager vote has to be taken up at the Monday, April 25, 2022.

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 Seacoast Shores Association has applied for an Alteration of Premises to its Seasonal All Alcoholic Beverages Club License to be exercised at 7 Fairview Lane, East Falmouth, MA.

A hearing will be held in the Select Board's Meeting Room, Falmouth Town Hall on Monday, April 11, 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: Seacoast Shores Association

Address: 7 Farview Lane, East Falmouth

License Type: All Alcoholic Beverages Club License

New or Transfer of License _____

or

Change of License Alteration of Premises & Change of Manager

Police No Objection

Fire New Certificate of Inspection issued 2/14/22

Building New Certificate of Inspection issued 2/14/22

Health Capacity 127 or less, no glass in pool area, food handling in kitchen only

Zoning Okay provided no increase to seating

Planning Letter of determination included

DPW _____

Assessor _____

Tax Collector _____

NOTES:

- The proposed new manager, Marisa Veisor has been invited to attend the meeting. Town background check has been completed.
- The change requested is to have lunch service for 40 seats/Adirondack chairs in the fenced-in pool area from 11:30 am to 4:00 pm weather permitting.
- During the lunch hours of 11:30 am to 4:00 pm interior seating will be reduced by 40 seats.
- At no time will seating exceed 120 seats
- There will be always a TIPS certified manager on duty in the pool area during lunch service.
- Building, Planning, and Zoning offices reviewed the plans and application details. A revised Certificate of Inspection was issued on February 14, 2022



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

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

CHANGE OF LOCATION

- \$200 fee via [ABCC website](#) and Payment Receipt
- Monetary Transmittal Form
- Alteration of Premises/Change of Location Application
- Vote of the Entity Board
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification*
- Advertisement*

ALTERATION OF PREMISES

- ✓\$200 fee via [ABCC website](#) and Payment Receipt
- ✓Monetary Transmittal Form
- ✓Alteration of Premises/Change of Location Application
- ✓Vote of the Entity Board
- ✓Supporting financial records
- ✗Legal Right to Occupy
- ✓Floor Plan
- ✓Abutter's Notification*
- ✓Advertisement*

MANAGEMENT AGREEMENT

- \$200 fee via [ABCC website](#) and Payment Receipt
- Monetary Transmittal Form
- Management Agreement Application
- Management Agreement
- Vote of the Entity Board
- CORI Forms for all listed in Section 8A and attachments

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. This does not pertain to a liquor license manager that is employed directly by the entity.

*If abutter notification and advertisement are required for transaction, please see the local licensing authority.



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

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

CHANGE OF CORPORATE NAME OR DBA

- \$200 fee via [ABCC website](#) and Payment Receipt (Corporate Name Only)
- Monetary Transmittal Form
- DOR Certificate of Good Standing (Corporate Name Only)
- DUA Certificate of Compliance (Corporate Name Only)
- Change of Corporate Name/DBA Application
- Vote of the Entity Board
- 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

CHANGE OF PLEDGE OF LICENSE, STOCK OR INVENTORY

- \$200 fee via [ABCC website](#) and Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Pledge of License, Stock or Inventory Application
- Vote of the Entity Board
- Pledge documentation
- Promissory note

CHANGE OF MANAGER

- \$200 fee via [ABCC website](#) and Payment Receipt
- Monetary Transmittal Form
- Change of Manager Application
- Vote of the Entity Board
- CORI Authorization Complete one for the proposed manager of record. This form must be *notarized with a stamp or raised seal.*
- Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.



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

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Seacoast Shores Association, Inc.	Falmouth	00209-CL-0390

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.

Change the temporary outdoor seating into a permanent seating that requires annual review and approval. The total of 120 people capacity for serving food & alcoholic beverages remains the same. Change of manager.

APPLICATION CONTACT

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

Name	Title	Email	Phone
Darya Latypova	Bookkeeper	seacoastshoresassociation@gmail.com	774-251-1504

2. AMENDMENT-Change of License Classification

<input type="checkbox"/> Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	
	Requested New License Category	
<input type="checkbox"/> Change of License Class Seasonal or Annual	Last-Approved License Class	
	Requested New License Class	
<input type="checkbox"/> Change of License Type* i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	
	Requested New License Type	

3. AMENDMENT-Change of Business Entity Information

<input type="checkbox"/> Change of Corporate Name	Last-Approved Corporate Name:	
	Requested New Corporate Name:	
<input type="checkbox"/> Change of DBA	Last-Approved DBA:	
	Requested New DBA:	
<input type="checkbox"/> Change of Corporate Structure LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	
	Requested New Corporate Structure	

4. AMENDMENT-Pledge Information

<input type="checkbox"/> Pledge of License	To whom is the pledge being made:	
<input type="checkbox"/> Pledge of Inventory		
<input type="checkbox"/> Pledge of Stock		

5. AMENDMENT-Change of Manager

Change of License Manager

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address uth MA 02556

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises Last-Approved License Manager

B. CITIZENSHIP/BACKGROUND INFORMATION

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

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

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

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
6/20/2021	11/4/2021	Sales Manager	Hersha Hospitality Management	Clark Guinn
2/1/2020	11/1/2021	Home Aid/House Manager	Noonan Family Relative	Margorie & Peter Noonan
12/2017	1/2020	Senior Sales Manager	Radisson / Red Lion Hotels	Becky Polanski
11/2016	9/2017	Assistant General Manager	Holiday Retirement	unknown/retired

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date 7

7. AMENDMENT-Change of Premises Information

Alteration of Premises: (must fill out attached financial information form)

7A. ALTERATION OF PREMISES

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

Be approved for permanent outdoor seating for 40 people on completely fenced pool deck area during lunch 11:30 am - 4 pm

PROPOSED DESCRIPTION OF PREMISES

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

2 level clubhouse. ground level:office, function room,2 bathrooms.changing room, storage room. Upper level:deck, 2 bathrooms, kitchen, storage room. Outside:fenced pool area (60' x 35' adult pool and small kiddie pool), Fenced tennis court, parking area.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

Change of Location: (must fill out attached financial information form)

7B. CHANGE OF LOCATION

Last-Approved Street Address

Proposed Street Address

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.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

OCCUPANCY OF PREMISES

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

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

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

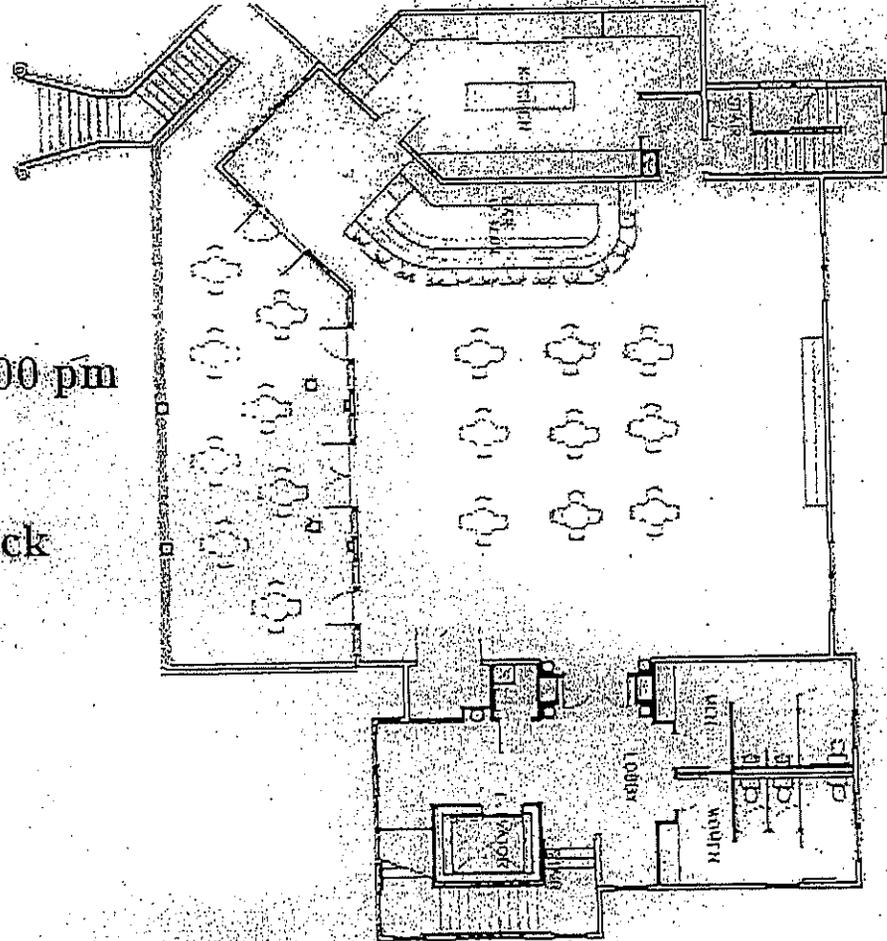
Rent per Year

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

Yes No

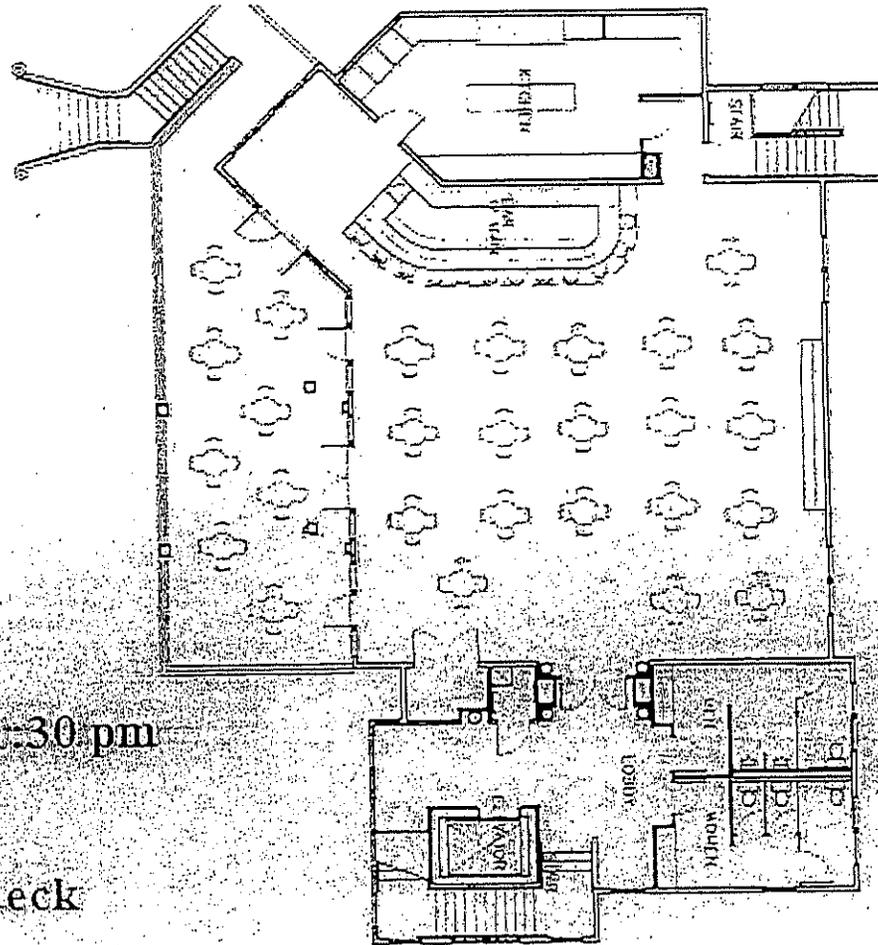
SSAI Seat Layout (lunch + dinner)

Lunch
11:30 am - 4:00 pm
12 bar
36 seat
32 outside deck
total 80



RECEIVED: 2/10/22

SSAI Seat Layout (lunch + dinner)



Dinner

5:00 pm - 11:30 pm

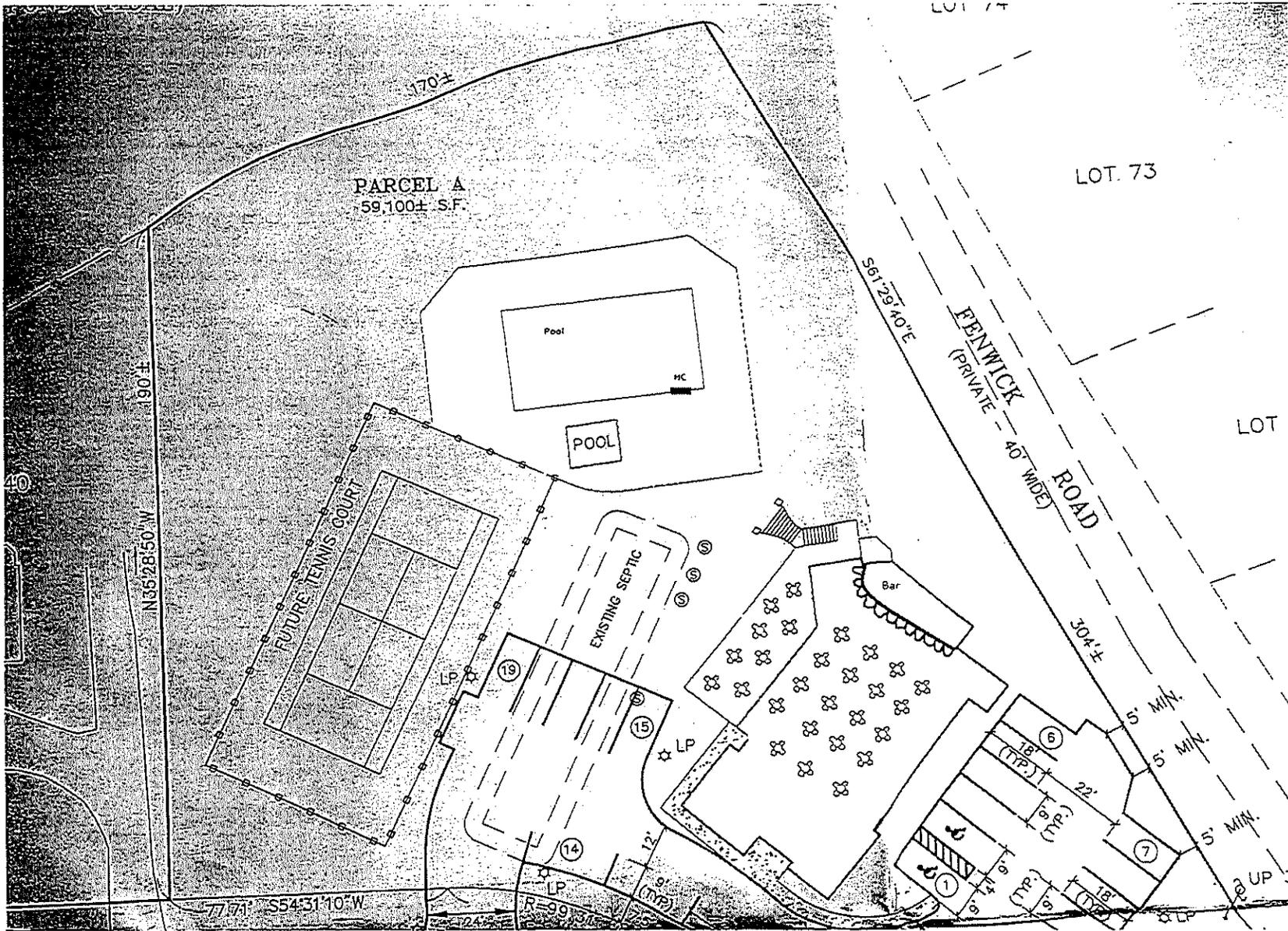
12 bar

76 seats

32 outside deck

total 120

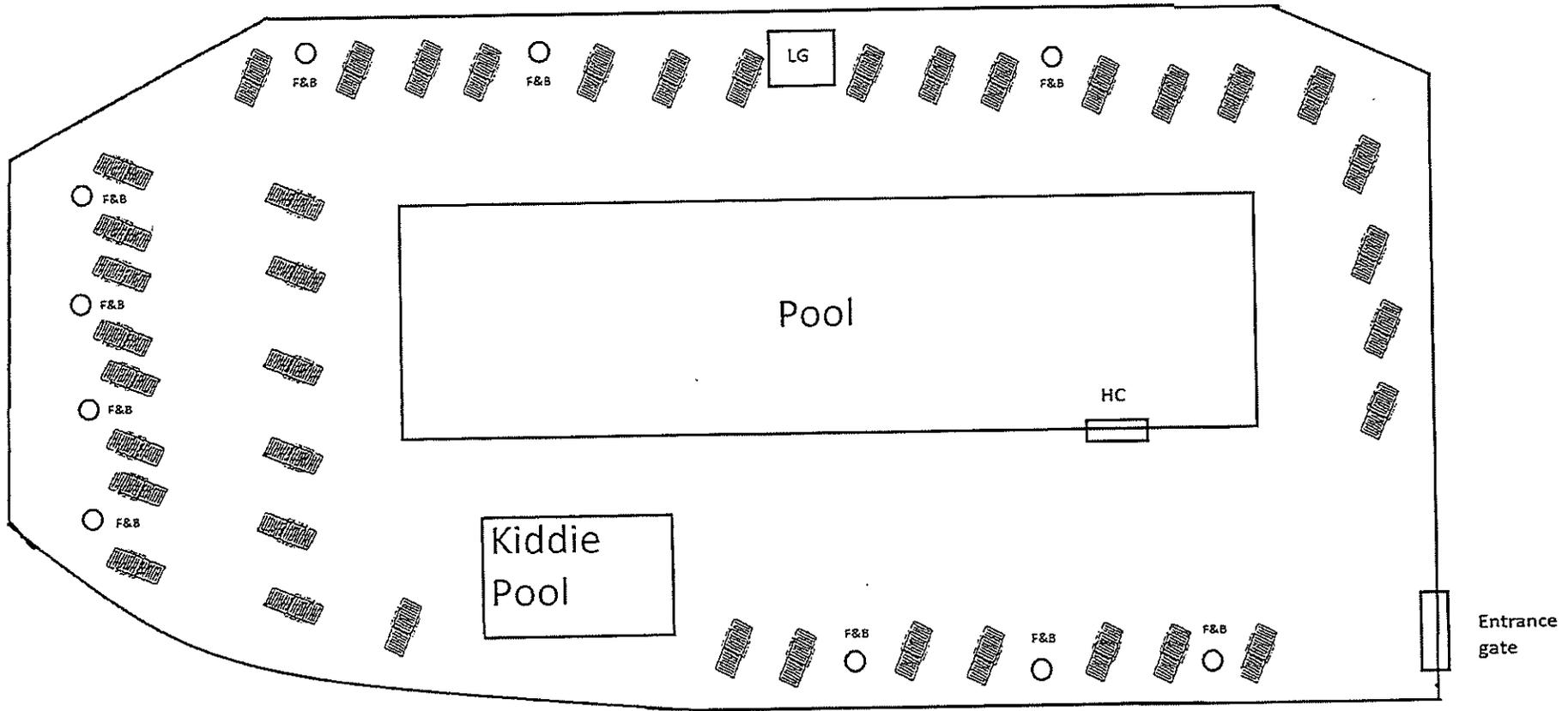
RECEIVED: 2/10/22



Dinner 5:00 pm - 11:30 pm

Total capacity 120
 12 bar
 76 seats
 32 outside deck

RECEIVED: 2/10/22



40 seats will be used in pool deck

RECEIVED: 2/10/22

SSAI

Lunch 11:30 AM - 4 PM

Dining = (Food + Alcoholic Beverages + Non Alcoholic Beverages)

<p>POOLS Deck</p> <p>40 seats</p>

<p>Outside Deck</p> <p>32 Members</p>	<p>Bar and Dining Area</p> <p>12 Bar Stools</p> <p>35 seats</p> <p>Total 85</p>
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120

Dinner 5 PM - 11:30 PM

or

Before Memorial Day and After Labor Day

<p>POOLS Deck</p> <p>NO Mini Tables</p> <p>ZERO(0) Members Dining</p>

<p>Outside Deck</p> <p>32 seats</p>	<p>Bar and Dining Area</p> <p>12 Bar Stools</p> <p>76 members</p> <p>Total 120</p>
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120



The Commonwealth of Massachusetts
Town of FALMOUTH
New and Renewal Certificate of Inspection

In accordance with 780 CMR, Chapter 1 (*The Sixth Edition of the Massachusetts State Building Code*) and Chapter 304 of the Acts of 2004 (*an Act to further enhance fire and life safety*), this *Certificate of Inspection* is issued to the premise or structure or part thereof as herein identified.

Issued to	<i>Identify Name of Establishment</i>					<i>Certificate No.</i>
	SEACOAST SHORES ASSOC., INC.					21CI/055898
Located at	<i>Identify property address including street number, name, city or town and county</i>					<i>Certificate Expiration</i>
	7 FARVIEW LANE, FALMOUTH					12/31/2022
Use Group Classification(s)						<i>Other</i>
	A-2	A-2	A-2			Total
Allowable Occupant Load	12 - Bar	76 - Seats	32 - Outside Deck			127

This *Certificate of Inspection* is hereby issued by the undersigned to certify that the premise, structure or portion thereof as herein specified has been inspected for general fire and life safety features. This certificate shall be framed behind clear glass and/or laminated and posted in a conspicuous place within the space as directed by the undersigned. *Failure to post or tampering with the contents of the certificate is strictly prohibited.*

Name of Municipal Certified Building Official	Gary Street, CBO 	Date of Inspection	12/09/2021
Signature of Fire Prevention Inspector	Boyd DeMello 	Date of Issuance	02/14/2022 (revised)



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

February 10, 2022

Mr. Dan Frawley
Seacoast Shores Association, Inc.
P.O. Box 768
E. Falmouth, MA 02536

RE: Permanent Outdoor Seating Application – Seacoast Shores Association, Inc.

Dear Mr. Frawley,

The Planning Department has determined that the revised application (dated February 10, 2022) from Seacoast Shores Association, Inc., for the request to change their temporary outdoor seating approval into a permanent condition, requires no further review or action on our part.

The application materials submitted to the Planning Department on February 10, 2022 indicated that:

1. There will be no change to the total number of tables, seats, or parking spaces at the property.
2. None of the proposed outdoor seating will make use of the 43 permitted parking spaces on the property.
3. The property is allowed a total of 120 seats as indicated on the Certificate of Inspection dated December 23, 2021.
4. During the lunch period (11:30 AM to 4:00 PM), there will be 48 seats located in the clubhouse dining room and bar, 40 seats on the pool deck, and 32 seats located on the outside deck.
5. During the dinner period (5:00 PM to 11:30 PM), there will be 88 seats located in the clubhouse dining room and bar and 32 seats located on the outside deck.

This determination supersedes all previous determinations provided for this subject property.

Sincerely,

Jed Cornock, AICP
Acting Town Planner

Enclosures

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

Phyllis Downey

Subject: FW: 7 Farview Lane

From: Noreen Stockman

Sent: Thursday, January 20, 2022 2:19 PM

To: Diane Davidson <diane.davidson@falmouthma.gov>

Cc: Phyllis Downey <phyllis.downey@falmouthma.gov>; seacoastshoresassociation@gmail.com; did046704@gmail.com

Subject: 7 Farview Lane

Good afternoon,

We are advised that Seacoast Shores intends to maintain the 120 current seats for the Premises, and intends to “flex” the seating, to provide outdoor options. We understand that the maximum limit will remain as 120 in total; to include both indoor and outdoor seating.

This seating complies with the information within the Zoning Board of Appeals file.

Sincerely,

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

2022

License Alcoholic Beverages

Fee: 0

DRAFT

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

DRAFT

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

To Be Drunk On the Premises

To Seacoast Shores Association, Inc.
Arlene Schubert, Manager

7 Farview Lane, East Falmouth, MA 02536

On the following described premises:

2 level Clubhouse, ground level: office, function room, 2 bathrooms, changing room, storage room. Upper level: deck, 2 bathrooms, kitchen, storage room. Outside: fenced pool area (60'x35' adult pool and small kiddie pool), fenced tennis court, parking area. The clubhouse building is fully handicapped accessible with an elevator and three entrances/exits. Seating capacity 120 patrons.

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

#Type!

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

8:00 am - 12:00 am Monday - Saturday; 10:00 am - 12:00 am - Sundays.

Note: All glasses off tables and bar and all patrons out by 12:30 a.m.

DRAFT! Weather permitting lunch will be served to 40 outdoor Adirondack chairs in the Pool Area from 11:30 am to 4:00 pm during which time the interior seating will be reduced by 40 seats. No glass is permitted in the Pool Area. A TIPS certified manager will be on duty in the Pool Area during lunch service. BUILDING MUST BE SO INSULATED THAT ALL ENTERTAINMENT, MUSICAL OR OTHERWISE, WILL NOT BE HEARD OUTSIDE THE BUILDING. OFF-SITE PARKING NOT ALLOWED AT THE LOT AT WHITE'S LANDING.

#Type!

_____ Licensing Board

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

PUBLIC HEARINGS

2. Flow Neutral Bylaw – Evaluation of Request for Variance – Excel 464 Main Street, LLC – 464 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

April 11, 2022

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Select Board of the Town of Falmouth will hold a public hearing on Monday, April 11, 2022 at 7:30 p.m. in the Select Board Meeting Room, Town Hall, Falmouth, MA on the application of Excel 464 Main Street, LLC for a wastewater flow variance under Chapter 180, Section 56 of the Code of Falmouth, the so-called Flow Neutral By-law, for redevelopment of commercial/residential property with a restaurant on the first floor and ten rental apartments on the second and third floors at 464 Main Street in said Falmouth (parcel 47B 02 013 000).

Per Order of the Select Board

Publication date: Friday, April 1, 2022, Falmouth Enterprise

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

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

Suggested Process:

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

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



TOWN of FALMOUTH

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

AMY LOWELL
WASTEWATER SUPERINTENDENT

Date: March 25, 2022

To: Board of Selectmen, Town Manager

cc: Falmouth Health Department, Falmouth Planning Board, Attorney Bob Ament

Re: Flow Neutral Bylaw Variance Request – 464 Main Street

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

Based on the previous use of the site and the proposed uses for this property described in a letter from Attorney Robert Ament to the Town Manager dated 3/16/22, the previous and proposed Title 5 design flows are as follows (gallons per day, gpd):

Previous		Proposed	
Use	Flow (gpd)	Use	Flow (gpd)
Two-bay auto service station	300	Restaurant, 125 seats	4375
		10 apartments, total of 13 bedrooms	1430
Total	300	Total	5805

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

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

Permitted Average Annual Discharge Flow (gallons per day):	710,000
Projected Average Annual Flow, With Variances Granted To-Date (gpd):	569,436
Projected Average Annual Flow as % of Permitted Flow	80.2%

The proposed project, if granted a variance, will increase the total projected average annual wastewater flow to 80.6% of the permitted flow. Sufficient sewer system capacity currently exists to accommodate the projected additional flow from this property.

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

Diane Davidson

From: Scott McGann
Sent: Friday, March 25, 2022 8:23 AM
To: Julian Suso; Diane Davidson
Cc: Amy Lowell
Subject: Flow Neutral Bylaw referral for 464 Main Street

On March 21, 2022, the Falmouth Board of Health heard a Flow Neutral Bylaw referral request for 464 Main Street. There is proposed change from an auto repair shop to mixed use (restaurant/ residential). The Board of Health voted that there is sufficient room on the lot to install a Title 5 compliant, sufficiently sized septic system for the proposed change in use.

Any question feel free to reach out.

Scott

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

AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
Falmouth, MA 02540



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

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

March 16, 2022

Julian Suso, Town Manager
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Application under Flow Neutral By-law for Mixed Residential Commercial Overlay District development with affordable rental housing at 464 Main Street

Dear Julian:

Our client Excel 464 Main Street, LLC owns 464 Main Street which has been a motor vehicle repair shop for many years. The property is in the Business Redevelopment Zoning District, and now is within the Mixed Residential Commercial Overlay District adopted by Town meeting in November 2021.

The owner proposes to redevelop the property for mixed use in accordance with the MRCOD by-law, with a quality sit-down restaurant on the first floor and a total of ten rental apartments on the second and third floors (3 two-bedroom apartments and 7 one-bedroom apartments). Three of the apartments would be restricted for affordable rental, and all ten apartments should be added to the Town's Subsidized Housing Inventory.

Attached is a preliminary site plan showing the proposed building footprint of 6,150 square feet. Also attached is a sketch plan suggesting the proposed building elevation facing Main Street. There will be an opportunity for patio dining in front of the building, and, taking advantage of the limitation that the third floor be a $\frac{3}{4}$ story, the preliminary architectural drawings envision a tenants' roof garden above the two-story front ell of the building.

The design wastewater flow for the proposed restaurant (125 seats, including the patio seating) and ten apartments (thirteen bedrooms) is 5,805 GPD. Although the proposed mixed residential/commercial use is considered a by-right use under the MRCOD by-lawⁱ, the increase in wastewater flow into the municipal sewer will require a variance from the Select Board under the Flow Neutral By-law, Falmouth Code Section 180-51 et sec. The existing repair shop is connected to the municipal sewer, of course, and the MRCOD use must also utilize the sewer. Town Meeting expressly limited the MRCOD to properties that are served by the sewer.

Per Code Section 180-56A.(1), to grant a variance the Select Board must obtain the determination of the Wastewater Superintendent that sufficient capacity exists in the municipal treatment facility. My understanding is that sufficient capacity does presently exist, and that the Town is in the process of creating additional capacity. Being able to connect to the sewer is a prerequisite for MRCOD projects such as we are proposing, which Town Meeting contemplated in adopting the overlay district.

Submitted herewith is a plan prepared by BSS Design showing that the proposed project could be served by a Title 5 septic system that could be installed on the lot, in the absence of the availability of the sewer, without significant Title 5 variances being required. BSS Design has reviewed this plan with Scott McGann. Under Code Section 180-56A.(2), if the Wastewater Superintendent determines that there is sufficient capacity, then the Select Board seeks a referral from the Board of Health regarding the ability to install an on-site Title 5 system for the project.

Please make the appropriate referrals so that this request for a variance under the Flow Neutral Bylaw can be scheduled for hearing as soon as possible, and let me know the hearing date. Please contact me with any questions.

Thank you for your assistance.

Very truly yours,



Robert H. Ament

RHA/gmb
Enclosures

Cc: Excel 464 Main Street, LLC
Joe Valle, The Valle Group
Tom Bunker, BSS Design
Jed Cornock, Acting Town Planner
Scott McGann, Health Agent
Amy Lowell, Wastewater Superintendent

¹ The MRCOD zoning by-law allows a mixed-use project with at least 25% affordable rental housing by right; i.e., a special permit from the Zoning Board of Appeals is not required. Planning Board Site Plan Review does apply. In this case, a Planning Board special permit might be requested to allow greater lot coverage, especially in connection with the patio contemplated along Main Street.



PROPOSED FRONT ELEVATION - 404 MAIN ST.



DESIGN CRITERIA (SEPTIC TANKS)

NUMBER OF SEATS: 125 seats
 DESIGN FLOW: 35 gpd/seat (Restaurant)
 DAILY FLOW: (125 seats) x (35 gpd/seat) = 4,375 gpd
 NUMBER OF BEDROOMS (Apartments): 13 bedrooms
 DESIGN FLOW: 110 gpd/bedroom
 DAILY FLOW: (13 bedrooms) x (110 gpd/bedroom) = 1,430 gpd
 TOTAL DAILY FLOW: 4,375 gpd + 1,430 gpd = 5,805 gpd

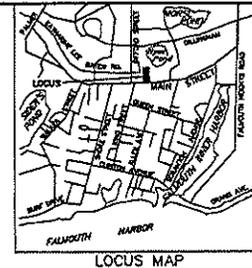
FOR RESTAURANT:
 USE ONE H-20 2,000 GALLON GREASE TRAP
 FOR APARTMENTS AND RESTAURANT:
 USE ONE 12,000 GALLON H2O LOW PROFILE 10' x 17' TANK
 & ONE 6,000 GALLON H-20 TANK

DESIGN CRITERIA (GREASE TRAP)

NUMBER OF SEATS: 125 seats
 DESIGN FLOW: 15 gpd/seat (Restaurant Kitchen Waste)
 TOTAL DAILY FLOW: 1,875 gpd
 USE 2,000 GALLON H2O TANK

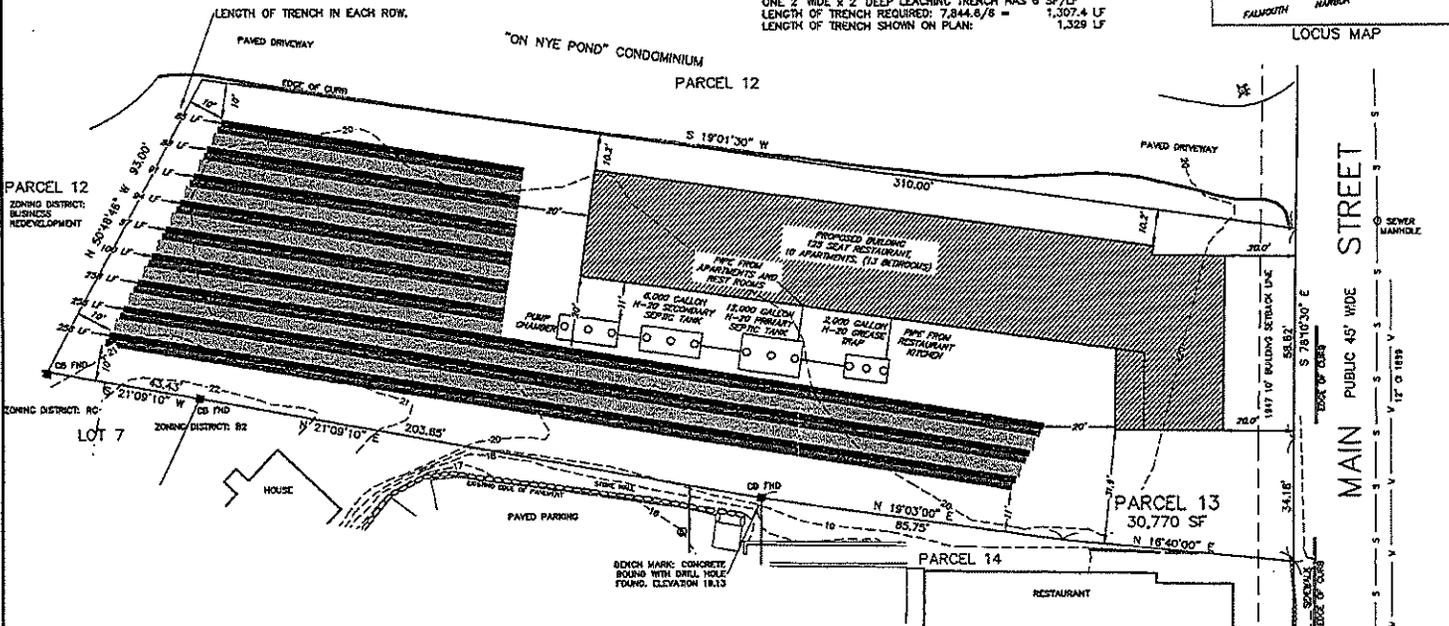
DESIGN CALCULATION FOR PRESSURE DISTRIBUTION TRENCHES

TOTAL DAILY FLOW: 5,805 gpd
 LEACHING AREA REQUIRED: 5,805 GPD / 0.74 = 7,844.6 SF
 ONE 2' WIDE x 2' DEEP LEACHING TRENCH HAS 6 SF/LF
 LENGTH OF TRENCH REQUIRED: 7,844.6/6 = 1,307.4 LF
 LENGTH OF TRENCH SHOWN ON PLAN: 1,329 LF



BSS
 DESIGN
 ENGINEERING
 & SURVEYING

www.bssdesign.com
 BSS Design, Incorporated
 164 Edgewater Lee Island Rd
 Falmouth Massachusetts 02541
 508.540.8935 FAX 508.548.8332



NOTES:

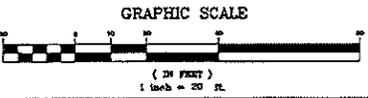
- LOCUS IDENTIFICATION:
 ADDRESS: 464 MAIN STREET
 ASSESSORS No. 478 02 013 000
- LOCUS IS WITHIN:
 ZONING DISTRICT: BUSINESS REDEVELOPMENT
 MIXED RESIDENTIAL COMMERCIAL OVERLAY DISTRICT
 FLOOD ZONE: X
 COASTAL POND OVERLAY DISTRICT (FALMOUTH INNER HARBOR)
 BUILDING CODE WIND EXPOSURE CATEGORY: B
 WIND-BORNE DEBRIS REGION
- LOCUS IS NOT WITHIN:
 HISTORIC DISTRICT
 ZONE II OF A PUBLIC WATER SUPPLY
 WATER RESOURCE PROTECTION DISTRICT
 ENDANGERED SPECIES HABITAT
 RIVERFRONT AREA
- ELEVATIONS ARE FROM ON-THE-GROUND SURVEY BASED ON AN ASSIGNED DATUM, BENCH MARK: TOP OF CONCRETE BOUND ELEVATION 19.13'

LEGEND

- 20 — PROPERTY LINE
- 3 — EXISTING CONTOUR
- S — EXISTING SEWER MAIN
- W — EXISTING WATER MAIN
- X — EXISTING FIRE HYDRANT
- CB # CONCRETE BOUND
- ▨ PROPOSED STRUCTURES



THE PURPOSE OF THIS PLAN IS TO DEMONSTRATE THAT A TITLE 5 SEPTIC SYSTEM CAN BE DESIGNED TO FIT ON THE SUBJECT PROPERTY AND IS NOT INTENDED AS A CONSTRUCTION DOCUMENT.



SEPTIC SYSTEM DEMONSTRATION PLAN
 AT
 464 MAIN STREET
 FALMOUTH, MASSACHUSETTS
 PREPARED FOR
 EXCEL 464 MAIN STREET, LLC

scale	1" = 20'
date	MARCH 16, 2022
drawn	TJB
checked	
job number	21162
revisions	
title	SSDS DESIGN
drawing number	B28-117

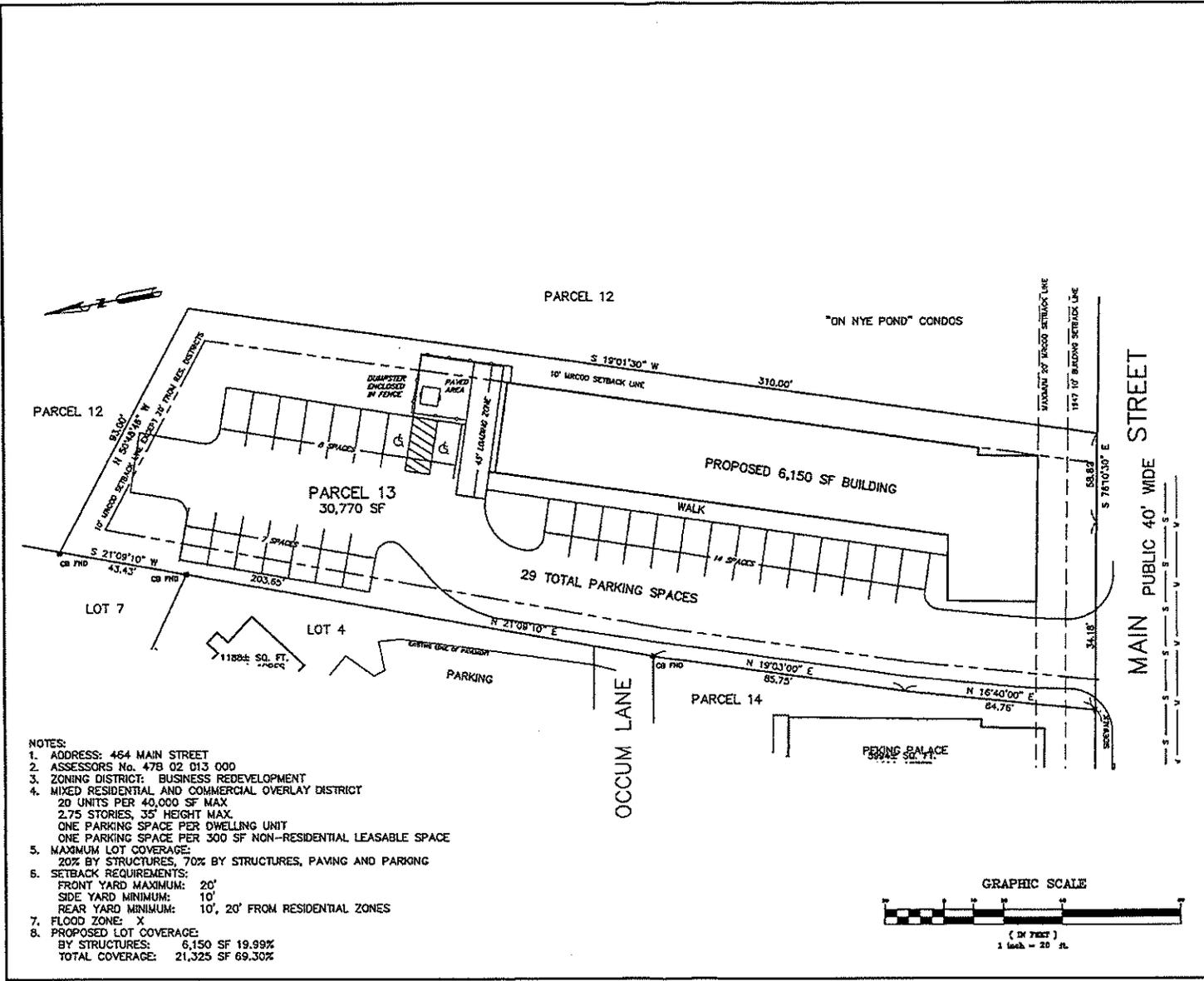
BSS
DESIGN
ENGINEERING
& SURVEYING

www.bsdesign.com
BSS Design, Incorporated
184 Richardson Ave. Suite 101
Falmouth, Massachusetts 02540
508.540.6800 FAX 508.546.8253

SITE PLAN STUDY
AT
464 MAIN STREET
FALMOUTH, MASSACHUSETTS
PREPARED FOR
PIERRE KAIROUZ

scale
1" = 20'
date
NOV. 23, 2021
drawn
T.J.B., R.A.R.
checked
job number
21162
revisions

title
SITE
PLAN
STUDY 4
drawing number
B28-117



BUSINESS

1. Request for variance to sign code – Chapter 184-30 (C) Special Events – John Wesley United Methodist Church, 270 Gifford Street, Falmouth **(10 minutes)**

John Wesley United Methodist Church:

Request for promotional sign in excess of days permitted under Section 184-30 of the Sign Code.

Location: John Wesley United Methodist Church, 270 Gifford Street

1. Clothing Sale (event date: TBD)
 - Display Dates: The Saturday prior to the event to the day of the event.
 - Location: Corner of Jones Rd. and Gifford St.
 - Dimensions: 7' x 2'

2. People for Cats Rummage Sale (event date: June 25)
 - Display Dates: 6/19/22 – 6/25/22
 - Location: Corner of Jones Rd. and Gifford St.
 - Dimensions: 7' x 2'

3. Rummage & Yard Sale (event date: July 30)
 - Display Dates: 7/25/22 – 7/30/22
 - Location: Corner of Jones Rd. Gifford Street
 - Dimensions: 7' x 2'

4. Vacation Bible School (event dates: August 22 – August 26) (subject to change)
 - Display Dates: 8/15/22 – 8/21/22
 - Location: Corner of Jones Rd. and Gifford St.
 - Dimensions: 7' x 2'

5. Christmas Fair (event dates: November 11 – November 12)
 - Display Dates: 11/6/22 – 11/12/22
 - Location: Corner of Jones Rd. and Gifford St.
 - Dimensions: 7' x 2'

The applicant is also requesting:

- Four additional promotional temporary signs (in addition to the two allowed annually) for 2022, and each year moving forward.

Diane Davidson

From: Jonathan Dickinson
Sent: Friday, April 8, 2022 7:49 AM
To: Diane Davidson
Subject: RE: Request for Sign Variance - John Wesley United Methodist Church

Hi Diane,

The sizes are compliant with the Bylaw and I have no issues with the number of temporary signs at this location.

Respectfully,

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

Please Note:

The Town of Falmouth Building Department has rolled out PermitEyes (online permitting system) as of Monday, December 6th. Please see the links below to register and to apply.

Applicant Registration Page : <https://permiteyes.us/falmouth/userregistration.php>

Applicant Side Login Page : <https://permiteyes.us/falmouth/loginuser.php>

From: Diane Davidson
Sent: Thursday, April 7, 2022 4:44 PM
To: Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>
Subject: Request for Sign Variance - John Wesley United Methodist Church

Hi Jonathan,

I wanted to let you know that this sign request is scheduled on the Monday, April 11, 2022 Select Board agenda. If you have any comment you would like included in the Select Board's agenda, you may forward that to me.

Thank you,

Diane

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



John Wesley United Methodist Church

270 Gifford Street, Falmouth, MA 02540

Rev. Rebecca Mincieli
Cell: (508) 776-1374
Email: PastorRebecca@comcast.net

Office: (508) 548-3050
Email: jwumcfalmouth@comcast.net
Website: www.johnwesleyumc.org

To: Select Board

From: John Wesley United Methodist Church

Date: March 21, 2022

We are seeking a variance to display four promotional temporary signs in addition to the two allowed annually. In order to save time for the Select Board for this annual request, I would like to request an approval of four additional signs per year for 2022 and into the future. I have spoken to Jonathan in the Building Department who suggested this. He could implement this ongoing variance when processing our permit applications each year.

For 2022 we seek permission to place the following promotional temporary 7-day signs. (This is representative of the signs we place on our property, with permits, each year.)

Clothing Sale (Event date; to be determined)

Sign Display Dates: The Saturday prior to the event to the day of the event on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

People for Cats Rummage Sale (Event date: June 25th)

Sign Display Dates: June 19th - 25 on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

Rummage & Yard Sale (Event date: July 30th)

Sign Display Dates: July 25 - 30th on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

Vacation Bible School (Event dates August 22nd - 26th) (subject to change)

Sign Display Dates - August 15th - 21st corner of Jones Rd. & Gifford St. The size is 7' x 2'.

Christmas Fair (Event dates: Nov. 11 & 12th)

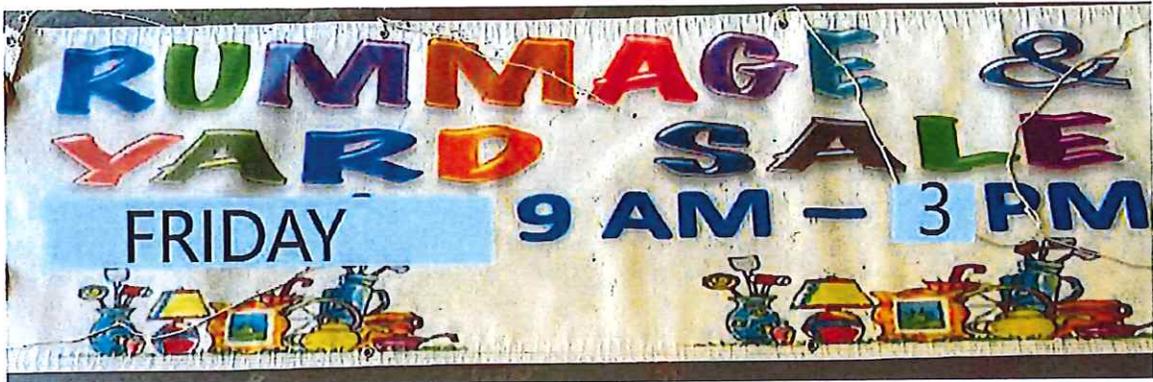
Sign Display Dates - November 6th - 12th on the corner of Jones Rd. & Gifford St. The size is 7' x 2'.

Attached please find a pictures of the banners. Please add us to the agenda for April.

We will obtain permits if the Selectmen approve this application.

Thank you.

Ruth Moulton
Ruth Moulton
Parish Administrator



We plan to display the above sign from July 25th to July 30th , 2022. It is a 7 x 2 = 14 square foot vinyl sign. It will be located at the corner of Jones and Gifford St. at the location seen below. The church building is visible in the background.



Above you can see one of the two signs on the property now. The other sign is seen below and is on Gifford St. John Wesley United Methodist Church 270 Gifford Street, Falmouth, MA.





The above Vacation Bible School Banner will be displayed August 15-21, 2022. It is a 7 x 2 = 14 square foot vinyl sign.

It will be located at the corner of Jones and Gifford St. at the location seen below. The church building is visible in the background.



Above you can see one of the two signs on the property now. The other sign is seen below and is on Gifford St. John Wesley United Methodist Church 270 Gifford Street, Falmouth, MA.

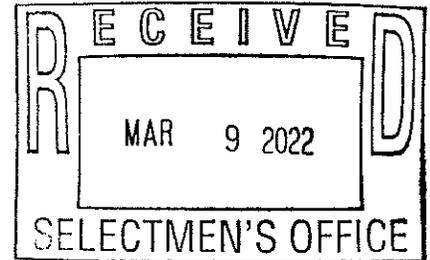


BUSINESS

2. Discussion and vote to approve Falmouth Housing Trust's Local Initiative Program (LIP) application to the Department of Housing and Community Development for premises at 33 Pheasant Lane, East Falmouth **(15 minutes)**

LAURA M. MOYNIHAN
Attorney at Law

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



March 7, 2022

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

Via Email and Hand Delivery

Re: LIP Application for Premises at 33 Pheasant Lane, East Falmouth

Dear Select Board Members:

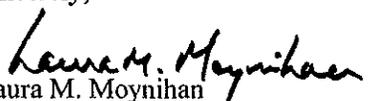
I represent the Falmouth Housing Trust, Inc. ("FHT"). FHT has a purchase and sales agreement in place to purchase the premises at 33 Pheasant Lane from Pheasant Lane LLC. The FHT proposes to apply to DHCD for a project eligibility letter for an "after the fact" Local Initiative Program (LIP) approval for a M.G.L. chapter 40B affordable housing unit. Upon issuance of the project eligibility letter, an application would be filed with the Falmouth Zoning Board of Appeals for a comprehensive permit for the premises. The FHT is requesting the Select Board's endorsement of the LIP application.

The premises at 33 Pheasant Lane currently contains a 3 bedroom dwelling constructed in or about 2019. A building permit and occupancy permit had been issued for the dwelling and were subsequently revoked by the Town. The basis of the revocation was that the property was not eligible for a building permit pursuant to the Falmouth Zoning Bylaw. The property as shown on the plans enclosed contains 10,000 square feet of area and minimum average width of 82.32 feet and the current requirements in the Residential C zoning district are 40,000 square feet of lot area and minimum average width of 100 feet. The comprehensive permit application to be filed by FHT will seek from the Zoning Board only two waivers pursuant to M..G.L. Chapter 40B for the lot size and minimum average width. All other requirements of the Falmouth Zoning Bylaw are met. The dwelling will, upon issuance of the comprehensive permit, be deed restricted in perpetuity for sale to households earning no more than 80% of the median income for Barnstable County. The dwelling will then be eligible for inclusion on the Town's Subsidized Housing Inventory.

The Falmouth Affordable Housing Committee has reviewed the proposal and has voted its support for the proposal. A copy of the support email letter of Mr. Curley, Chair of the Affordable Housing Committee is enclosed.

Would you kindly schedule this for review by the Select Board at its next available agenda time? Thank you.

Sincerely,


Laura M. Moynihan

Encls.

Diane Davidson

From: Peter Johnson-Staub
Sent: Friday, April 8, 2022 11:57 AM
To: Frank Duffy; Julian Suso
Cc: Noreen Stockman; Maura O'Keefe; Kim Fish; Diane Davidson
Subject: RE: Pheasant Lane

Thank you Frank. We will forward this to the Select Board as background for the vote on the Falmouth Housing Trust LIP application.

Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

www.falmouthma.gov

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

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Friday, April 8, 2022 11:53 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Noreen Stockman <noreen.stockman@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>; Kim Fish <kimberly.fish@falmouthma.gov>
Subject: Pheasant Lane

It is appropriate for the Select Board to hear and decide the application of Falmouth Housing Trust (FHT) to accept 33 Pheasant Lane as a Local Initiative Project. The FHT is not a party to any litigation and is under no constraints with respect to the property. The Select Board is not a party to the litigation and is not bound by any such constraints. The property owner may agree to sell the property during the pendency of the Land Court litigation. The Land Court is aware of the local situation and has stayed the litigation to allow for consideration and approval of a non-judicial resolution. If there is a non-judicial resolution, the Land Court case will be dismissed.

If the Select Board approves the FHT application to accept 33 Pheasant Lane as a LIP, the FHT will apply to the Zoning Board of Appeals for a Ch. 40B comprehensive permit. The ZBA will hear and decide that application on its merits including all pending zoning issues. Ch. 40B confers upon the ZBA the authority to waive strict compliance with the zoning bylaw.

Another Falmouth zoning appeal in Land Court was recently resolved in this manner. During the pendency of the litigation property in New Silver Beach was sold. The new owners agreed to a resolution and the Land Court dismissed the case.

Frank K. Duffy, Senior Counsel
Town of Falmouth

157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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

BUSINESS

3. Discussion on date/location for Mayflower Wind public forum
(10 minutes)

Dates available at the Lawrence School Auditorium:

Tuesday, April 26 (evening)
Wednesday, April 27 (evening)
Thursday, April 28 (evening)
Saturday, April 30 (morning)

Tuesday, May 3 (evening)
Wednesday, May 4 (evening)
Thursday, May 5 (evening)
Saturday, May 7 (morning)

CONSENT AGENDA

1. Licenses

- a. Application for a Special One-Day Liquor License – Bands for Badges, Cape Cod Fairgrounds – Saturday, 8/13/22

LICENSE APPLICATION REVIEW FORM

Date: 4/11/22

Applicant: Bands for Badges, Inc.

Address: Bands for Badges, Cape Cod Fairgrounds, Saturday, 8/13/22

License Type: Special One-Day Liquor License

New or Transfer of License _____

or

Change of License _____

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

Event discussed by the Internal Working Group for Special Events meeting on Thursday, April 7, 222. Working Group recommends approval.

Police _____

Fire _____

Building _____

Health _____

Zoning _____

Planning _____

NOTES:



Bands for Badges, Inc. is planning to hold our third Bands for Badges Music Festival on August 13, 2022. Once again, we have contracted with the Cape Cod Fairgrounds for the event. As in previous festival events we are utilizing the same area of the fairgrounds for our event.

The music festival will again utilize a two-stage system to allow for continuous music throughout the event. The stages are positioned to prevent music from carrying over into the surrounding residential areas. Music will start at 1:30 pm and end at 10:00 PM. Last call for alcohol sales will be at 9:30 pm.

2022 Bands for Badges Music Festival will have several food vendors on site. All food vendors will contact the Town of Falmouth Health Department for proper permitting and inspections. All tents will be permitted through the Town of Falmouth Inspectional Services Department. Alcohol sales will once again be inside the large Marketplace building on the fairgrounds. Use of this building allows us to move patrons safely and productively through the lines for service. All patrons to the music festival receive a wrist band upon entering the event. The wrist bands are colored with one color dedicated to indicating they can purchase alcohol. All patrons have ID and age verification upon entering.

Festival security will be provided by a private security company along with a detail of Falmouth Police Officers. The Police Detail will be coordinated with the Detail Sergeants at the Police Department.

The only change to this year's event is a request for an all-alcohol license, which is a change from our previous beer and wine license in the previous years. The reasoning behind the requested change is to allow the sale of some selected "Ready to Drink" (RTD) products. There is no intention or plans for a full bar set up. We have received requests from patrons the last two events for these RTD's.

Thanks for considering our request

Respectfully,

Boyd W. DeMello, Clerk Bands for Badges, Inc.



APPLICATION

SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES
M.G.L.A. CHAPTER 138, SECTION 14



NAME OF APPLICANT: Boyd W. DeMello

ADDRESS OF APPLICANT: 42 Bacon Farm Rd. East Falmouth, MA 02536

NAME OF ORGANIZATION: Bands for Badges, Inc.

MAILING ADDRESS: P O Box 3102 Waquoit MA 02536

TELEPHONE #: 508-364-3129 EMAIL:

LOCATION TO BE LICENSED-ADDRESS: 1220 Nathan S. Ellis Highway, East Falmouth, MA 02536

EVENT TITLE: Bands for Badges Music Festival APPROXIMATE # OF PEOPLE: 1500

DATE(S) OF EVENT: August 13, 2022 HOURS OF EVENT: 1pm-10pm

AUTHORIZED MANAGER OF ESTABLISHMENT EVENT: Timothy Smith

TYPE OF LICENSE:
1. WINE & MALT NON-PROFIT FOR PROFIT
2. ALL ALCOHOLIC NON-PROFIT ONLY

REQUIREMENTS check list:

1. Provide a narrative overview of the event including food service and security
2. Certificate of non-profit status (if your organization is non-profit)
3. Certificate of liquor liability insurance; 1 MILLION PER OCCURANCE - \$2 MILLION AGGREGATE
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served and consumed, and security plan
6. Temporary Food Permit (Health Department)

March 3, 2022

[Handwritten Signature]

DATE

APPLICANT SIGNATURE

FEE: \$25.00 PER DAY

\$10.00 FILING FEE

CONSENT AGENDA

1. Licenses

- c. Approve application for three Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild, Highfield Theater, 58 Highfield Drive – Friday, Saturday, and Sunday; April 29, 30, & May 1; May 6, 7, 8; and May 13, 14, 15, 2022

30 days maximum per calendar year.

30 – 9 = 21 remaining for 2022.

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Theatre Guild

Address: 58 Highfield Drive, Falmouth

License Type: One-Day Liquor License

New or Transfer of License _____

or

Change of License _____

- Police No objection
- Fire _____
- Building _____
- Health _____
- Zoning _____
- Planning _____
- DPW _____
- Assessor _____
- Tax Collector _____
- _____
- _____
- _____

NOTES:



Falmouth Theatre Guild
Bringing you the best in Community Theater since 1958



Falmouth Theatre Guild
P.O. Box 383
Falmouth MA, 02541
www.falmouththeatreguild.org
(508) 548-0400

March 25, 2022

Board of Directors

Brett Baird
Joan Baird
Ashley Bolbrock
Rob Bowerman
Brian Buczkowski
Peter D. Cook
Jodi Edwards
Davien Gould
Matthew Gould
Cathy Lemay
Carol Marasa
Tom McCahill
Dan McSweeney
Liz Moakley
Todd Sadler
Victoria Santos
Tom Stackhouse

Application for Special One Day Liquor License:
Falmouth Theatre Guild
for the theatrical run of "*Disney's Beauty and the Beast*"
Apr. 29, 30 & May 1, 6, 7, 8, 13, 14, 15 (9 days)

Dear Town of Falmouth,

Please find attached a completed application requesting special one-day liquor licenses covering the nine performances we have scheduled for our production of "*Disney's Beauty and the Beast*," running Fridays, Saturdays, and Sundays from April 29 to May 15, 2022.

We would like to sell alcoholic beverages to our patrons for an hour before each performance and for approximately 30 minutes during intermission. As we have done in years past, alcoholic beverages would be served from our concessions stand where we also offer cans of soda and seltzer, boxed water, and prepackaged snacks and candy. There is no food preparation at our concessions stand.

There is always a trained TiPS certified server at our concessions to serve any alcoholic beverages (see the attached photocopies of all our active certified servers), and all beverages will be consumed on premises before and during the performance. The attached floor plan shows the location and layout of the outdoor patios, concessions stand ("bar service area"), and audience where beverages and concessions will be consumed.

If you have any questions, please do not hesitate to contact me by phone or by email.

Thank you,

Brian Buczkowski, Director-at-Large
(508) 564-0181
bjbuczkowski@gmail.com

PAID
8235
CK# 4188



RECEIVED
MAR 16 2022
SELECTMEN'S OFFICE

**TOWN OF FALMOUTH
APPLICATION
SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES
M.G.L.A. CHAPTER 138, SECTION 14**

NAME OF APPLICANT: Falmouth Theatre Guild - Brian Buczkowski, Director-at-large

ADDRESS OF APPLICANT: P.O. Box 383, Falmouth, MA 02541

NAME OF ORGANIZATION: Falmouth Theatre Guild

MAILING ADDRESS: same as above

TELEPHONE #: (508) 564-0181 **EMAIL:** bjbuczkowski@gmail.com

LOCATION TO BE LICENSED: Highfield Theater - 58 Highfield Drive, Falmouth

EVENT TITLE: "Disney's Beauty and the Beast" (Community Theater) **APPROXIMATE # OF PEOPLE:** 275 per performance

DATE(S) OF EVENT: Apr. 29, 30 & May 1, 6, 7, 8, 13, 14, 15 (9 days) **HOURS OF EVENT:** Fridays & Saturdays: 6:30pm - 9:30pm; Sunday: 1:00pm - 4:00pm

AUTHORIZED MANAGER OF ESTABLISHMENT/EVENT Tomas McCahill, Concessions Chair

TYPE OF LICENSE:

1. **WINE & MALT** _____ **NON-PROFIT** **FOR PROFIT** _____
2. **ALL ALCOHOLIC** **NON-PROFIT ONLY** _____

REQUIREMENTS check list:

1. Provide a narrative describing the event, including food service and security
2. Certificate of non-profit status (if your organization is non-profit)
3. Certificate of liquor liability insurance (1 million per occurrence and \$2 million aggregate)
4. Certificate of TIPS or other alcohol safety training for all persons handling alcohol
5. Floor plan of area where alcohol will be served and consumed, and security plan
6. Temporary Food Permit (Health Department) or confirmation from caterer (12c license)

16 March 2022
DATE

Brian Buczkowski
APPLICANT SIGNATURE

Filing Fee: \$10.00
License Fee: \$25.00 per day

SELECT BOARD

CONSENT AGENDA

1. Licenses

- b. Approve application for a Change of Address of an All Alcoholic Beverages Common Victualler License – Quicks Hole, LLC dab Quicks Hole Taqueria, located at 28 Water Street, Unit #C Woods Hole



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00147-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter
of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Two entrances/exits on Luscombe & to parking lot. Restaurant consists of 20 seats. 10'x20' deck surrounded by fencing, with a 4' space allowing for access to street & access to restaurant from the back deck area & with a seating capacity of 20 seats.

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



Town of Falmouth

Department of Public Works - Engineering Division

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

Jim McLoughlin, P.E., Town Engineer

Jim.McLoughlin@falmouthmass.us

House Number Assignment/Change

***NOTE: VACANT LOTS MUST HAVE A VALID BUILDING PERMIT IN ORDER TO BE ASSIGNED A HOUSE NUMBER**

Date: **3/21/2022**

From: Engineering Division

To:	Assessors Department	Gis Department	Planning
	Building Department	Combined Dispatch Center	Fire Prevention
	Board of Appeals	Notify911	United States Postal Service

Parcel ID(s) (Use separate sheet if required):

Owner's Name:

51A 01 012 000

Luscombe Avenue LLC

Old Address(es) (Use separate sheet if required):

**6 Luscombe Ave
28 Water Street**

New Address(es) (Use separate sheet if required):

28 Water Street Units A-D (see following pages)

This road is: PUBLIC PRIVATE STATE

A Driveway Permit IS REQUIRED AND IS ON FILE WITH ENGINEERING Permit #:

IS NOT REQUIRED

Falmouth Fire Rescue Approved YES NOT APPLICABLE

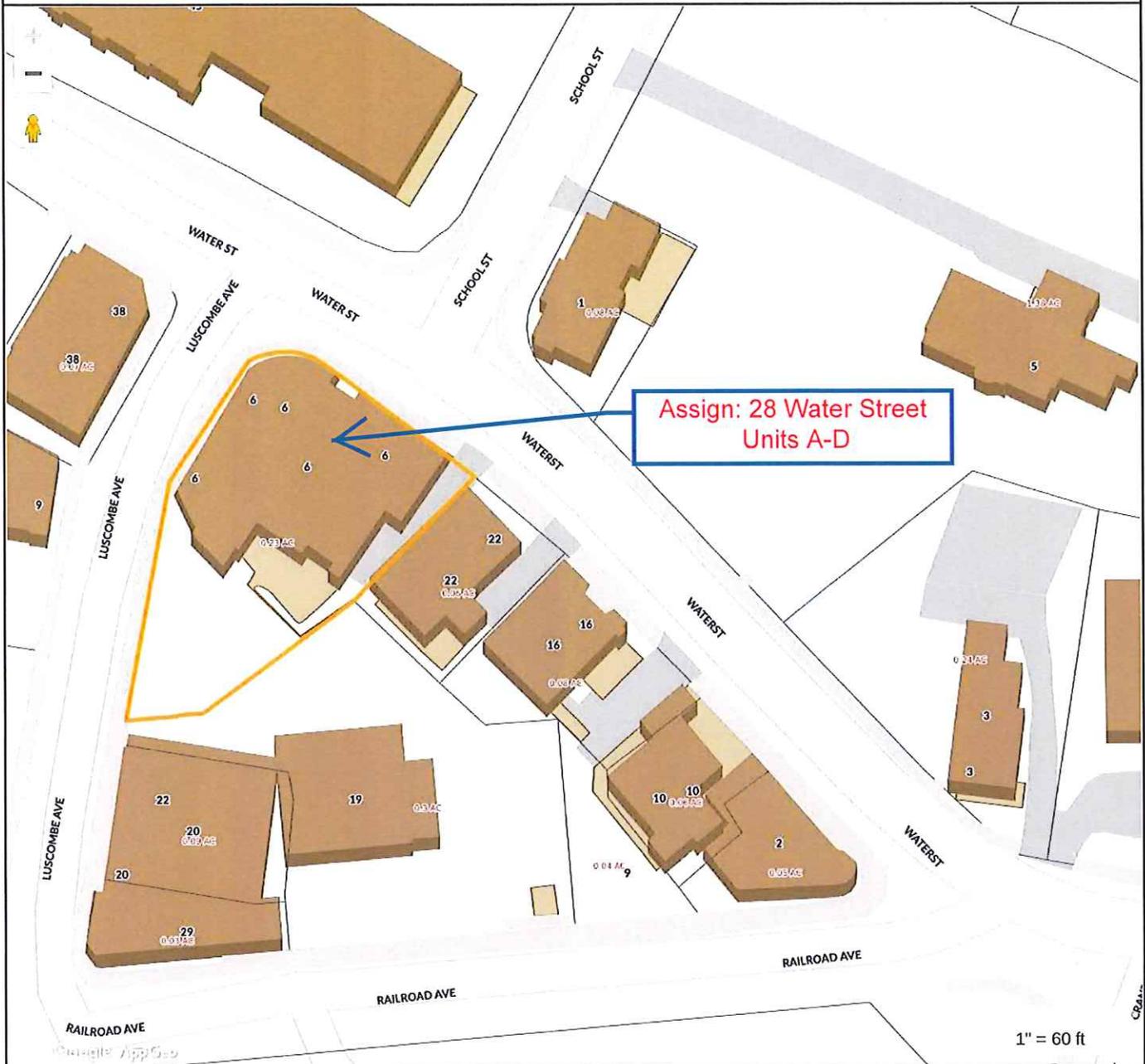
Assigned by: Scott Schluter, P.E.

Notes:

Assignment of addresses to conform to current address policy.

THIS FORM IS INFORMATIONAL ONLY.
ADDRESS CHANGES ARE OFFICIAL WHEN ASSESSING PUTS IT IN THEIR SYSTEM.

28 Water Street



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

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

Data updated 02/02/2022

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

Addresses to Assign:

28 Water Street Unit A (Inlet Woods Hole)

28 Water Street Unit B (Soft as a Grape)

28 Water Street Unit C (Quicks Hole Wicked Fresh Taqueria)

28 Water Street Unit D (Woods Hole Inn)*

28 Water Street Unit D Apt 401 (Inn keepers apartment)



*Woods Hole Inn Rooms, 14 rooms and the office

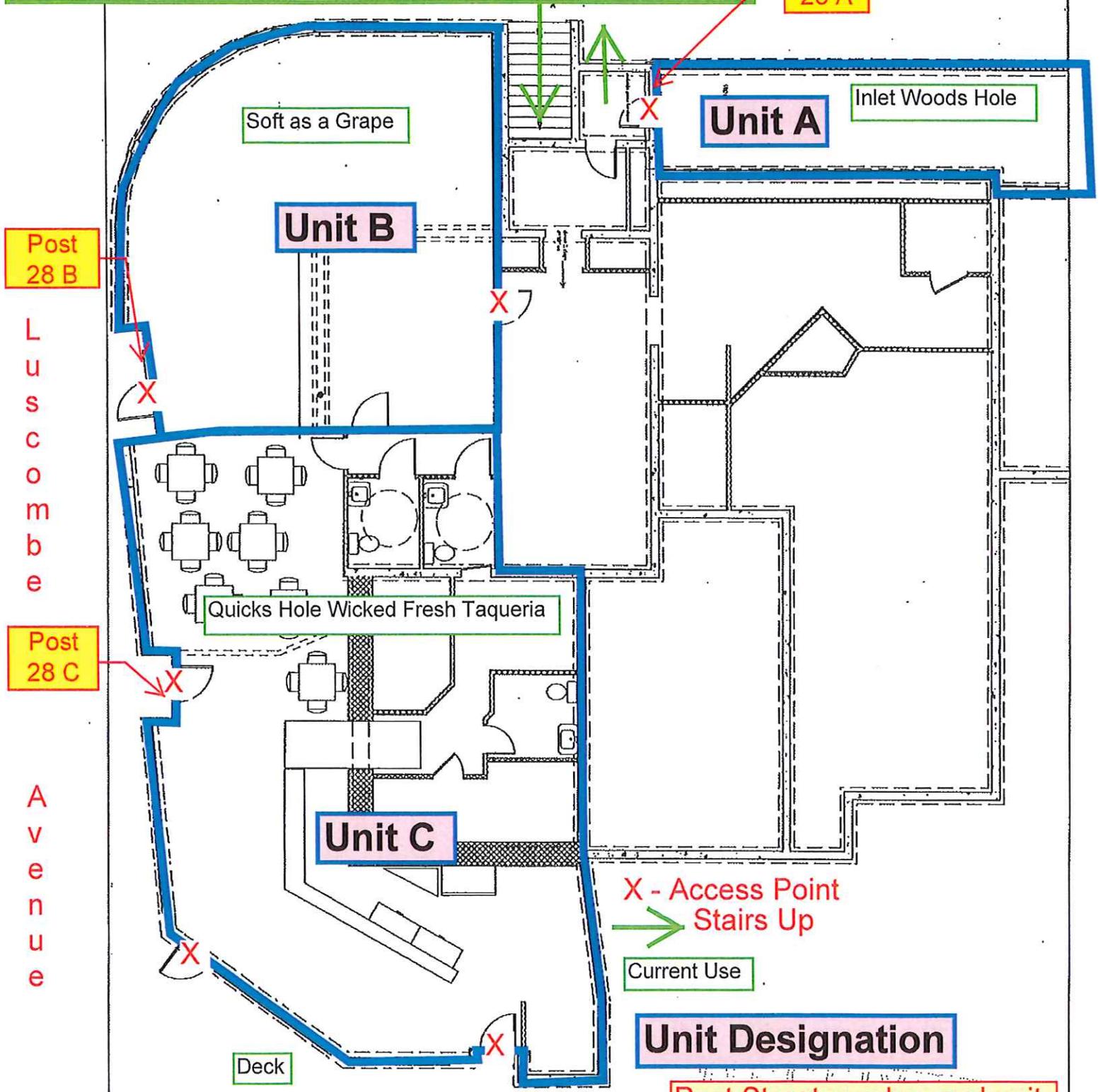
Floor 2 - 201, 202, 203, 204, 205, 206, 207, 208, 209, Office

Floor 3 - 301, 302, 303, 304, 305

Addresses to assign:
Inlet Woods Hole 28 Water Street Unit A
Soft as a Grape 28 Water Street Unit B
Quicks Hole Wicked Fresh Taqueria 28 Water Street Unit C

Water Street

Post 28 A



Floor 1

CONSENT AGENDA

1. Licenses

- d. Approve application for a Class II Used Car Dealer License – Intergas, Inc., located at 10 North Main Street, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: Intergas, Inc.

Address: 10 North Main Street,

License Type: Used Car Dealer License

New or Transfer of License New License

or

Change of License _____

- Police No Objection
- Fire Okay
- Building a separate building permit for 8' fence
- Health no comment
- Zoning Zoning all set
- Planning _____
- DPW No comments - used car spaces on the site plan fall on 10 North Main St
- Assessor _____
- Tax Collector _____
- _____
- _____
- _____

NOTES:

A copy of ZBA decision #111-21 is included with the application



TOWN OF FALMOUTH

Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
M.G.L. Chapter 140 §57-69

PROCEDURE TO APPLY FOR A MOTOR VEHICLE CLASS I, II or III LICENSE

1. Submit the following to the Select Board Office:

- ✓ • A completed Motor Vehicle License Application form
- ✓ • Copy of Lease or Deed to business property
- ✓ • Submission of a \$10.00 Filing Fee
- ✓ • Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing use of the property for motor vehicle sales
- ✓ • Business Structure Documents:
 - ✓ (a.) Copy of Articles of Organization (if corporation)
 - b. Copy of LLC Agreement (if limited liability company)
 - c. Copy of Partnership Agreement (if partnership)
 - d. Copy of Certificate of Doing Business (if sole proprietorship)
- Proof of Surety Bond in the amount of \$25,000 (Class II only) upon license issue
- N/A • Copy of Manufacturer's Agreement (Class I only)
- Massachusetts Form 53 - available at Select Board Office

✓ 2. Schedule and attend a hearing before the Select Board

3. Upon approval the following license fees will be required:

Class I - \$100 permit fee

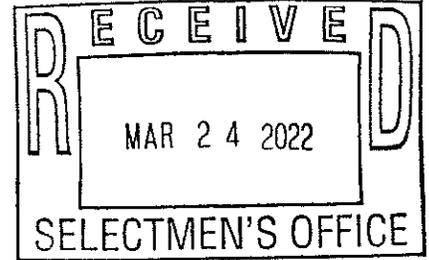
Class II - \$75 permit fee

Class III - \$50 permit fee

PLEASE NOTE: The Motor Vehicle License must be displayed on the premises in a conspicuous place where the public has access and may read it. Failure to post or tampering with contents of a license is strictly prohibited.

The license period is the date of issue through December 31st of each year and must be renewed annually.

PAID
\$8500



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

NEW APPLICATION - MOTOR VEHICLE DEALER LICENSE – Class I, II, III
M.G.L. CHAPTER 140

BUSINESS NAME: INTERGAS .INC D/B/A

ADDRESS: 10 NORTH MAIN ST

TOWN: FALMOUTH STATE MA ZIP CODE 02540

MAILING ADDRESS: (if different) 10 NORTH MAIN ST

TOWN: FALMOUTH STATE MA ZIP CODE 02540

OWNER OF PROPERTY: HATEM ENTERPRISES

NAME OF APPLICANT: JOSEPH SADE TITLE: PRESIDENT

HOME ADDRESS: 51 Pine Ridge RD

TOWN: Buzzards bay STATE MA ZIP CODE 02532

FID # EMAIL (required) 7

TELEPHONE # (BUSINESS) 508 548 0704 (HOME)

CLASS OF LICENSE: 2 NUMBER OF VEHICLES: 5

DEALER/REPAIR PLATE #

ADDITIONAL DOCUMENTS REQUIRED:

- Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing motor vehicle sales
- Massachusetts Form 53 in duplicate - available at Select Board Office
- Proof of Surety Bond in the amount of \$25,000 (Class II only)
- Copy of Manufacturer's Agreement (Class I only)

[Signature]

Signature - OWNER or MANAGER of RECORD

DATE: 3-24-2022

FEES:

CLASS I - TOTAL LICENSE FEE: \$110
CLASS II - TOTAL LICENSE FEE: \$85 -
CLASS III - TOTAL LICENSE FEE: \$60

Fees payable to Town of Falmouth must be paid by money order or Cashier's or Certified Bank Check only.

2. Administrative Orders

- a. Vote to Appoint Members to Board of Registrars: Grace O’Gorman, Kathleen Mortenson, Edward McCormack, III

BOARD OF REGISTRARS

RE-APPOINTMENTS

SELECT BOARD MEETING – APRIL 11, 2022

MEMBER	TERM
Grace O’Gorman, Republican	1 Year (Until April 1, 2023)
Kathleen Mortensen, Democrat	2 Years (Until April 1, 2024)
Edward McCormack III, Democrat	3 Years (Until April 1, 2025)

Attached are the nominations from the Chairs of the Falmouth Democratic Town Committee and Falmouth Republican Town Committee for your reference.



**Falmouth Democratic
Town Committee**

P.O. Box 312
Falmouth, MA 02541

February 22, 2022

Mr. Michael Palmer
Town Clerk
59 Town Hall Square
Falmouth, MA 02540

Subject: Nominees for the Falmouth Board of Registrars

Dear Mr. Palmer:

The Falmouth Democratic Town Committee is pleased to nominate for the vacant seat with 2 years remaining on the term to the Falmouth Board of Registrars:

Kathleen Mortenson
116 Pin Oak Way
Falmouth, MA 02540

The Falmouth Democratic Town Committee is pleased to re-nominate for the 3 year term expiring in April 2022 to the Falmouth Board of Registrars:

Edward McCormack, III
35 Mary Manuel Way
East Falmouth, MA 02536

Please contact me if you need additional information or have questions.

Regards,

Scott J. Simenas, 508-540-3490 scott_simenas@comcast.net
Chair, Falmouth Democratic Town Committee
21 Circular Avenue
Falmouth, MA 02540

cc: Rosemary Dreger Carey
Kathleen Mortenson
Edward McCormack



Diane Davidson

From: Michael Palmer
Sent: Wednesday, March 23, 2022 3:07 PM
To: Diane Davidson
Subject: FW: Falmouth Republican Town Committee Registrar Candidates

See below

Regards,

Michael

Michael Palmer, CMC/CMMC
Falmouth Town Clerk
508-495-7353



From: edwin stadelman <n415le@msn.com>
Sent: Wednesday, March 23, 2022 2:25 PM
To: Michael Palmer <michael.palmer@falmouthma.gov>
Subject: RE: Falmouth Republican Town Committee Registrar Candidates

Michael,

Thank you for the response. Grace O’Gorman is our preference. I misunderstood and thought we needed to submit multiple names. John O’Conner did say he would step up based on that. To preserve Grace’s position we would withdraw Jack’s name from consideration. Grace has worked at this and deserves to retain this position. My apologies for any confusion.

Sincerely
Ed Stadelman
FRTC Chairman

From: Michael Palmer <michael.palmer@falmouthma.gov>
Sent: Wednesday, March 23, 2022 6:29 AM
To: edwin stadelman <n415le@msn.com>
Cc: Beth Farley <mary.elizabeth.farley@gmail.com>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: RE: Falmouth Republican Town Committee Registrar Candidates

Good Morning,

With two names submitted, the Select Board will need to set up interviews and choose between the two.

Regards,

Michael

Michael Palmer, CMC/CMMC
Falmouth Town Clerk
508-495-7353



From: edwin stadelman <n415le@msn.com>
Sent: Wednesday, March 23, 2022 8:58 AM
To: Michael Palmer <michael.palmer@falmouthma.gov>
Cc: Beth Farley <mary.elizabeth.farley@gmail.com>
Subject: Falmouth Republican Town Committee Registrar Candidates

Michael,
Please have Grace O’Gorman on our list for Registrar. Also please add the following:
Mr. John O’Connor
118 Waterside Drive
North Falmouth 02556
617-999-2143.
Thank you.
Sincerely
Edwin Stadelman
FRTC Chairman



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

March 14, 2022

Mr. Edwin Stadelman
23 Ben Davis Lane
East Falmouth, MA 02536

Email: N415LE@msn.com

Dear Mr. Stadelman:

As required by M.G.L. c. 51 §15 Registrars are appointed by the Select Board from a list submitted by the town committees of the two leading political parties. If no list is submitted within 45 days of the party chair being notified, appointments may be made without reference to the list.

The Board of Registrars in all towns is a four-member board of which one member is the town clerk. The other three members are appointed in a manner to maintain equal representation of the two leading political parties.

Grace O'Gorman's term on the Board of Registrars expired on April 1, 2020. She has indicated her desire to be appointed to another term.

If you have any questions about the responsibilities of the Board of Registrars, please do not hesitate to contact Michael Palmer, our Town Clerk.

Sincerely,

Douglas C. Brown
Chair, Select Board

Diane Davidson

From: Michael Palmer
Sent: Tuesday, February 15, 2022 12:14 PM
To: Diane Davidson
Subject: Town Committees

Diane,

Republican
Edwin Stadelman
23 Ben Davis Lane
East Falmouth, MA 02536
N415LE@msn.com
412-759-0781

Democrat
Scott Simenas
21 Circular Ave
Falmouth, MA 02540
Scott_Simenas@comcast.net
508-548-3490

Regards,

Michael

Michael Palmer, CMC/CMMC
Falmouth Town Clerk
508-495-7353



Part I ADMINISTRATION OF THE
GOVERNMENT

Title ELECTIONS
VIII

Chapter VOTERS
51

Section BOARD OF REGISTRARS IN
15 CERTAIN CITIES AND TOWNS;
APPOINTMENT; TERM OF OFFICE

Section 15. Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk. When a board of registrars is first appointed, the registrars shall be appointed in February or March for terms respectively of one, two and three years, beginning with April first following. In February or March in every year after the original appointment, one registrar shall be appointed for the term of three years, beginning with April first following.

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

2. Administrative Orders

- b. Vote to approve ballot questions for May 17, 2022 municipal ballot

QUESTION ONE: 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?

QUESTION TWO: 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?

QUESTION THREE: Shall the Town of Falmouth vote to direct the Select Board 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?

QUESTION FOUR: 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.

QUESTION FIVE: 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 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.

2. Administrative Orders

- c. Vote and execution of petition to Legislature for special act to hold a special municipal election in November, 2022 to elect a Municipal Light Board

This document is being prepared by Town Counsel and will be forwarded to the Select Board under separate cover.

Three originals will need to be signed by the Select Board after vote on Monday night.

April 11, 2022

**TOWN OF FALMOUTH
OFFICE OF TOWN COUNSEL
MEMORANDUM**

TO: JULIAN SUSO, TOWN MANAGER
FROM: MAURA E. O'KEEFE, TOWN COUNSEL
SUBJECT: PETITION TO THE GENERAL COURT
DATE: APRIL 7, 2022

I enclose herewith the Petition to the General Court regarding Article 27 of the April Annual Town Meeting. Please have the Select Board sign three originals and return to this office.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Town of Falmouth

**PETITION
TO
THE GENERAL COURT**

We, the undersigned member of the Select Board of the Town of Falmouth, in the County of Barnstable and Commonwealth of Massachusetts, hereby submit this petition to the General Court to adopt the special legislation as approved by Article 27 of the April 4, 2022 Annual Town Meeting and authorize the Select Board to Petition the Massachusetts General Court for a special act authorizing the Town of Falmouth to hold a special election for members of a Municipal Light Board. Further the Board authorizes the General Court to make minor changes upon the recommendation of legislative counsel to effectuate or improve upon the stated purposes of the Town Meeting vote.

Attachments:

1. Article 27 April 5, 2022 Annual Town Meeting
2. Explanation for Article 27
3. Draft Legislation

Dated this _____ day of April, 2022

Town of Falmouth
By its Select Board

Douglas C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English-Braga

Onjalé B. Scott-Price

**ARTICLE 27
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
CONVENED IN FALMOUTH, MASSACHUSETTS
APRIL 5, 2022**

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

VOTED: By a declared majority vote, a quorum being present on Tuesday, April 5, 2022 the Town voted Article 27 as printed.

A TRUE COPY ATTEST

**MICHAEL PALMER, TOWN CLERK
FALMOUTH, MASSACHUSETTS**

EXPLANATION: By default, the election of the municipal light plant board takes place at the Town election in May. In this case, there is not sufficient time to accept nomination papers and issue the notice of election in time to hold the election in May of this year. This article authorizes the Select Board to seek state approval to hold a special election of the municipal lighting plant board on the same day as the general state election in November of 2022. Expediting this election will enable the municipal lighting plant to begin working on securing funding six months sooner than would be possible without approval of the state legislature to hold a special election.

**DRAFT LEGISLATION
RELATIVE TO
FALMOUTH SPECIAL ELECTION
FOR MEMBERS OF A MUNICIPAL LIGHT BOARD**

AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO HOLD A SPECIAL ELECTION
FOR MEMBERS OF A MUNICIPAL LIGHT BOARD.

Section 1. Notwithstanding any general or special law to the contrary:

The Select Board of the Town of Falmouth may call a special election on the same day in November, 2022 as the general state election for the purpose of electing a municipal light board consisting of five (5) citizens of the town provided that one (1) member shall be initially chosen for a term ending on the first Monday following the annual town election in May, 2024; two (2) members shall be initially chosen for terms ending on the first Monday following the annual town election in May, 2025; two (2) members shall be initially chosen for terms ending on the first Monday following the annual town election in May, 2026, and thereafter the term shall be for three (3) years.

Nomination papers for member of the municipal light board shall be made available by the Town Clerk of the Town of Falmouth on or before September 5, 2022; completed nomination papers for member of the municipal light board shall be filed with the board of registrars of the Town of Falmouth for certification of signatures not later than 5:00 PM on September 20, 2022; the board of registrars shall complete certification of signatures not later than 5:00 PM on September 27, 2022; the Town Clerk shall conduct a lottery for position on the ballot on September 28, 2022; the board of registrars shall file the certified nomination papers with the Town Clerk not later than 5:00 PM September 30, 2022 and a candidate who has filed nomination papers may withdraw the candidate's nomination by filing a notarized withdrawal with the Town Clerk not later than 5:00 PM on October 4, 2022.

The Town Clerk is authorized to take all action necessary to conduct the special election to elect members of a municipal light board on the same day in November, 2022 as the general state election.

Section 2. This act shall take effect on its passage.

2. Administrative Orders

- d. Approve Eversource petition to install approximately 40' (feet) of conduit and cable under town road southwesterly starting at handhole 542/H1B and to install (1) new handhole labeled 542/H1A in public ROW on side of road at base of existing pole 542/1. This work is to be done to provide electric service to #118 Bywater Court.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: April 8, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install 40' of underground conduit and one handhole on Bywater Court**

A petition was submitted by Eversource to install ±40' of underground conduit and one handhole (542/H1A) on Bywater Court to provide electric service to 118 Bywater Court.

The Engineering recommendation is to approve the request as submitted on Plan No. 4454019, W/O #4454019, dated February 25, 2022.

Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

N:\SHARED-rmmas-v02\CIMAGE\BASELINS\FAL\FAL-BYWATER\AA.dwg

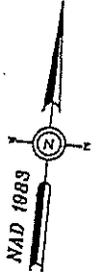
Plan to accompany petition of EVERSOURCE ENERGY to install new Handhole 542/H1A and 40'± conduit to provide electric service to 118 BYWATER CT..

47 05 030 031
118 BTWATER CT
N/F
CHASE TRUSTEE ADAM F
CHASE TRUSTEE DEAN F

47 05 041 033
114 BTWATER CT
N/F
HUTNER TRUSTEE LOREN J.
L HUNTNER TRUST

47 05 029 032
116 BTWATER CT
N/F
FORMAN TRUSTEE ROGER
FORMAN TRUSTEE MARY GWEN

CUSTOMER
HANDHOLE
542/H1B



BYWATER CT

1-3" SCHD 80 PVC CONDUIT
TL=40'±

542/1 ● ⊕

PROPOSED
HANDHOLE
542/H1A

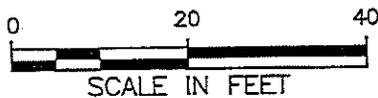
BYWATER CT

47 05 042 022
149 SURF DR
N/F
MOLINSKY TRUSTEE STEVEN J
MOLINSKY TRUSTEE JUDITH G

47 05 043 023
141 SURF DR
N/F
WALSH JULIANNE M
WALSH JAMES K

LEGEND

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole



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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	 <small>1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Ward #		
Work Order # 4454019	Plan of BYWATER CT.	
Surveyed by: N/A	FALMOUTH	
Research by: N/A	Showing PROPOSED CONDUIT AND HANDHOLE LOCATION	
Plotted by: TL	Scale 1"=20'	Date FEBRUARY 25, 2022
Proposed Structures: TL	SHEET	1 of 1
Approved: T THIBAUT		
P#		



March 1, 2022
RE: WO#4454019

Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Dear Nicholas Croft,

Enclosed is a petition to install approximately forty (40) feet of conduit and one (1) handhole in Bywater Court, Falmouth.

This proposed location is required to provide electrical service to customer at #118 Bywater Court. This petition will require a notice to abutters and a hearing.

Will you please present this petition before the Board for customary action and approval?

If you have any questions, please email Jessica.elder@eversource.com .

Warm Regards,

Jessica Elder
Right of Way Agent
NSTAR Electric
d/b/a EVERSOURCE ENERGY

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#4454019**

February 28, 2022

**Barnstable, Massachusetts
To the Select Board of Falmouth, Massachusetts.**

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Bywater Court, Falmouth

To install approximately 40' (feet) of conduit and cable under town road southwesterly starting at handhole 542/H1B

To install (1) new handhole labeled 542/H1A in public ROW on side of road at base of existing pole 542/1

This work is to be done to provide electric service to #118 Bywater Court.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 4454019 Dated February 25, 2022

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

By *Jessica Elder*

**Right of Way Agent
Jessica S. Elder**

FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#4454019

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE
ENERGY be and it is hereby granted a location for and permission to install and maintain
underground cables, conduits and manholes, together with such sustaining and protecting
fixtures as said Company may deem necessary, in, under, along and across the public way or
ways hereinafter referred to, as requested in petition of said Company dated the 28th day of
February 2022.

All construction under this order shall be in accordance with the following conditions:

Cables, conduits, and manholes shall be installed substantially at the point indicated
upon the plan marked Plan No.4454019 Dated February 25, 2022 filed with said petition. The
following are the public ways or parts of ways under, along and across which the cables
above referred to may be installed under this order.

Bywater Court, Falmouth

Northeasterly from new handhole 542/H1A at base of
pole 542/1, to install approximately 40' (feet) of conduit

One (1) 3" Schedule 80 PVC Conduit
One (1) Handhole #542/H1A

I hereby certify that the foregoing order was adopted at a meeting of the Select Board
of the Town of Falmouth, Massachusetts held on the 11th day of
April 2022.

Phyllis A Downey
Clerk of Select Board

_____, Massachusetts _____ 2022.

Received and entered in the records of location orders of the Town of Falmouth
Book _____ Page _____.

Attest:

Town Clerk

We hereby certify that on April 7 2022, at 2:00 o'clock,
P. M. at Falmouth Town Hall a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

Select Board for the Town of
Falmouth, Massachusetts

CERTIFICATE

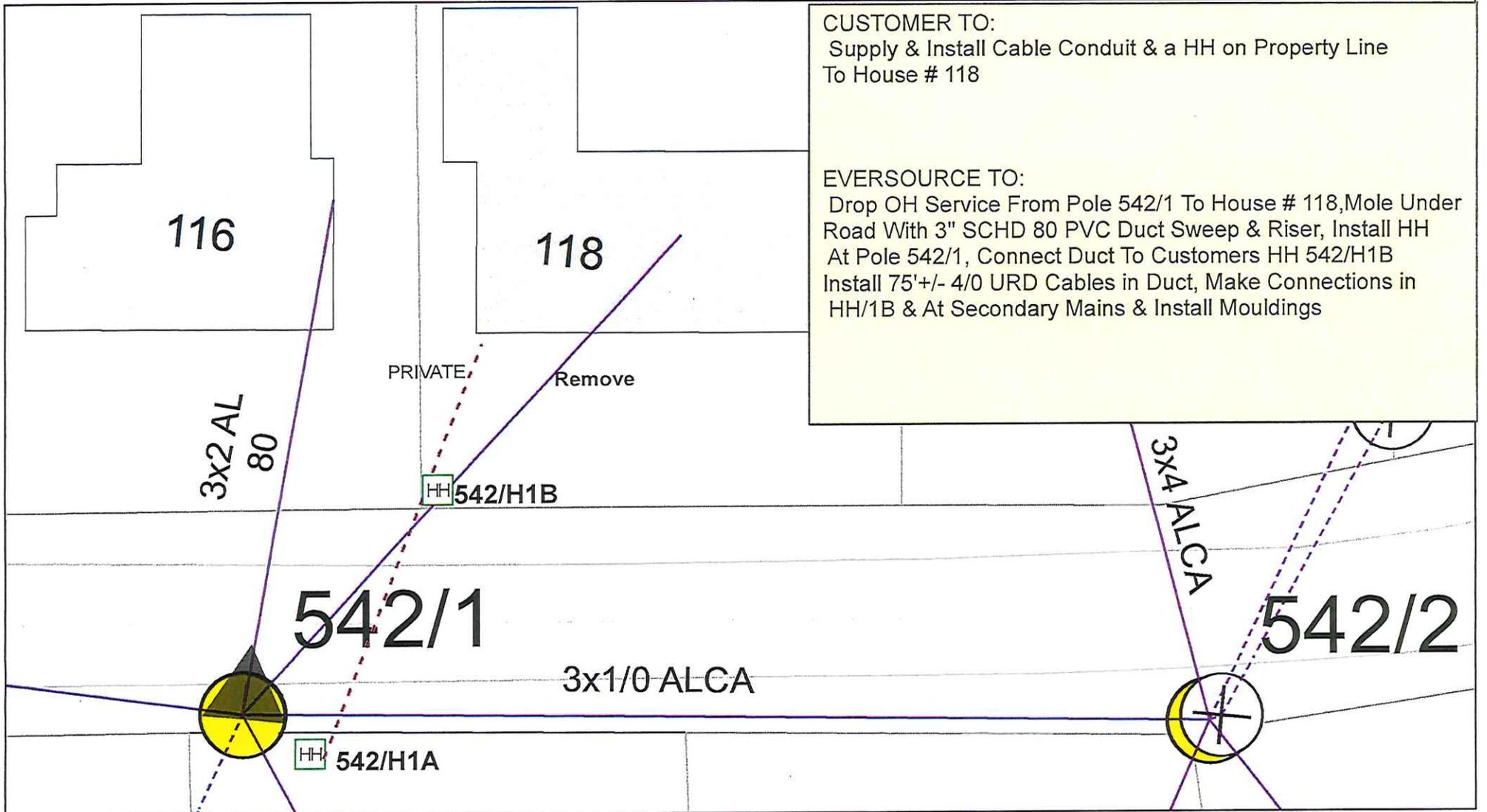
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2022, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk.

Service Address: 118 ByWater Ct	City: Falmouth	Page Number: 1 of 1 Pages	Auth. No.	Work Order Number: 4454019
Customer's Name/Title: Adam Chase		Prepared by: R Wisnes		
Sales Representative: Sean Hayes	OH TO UG SERVICE	Circuit Number: 4-72-433		
Electrician: Damien Silankas 508-246-5451		TLM: 430536		
Switch Size: 200A		Secondary Sheet Number: _____		



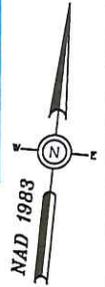
Plan to accompany petition of EVERSOURCE ENERGY to install new Handhole 542/H1A and 40'± conduit to provide electric service to 118 BYWATER CT..

47 05 030 031
118 BTWATER CT
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CHASE TRUSTEE ADAM F
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114 BTWATER CT
N/F
HUTNER TRUSTEE LOREN J
L HUNTNER TRUST

47 05 029 032
116 BTWATER CT
N/F
FORMAN TRUSTEE ROGER
FORMAN TRUSTEE MARY GWEN

CUSTOMER
HANDHOLE
542/H1B



BYWATER CT

1-3" SCHD 80 PVC CONDUIT
TL=40'±

542/1 ● ⊕

PROPOSED
HANDHOLE
542/H1A

BYWATER CT

47 05 042 022
149 SURF DR
N/F
MOLINSKY TRUSTEE STEVEN J
MOLINSKY TRUSTEE JUDITH G

47 05 043 023
141 SURF DR
N/F
WALSH JULIANNE M
WALSH JAMES K

LEGEND

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole



SCALE IN FEET

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MASS. LAW

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C#	<p>EVSOURCE 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</p>
Ward #	
Work Order # 4454019	Plan of BYWATER CT.
Surveyed by: N/A	FALMOUTH
Research by: N/A	Showing PROPOSED CONDUIT AND HANDHOLE LOCATION
Plotted by: TL	
Proposed Structures: TL	
Approved: T THIBAUT	Scale 1"=20' Date FEBRUARY 25, 2022
P#	SHEET 1 of 1

WO#4454019
BYWATER CT
FALMOUTH, MA

47 05 042 022
149 SURF DR
N/F
MOLINSKY TRUSTEE STEVEN J
MOLINSKY TRUSTEE JUDITH G
35 OLD FARM RD
WELLESLEY, MA 02481-1428

47 05 041 033
114 BTWATER CT
N/F
HUTNER TRUSTEE LOREN J
L HUNTNER TRUST
114 BYWATER CT
FALMOUTH, MA 02540

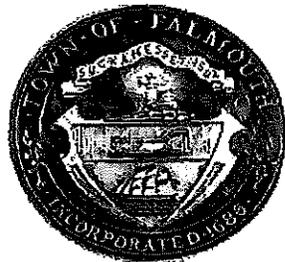
47 05 044 024
133 SURF DR
N/F
MOURA JOSEPH R
MOURA BEATRICE F
133 SURF DR
FALMOUTH, MA 02540

47 05 043 023
141 SURF DR
N/F
WALSH JULIANNE M
WALSH JAMES K
6849 GRENADIER BLVD
UNIT 1601
NAPLES, FL 34108

47 05 029 032
116 BTWATER CT
N/F
FORMAN TRUSTEE ROGER
FORMAN TRUSTEE MARY GWEN
16 STARLIGHT DR
WALPOLE, MA 02081

47 05 030 031
118 BTWATER CT
N/F
CHASE TRUSTEE ADAM F
CHASE TRUSTEE DEAN F
2 AVERY ST
#24D
BOSTON, MA 02111

3-9-2022 @ 11:27am



Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-495-7384

REQUEST OF CERTIFIED ABUTTERS LIST

Name of person requesting abutters list: Phyllis Downey

Address of person requesting abutters list: Select Board Office

Phone: ext 7325

Abutters to (subject property):	Map <u>47</u> Section <u>05</u> Parcel <u>043</u> Lot <u>023</u>
	Map _____ Section _____ Parcel _____ Lot _____
	Map _____ Section _____ Parcel _____ Lot _____

Lot size of subject property: _____

Location of subject property: 141 Surf Drive

Check one:

Direct abutters (includes properties across street)

Direct abutters in local Historic District (includes properties across the street) within 100'

Immediate abutters (includes only properties with a common property line)

Immediate abutters plus churches and schools within 500'

Properties within 300'

Properties within 300' or abutters abutter to abutter whichever is closest

Properties within 100'

Other (specify) _____

Fee. \$25.00 Total _____

2. Administrative Orders

- e. Vote to request a list of long-term parking permittees including vehicle information from the SSA of vehicles using the long-term parking permit system (Palmer and Woods Hole lots)

Diane Davidson

From: EDWARD DEWITT <edwdewitt@verizon.net>
Sent: Tuesday, March 29, 2022 12:42 PM
To: Doug Brown; Falmouth Selectboard
Cc: Falmouth Transportation Management Committee; Ed DeWitt; Rhona Carlton-Foss; Paul Dreyer; Ralph Herbst; Alison Leschen; Chris McGuire
Subject: Excise Tax (corrected copy)

To the Select Board

From the Transportation Committee

Last year the Transportation Committee recommended the Select Board request certain changes to the Steamship Authority long term parking permit application cautioning vehicle owners about the law requiring owners to properly report to the RMV where the vehicle is primarily garaged. The SSA agreed with your request and incorporated the suggested language into permit applications by the end of the year. Under the the DOR and RMV determinations the majority of the more than 1,350 vehicles that park under the SSA long term permit program are left overnight and therefore “garaged” in Falmouth. The Committee estimated that this is about \$100,000 per year in potential revenue to Falmouth. Last month the Committee asked the Assessor if she had noticed an increase in out of town excise tax bills. She reported that she did not have the means to track bills according to address.

After discussion the Committee recommends the Town request a list of long term parking permittees including vehicle information from the SSA of vehicles using the long term parking permit system (Palmer and Woods Hole lots) . At a minimum the list can be used to sample the excise tax bills to see if the warning on the permit is sufficient for Falmouth to receive the appropriate excise tax revenue.

We recommend that you direct the appropriate Town staff member request such a list.

On behalf of the Committee

2. Administrative Orders

- f. Vote to approve request to submit application for FY23 MVP grant for low-lying roads



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

TO: Select Board
FROM: Peter Johnson-Staub, Assistant Town Manager 
SUBJECT: Low Lying Roads Grant Application
DATE: April 8, 2022

We seek Select Board approval to apply for a grant to evaluate low lying roads. The Cape Cod Commission has invited the Town of Falmouth to participate in a regional grant application for a Massachusetts Vulnerability Program Action Grant related to low lying roads. The deliverables for the grant include:

- Town-wide assessment of high tide flooding, inundation probability, criticality, and risk for current time frame as well as 2030-, 2050-, and 2070-time horizons.
- A list of top priority roads/road segments.
- Three design alternatives for the top two priority road segments selected by the town.

The match required of each participating Town has not been finalized as of today but we are advised there will likely be no cash match required and that the commitment of staff time is expected to be approximately 25 hours to attend meetings and conduct public outreach. Peter McConarty has agreed to have Public Works take the lead on this public outreach on behalf of Falmouth. Further information about this project is attached for reference.

We will be submitting this request to the Finance Committee for approval as soon as the match requirement is finalized which is anticipated next week. There is a balance of \$100,000 in a coastal resiliency capital account that can be used in the unlikely event a cash match is required.

Thank you for your consideration.

Attachment:

Low Lying Roads Project Overview – Cape Cod Commission Website

CC: Julian M. Suso, Town manager
Peter McConarty, DPW Director
Jennifer Lincoln, Conservation Administrator
Jennifer Mullen, Finance Director

//Low Lying Roads Grant Application 04-08-2022

Low Lying Roads Project

[Home](#) > [Work](#) > [Low Lying Roads Project](#)

Start Date: 2021

[Overview](#)

[Português](#)

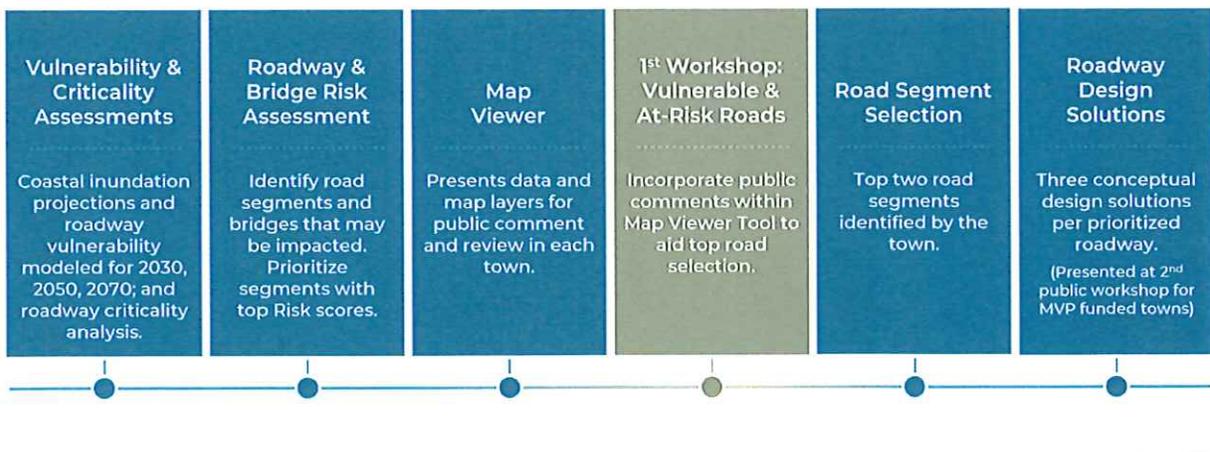
Overview

Cape Cod Commission staff are working with the towns of Barnstable, Bourne, Brewster, Dennis, Eastham, Orleans, Sandwich, Wellfleet, Truro, and Yarmouth to examine vulnerabilities in the roadway network and identify adaptation alternatives. With funding support from the U.S. Economic Development Administration and the Massachusetts Municipal Vulnerability Preparedness program, the Commission has contracted with the Woods Hole Group to conduct a vulnerability assessment of roadway segments, bridges, and culverts due to flooding from the combined effects of sea level rise and storm surge. The project employs state of the art modeling and community engagement to identify and prioritize low lying roads to target for coastal resiliency action.

The project kicked-off in September 2021 and will be complete in Spring 2023.

Explore the tabs below to learn about the project elements and process. Click the images on the right to access quick links to individual pages on each of the participating towns' project materials.

Project Elements



[Background](#)

[Methods](#)

[Results](#)

[Solutions](#)

[Definitions](#)

Background

Low lying roads are areas prone to flooding from the combined effects of hazards such as sea level rise, storm surge, and erosion. Upstream freshwater flooding events that have no ocean-based component are not included in the low lying roads project. Cape Cod is especially vulnerable to coastal storms because of its unique geography and roadways that travel through ever-changing environments. Flooding is currently a regular event on several road segments during extreme high tides and storm events. As seas rise and storms intensify the impact to our coastlines and flooding occurrences will increase in frequency and depth.



Town Workshop Materials

Click below to access Town project pages and workshop materials.

BARNSTABLE

BOURNE

BREWSTER

DENNIS

EASTHAM

ORLEANS

SANDWICH

TRURO

WELLFLEET

YARMOUTH

Contact

Heather McElroy
hmcelroy@capecodcommission.org

Michele White
michele.white@capecodcommission.org

Related Projects



PROJECTS

[Coastal Resiliency Bylaw](#)



PROJECTS

[Resilient Cape Cod](#)



PLANS

[Climate Action Plan](#)



MAPS AND DATA

[Cape Cod Sea Level Rise Viewer](#)



PLANS

[Cape Cod Unified Planning Work Program](#)



MAPS AND DATA

[Cape Cod Coastal Planner](#)

[Learn More](#)

[Contact Us](#)

[Our Work](#)

(T) 508-362-3828

Receive Our Newsletter

* Email



CONSENT AGENDA

3. Approve 2022 Seasonal/Annual License Renewals

SEASONAL COMMON VICTUALLER LICENSE

The Tea Room, 196 Crystal Springs Avenue

LODGING HOUSE LICENSE

Elizabeth Hathon, 165 North Falmouth Highway

SECOND HAND DEALER LICENSE

Cape Cod Gold & Silver coin, 424 Main Street

Falmouth Stamp & Coin, 11 Town Hall Square

BOWLING ALLEY/POOL TABLE LICENSE

Grumpy's Pub, 29 Locust Street

ENTERTAINMENT LICENSE

Falmouth Pier 37 Boathouse, 88 Scranton Avenue

SUNDAY ENTERTAINMENT LICENSE

Falmouth Pier 37 Boathouse, 88 Scranton Avenue

MOVIE THEATER LICENSE

Falmouth Cinema Pub, 137 Teaticket Highway

4. Review and Vote to Approve Minutes of Meetings:

- a. Public Session – February 14, 2022 and March 14, 2022

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, FEBRUARY 14, 2022
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.

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

Staff Present: Julian Suso, Town Manager; Frank Duffy, Town Counsel; Scott McGann, Health Agent.

1. **Chair Brown called the open session to order at 6:30 p.m. and Taylor motioned to convene the executive session under M.G.L. c.30A s.21(a)(3) – Review and discuss proposed workers’ compensation settlements for town employees because to not go into executive session could prejudice ongoing negotiations. Scott Price 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 item and to return to Open Session after discussion. Roll Call Vote: English Braga aye; Patterson, aye; Taylor, aye; Scott Price, aye; Brown, aye.**

2. Chair Brown reconvened the open session at approximately 7 pm.

3. Pledge of Allegiance

4. Recognition

Ms. English Braga recognized the life and passing of Shirley Baker who was tragically killed by a car accident about a week ago. She managed a lot of the wonderful places we enjoy going into. Owned the Black Duck, a special place in Woods Hole. She would put homeless people up in hotels when it was cold and make sure they had hot meals. She did things silently and impacted others’ lives.

5. Announcements

Chair Brown said One Falmouth Telethon on Wednesday at 6pm on FCTV highlighting a number of organizations in Town that do a lot of good work.

Ms. English Braga said the Volunteers in Public Schools (VIPS) is doing their “I Love VIPS” fundraising and she suggested giving what you can give. They do incredible things.

6. Public Comment

Maureen Harlow-Hawkes, 9 Old Dock Rd., commented on the Safer Grant to get help for the Fire Department. She emailed the FFD Chief on 2/3/22, he replied that no application was made for to Safer Grant to fund personnel. She then reached out to Mr. Suso on 2/7/22, she read the email into the record. Mr. Suso said the proposed fiscal year 2023 operating budget includes 3 firefighters, so there is no need to pursue a Safer Grant for firefighters because the Town has the funds. She then reached out to Lance Harper, FEMA, who attached the SAFER grant application, so long as the positions are not employees at the time of the award, they are eligible. Why is the Town Manager not pursuing the grant? This has been a funding source for eight other Cape Cod communities.

Dave Moriarty, Falmouth, asked when the request for proposals (RFP) for turbines would be issued. Mr. Suso stated that it would be out next month.

TOWN MANAGER’S PRELIMINARY REPORT

The Town Manager reviewed the agenda items.

COMMITTEE INTERVIEWS

1. Affordable Housing Committee: Stephen Craft
Mr. Craft addressed the Select Board (Board) and said that his previous experience relates to policy and residential development, mainly in urban areas. He has been attending meetings for about six months, getting familiar with their work. In 2020 he completed his masters at UMASS Boston, has taken classes in relevant subjects.

Patterson motion to appoint Stephen Craft to a term ending 6/30/24. Second Taylor. Vote: Yes-5. No-0.

2. EDIC:
Adrian Merryman
Mr. Merryman addressed the Board and stated he is interested because he has been coming here since he was a child, this has been his permanent home since 2003. There has been a change in paradigm since Covid-19, brings opportunities and challenges. He would like to serve on the EDIC and give back to the community. He brings experience in global finance, venture capital, banking, finance, and technology.

Patterson motion to appoint Adrian Merryman to term ending 6/30/24. Second Taylor. Vote: Yes-5. No-0.

Mark Lowenstein, 537 W Falmouth Highway

Mr. Lowenstein addressed the Board, he spent his career in the high-tech field, was a member of the Rutland County Economic Development Commission, is involved in SCORE, and he has noticed that Falmouth has a mixed economic environment here. He got involved with the EDIC to assist with distribution of the Covid-19 grants.

Scott Price motion to appoint Mark Lowenstein to a term ending 6/20/22. Second Taylor. Vote: Yes-5. No-0.

Those individuals interested in getting involved, there are opportunities to serve on committees and vacancies are listed on the Town website.

7:30 p.m. PUBLIC HEARINGS

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

Ms. English Braga read the public hearing notice.

Mr. Solien addressed the Board, described the dock, it is a 4 feet wide by 47 feet long aluminum structure, with steel pipes, and wood decking. There is a stairway into the pond and a kayak launch, a sloped section of the dock with rollers on it to get in and out of the pond safely while staying dry. All activity related to getting in and out of the pond with the kayak occurs away from shoreline and does not disturb the natural condition of the pond shore. The stairway up the hillside to the dwelling is included. The Conservation Commission (Concom) policy is to have docks extend to point they can reach 3 ft. depth of water, the 47 ft. dock achieves this. This has been reviewed and approved by Harbor Master, Concom hearing with no environmental concerns, Order of Conditions issued by Concom, and received letter of support from the MA Division of Marine Fisheries which wants it installed before April of each year, so it does not upset the schedule of the spawn. He is aware of abutter correspondence, all have expressed support for this project.

Chair Brown noted many opposition emails were received regarding this dock, noting the size, aluminum construction, and found inappropriate for the natural setting.

Mr. Solien said design of the dock is to enable use of the kayak from the end of the dock, fishing, swimming, other activities. The whole dock is a manufactured system, the ramp is an engineered

component. In this day and age docks are constructed of aluminum because they are lightweight to take in and out of the water. There are other docks on the pond, he can see docks from his properties. A similar, nearby dock was approved within the last two weeks by the Board, his dock is longer, and has the addition of the kayak ramp. This allows for storage of a kayak dockside. There is no place to store a kayak on land here because there is only about 3 feet between the road and the pond; unless it is stored on the dock, it would be inevitable whatever storage found would be disturbing to the environment. This is an elegant technique of providing for kayak activities with minimal effect on the shoreline. He has looked for the best solution given the conditions surrounding them.

Mr. Patterson questioned whether people have standing to prevent this from being issued, it meets all the requirements, short of a covenant that prohibits a dock.

Ms. English Braga noted people would not be kayaking/canoeing in the area of this dock because the water is so shallow. People buy property on the water so they can enjoy activities on the water.

Mr. Solien noted water depth involves other concerns in addition to the propeller of the bottom. Water safety for children who might go off a dock, dive into water shallower than three feet, he does not want to create a risk to someone for injury. The Concom held a public hearing for this proposal, staff had no concerns, none raised by the Concom, none raised by the public or abutters. They have invested time and energy to improve the properties they have purchased while preserving the structures.

Public Comment:

Jon Manchelli, 50 Fox Run Ln., his concern is the size of the dock. Mr. Solien got approval for a dock at another property, it is only 24 feet in length. This is a new dock on a property that does not border the pond, but they have deeded easement to use that roadway, now they want a brand new dock 47 ft. long, would be the largest structure on the pond. Most docks are small wooden docks. There are dozens of kayakers that use the pond, they get in from the shoreline. The need for something of this magnitude is out of scale with what the pond represents. This is a metal structure that will take away a little of the beauty of the pond. Mr. Solien has two docks, totally new to the pond. There is nothing else like it on the pond. The pond is a gem, and a number of people are against something of this size.

Mr. Salien noted the pond community is changing, it used to be used for motorsports, he is working within the rules, with context of materials common at this time. The decking will be wood.

Bob Ament, not representing Mr. Solien, he is an almost abutter, he is familiar with the property, rights that go along with it. He drafted all documents that conveyed rights to use the water and install a dock. Solien's ownership goes to the water, the other properties have an easement. They own to the water, putting dock on their own property, and the deed reserves the right for them to do so. All direct neighbors have no objection to this. Ament has canoed on Coonamessett Pond, if he thought with this dock, with its low profile, located more than 2,000 ft. from closest residence to Lochstead that the only people impacted by this dock would be those canoeing or kayaking by, should not prevent the homeowner from enjoying the pond and have a dock that is necessary because of the topography, steep hill from the driveway that goes along the water. The benefit to the homeowner outweighs the minimal impact of anyone going canoeing or kayaking by. He fully supports this, and the other immediate neighbors do as well. The aesthetics do not outweigh the need to have this dock for this property. There are at least 6-8 docks on the pond at this time.

Marc Finneran said it sounds like the applicant has jumped through all the hoops and many of the other docks would not be permissible as they are today because they are on the edge of the pond. It would be wrong to deny the dock if he is completely compliant.

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

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

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

Ms. English Braga read the public hearing notice.

Kevin Klauer, representing the applicant. Rob Lowen present and manager of the license. The business was purchased from the British Beer Co, operated now as Shipwrecked. There is no change to number of seats, reached out to Planning, Zoning, Building Dept., Fire Dept.; none expressed concerns. The Zoning Board of Appeals (ZBA) modified the special permit as required, covenant with Town. Second longest coastline in the state but have few options for outdoor dining near the water. This was a nice addition to the Town.

Chair Brown noted a lot of correspondence in favor, there was one that was concerned of music playing after 11pm. Approval for music was for acoustic music.

Public Comment:

Marc Finneran, it seems when they first came in looking for entertainment license, the Board chose to paint them with the same brush as the Black Dog and complaints of loud outdoor music. But the Black Dog was not denied acoustic amplification, they were given a noise level and the manager was measuring the music to make sure they were in compliance. Those things were done because there were numerous complaints. He thinks this amplification puts an undue burden upon them and he feels it should be saved for perhaps future complaints; this is not fair or equitable and he does not understand why this was applied to them initially and nowhere else in town initially.

Ms. English Braga noted there were a lot of complaints, the concerns were addressed by the applicant, and there have not been many complaints since.

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

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

BUSINESS

1. COVID-19 update and discussion of mask mandate – Scott McGann
Scott McGann, Health Agent, reviewed the Covid-19 numbers, incidence rate, hospitalizations, vaccination 96% have had at least one dose, 86% fully vaccinated of eligible people. Plenty of availability of vaccine. Face Covering requirement, the Board of Health decided to wait a little longer to discuss, so no recommendations at this time. The DESE and EEC are lifting masking requirements on 2/28/22.
2. Presentation – Complete Streets – Cape Cod Commission
James McLoughlin, Town Engineer, and Colleen Medeiros, Cape Cod Commission Transportation Program Manager, are preparing the second tier of the program with MA DOT, third tier would make the Town eligible to apply for grants.

Medeiros reported the second public meeting held on 1/19/22, all information on this project is on the Cape Cod Commission website. She accessed the project viewer, a complete street is something for all modes of travel and all ages. MA DOT made this funding program available, they are pushing Complete Streets statewide, this grant funding is so municipalities can access up to \$400,000 grant towards the project. The Town will submit a list of projects to the State by 4/1/22 and the State will review and determine any that are eligible. Every three years a municipality can seek another \$400,000. Reviewed the prioritization plan. They have looked at the bike plan, there are also intersection projects.

A public meeting was held last year, reviewed a map of the Town and one can see where the difficult and challenging areas are in Town. They received a lot of public input, about 300 project ideas.

Public comment period ends Wednesday.

The survey can be found on the Cape Cod Commission website under our work, then transportation, then projects or google Falmouth Complete Streets.

Chair Brown asked about shared use paths, are those more difficult to implement than sharrows (striping/markings)? Medeiros explained that the larger paths allow for different ages and abilities to use the path.

Chair Brown sees bikers often on Thomas Landers Road, he thought it would be wise to widen the roadway to allow for a bike lane until a shared use path can be engineered and designed. Medeiros said it is up to the Town, you would have to look at feasibility and expense; can look at short-term and long-term goals for Thomas Landers and Brick Kiln Roads, they could apply for cost sharing.

3. Petition Article Presentations for April 2022 Annual Town Meeting (**5 minutes each**)

a. Present Petition Article #23 – Victoria H. Lowell

Victoria Lowell, Precinct 1 Town Meeting member, said that the erosion on paths at the punchbowl explanation in the Board's packet. Beebe Woods under is under the Concom jurisdiction, in 2004 the Concom asked for volunteers to come up with a management plan for the woods, it was submitted to the Concom. Erosion was a major issue, in 2006 it was bad and expected to get worse. Photos were reviewed via computer of the current area of erosion. This is a heavily used natural park and a prized destination. They need to figure out a way to get safe access. She knows the Finance Committee will not recommend it at this point. It will go before Town Meeting in the fall as part of a capital plan.

b. Present Petition Article #24 – Patricia P. Johnson

Patricia Johnson, North Falmouth, explained this article relates to the noise caused by gas leaf blowers, she noted two episodes of others using leaf blowers measured at over 80 decibels. Three towns in MA already voted and installed leaf blower regulations. The State of CA established a requirement that no gas powered lawn equipment are allowed to be sold in CA; many towns in CA have a ban on gas powered leaf blowers since the 1990's. She is not looking to ban leaf blowers, it is the first step for reasonable regulations for usage including time of day and time of year they can be used. So, landscapers have time to convert to electric leaf blowers that are quieter, healthier for operators and the environment. Electric and battery powered leaf blowers fall under 67 decibels. There is potentially financial benefits to converting over to electric and battery, there may be funding available through the State, if it is successful in the legislature.

c. Present Petition Article #25 – Courtney Bird (FalmouthNet, Inc.)

Art Gaylord, FalmouthNet, explained this is the second vote of two required by MA General Law to establish a municipal light plant.

d. Present Petition Article #26 – Courtney Bird (FalmouthNet, Inc.)

Art Gaylord, FalmouthNet, explained this is for establishment of a Municipal Light Board to oversee operations and management of the light plant. The light board should be three or five people, he recommends five people with staggered terms of 1, 2, and 3 years. The light plant board can only take Town approved actions and the Town may not want to limit future use. It is not the intent of FalmouthNet to do anything beyond broadband.

Chair Brown noted comments were received from individuals that would like to have more detail in the article that it is for broadband internet.

e. Present Petition Article #28 – Rosemary Carey

Rosemary Carey, North Falmouth, co-petitioner on this article with others. The Article asks for the Town to create a Sustainability Director. Asking Town Meeting to vote establishment of the position and outline next steps. It is critical the Town take meaningful action in the next few years because MA is expected to receive over \$9 million from the Biden infrastructure, having this position in place will help Falmouth secure those grants and implement the programs. They hope the Board will recommend the article as printed. Steps that need to be created are laid out in the petition article, guided by the consultant. This position funding is dependent on the consultant recommendation, if long term it will likely have to be incorporated into the operating budget.

- f. Present Petition Article #29 – Jordan Frye
According to Chair Brown, Ms. Frye requested withdrawing this article.

4. Discuss and vote revisions to Special Events Policy

Chair Brown explained that at a 1/15/22 meeting to discuss Charter Review recommendations and how the Board may improve efficiency, they considered Special Events being approved internally by staff. This would leave more time during Board meetings for more substantive subject matter the Board needs to talk about.

The Board discussed the policy and determined that they would like to see another draft which includes the following changes: changing limiting negative impacts to managing negative impacts; add the School Department to the list of organizations that do not need approval; emphasis on recycling, trash; and what the denial options are, including appeal to the Board.

Ms. English Braga raised comment from Alan Robinson and Linda Davis, requesting to include clear language in the policy about what people do with the waste from their events. So that disposal of trash is in line with how the community disposes of waste.

5. Discuss Pilgrim Nuclear Power Plant decommissioning elements and possible letter of concern

Chair Brown attended a Duxbury Select Board Meeting, representatives from the MA Legislatures expressed concern that the Nuclear Regulatory Commission (NRC) sometimes approve discharges into water ways. If there is enough concern, they may take another look at it. He does not believe it is a good idea to release that water into Cape Cod Bay.

Ms. English Braga is concerned that a lot of shell fisherman are concerned because this can harm their product because they live in an area where radioactive water was discharged. This has been a couple tough years for that industry; the economic impact and having harm to that even if there is a guarantee it will not actually harm anyone, the perception alone could cause harm. Dr. Taylor noted they are spending a lot of money on water and water treatment and questioned why we would put anything in the water that would damage shellfish.

Public Comment:

Marc Finneran's understanding is the levels of this water are monitored by the Nuclear Regulatory Committee and this exercise has been part of the everyday maintenance of that plant since it was built. Levels are low, nothing out of the ordinary, and regular maintenance. Why there is a great concern all of a sudden, if his information is correct, seems to be unfounded. He would like to know if that is correct. It is the same level it has always been. He was told this water was below the standard. Before writing this letter, it may be appropriate to answer Finneran's questions.

Chair Brown said that some folks asked why they will not disclose the levels, and this is one million gallons. The letter is in hopes of receiving the information; in furtherance that this is a concern that requires more information before the decision is made.

Janet Azarovitz, Precinct 5, she brought this issue to the Board to ask for this. The plant has been an issue for years, the NRC members become part of the industry when they leave the NRC. It is asking consideration of the Governor. Standards are set, but there are a lot of radio nucleons that are not filtered out. This letter asks for the public to have some input into what is going on.

Price motion to approve the letter presented be sent to the NRC. Second Taylor. Vote: Yes-5. No-0.

CONSENT AGENDA

1. Licenses
 - a. Approve applications for Entertainment License and Sunday Entertainment License – Woho, LLC d/b/a Provisions, 87 Water Street, Unit 2, Woods Hole

- b. Approve application for a Change of Manager of a Common Victualler License – The Stand, located at 75 County Road, North Falmouth
2. Administrative Orders
- a. Vote to allow Auto Camp to withdraw its application for a liquor license at 896 Palmer Ave. without prejudice and waive the one-year limitation of G.L. Ch. 138, s. 15A for resubmission of the same

Attorney Jeannie Kampas, representing Auto Camp. They did contemplate a liquor license pending approval by the Board. They want to withdraw without prejudice so they can reapply. Liquor licensing statute has a provision saying the same applicant is precluded from applying for the same license at the same location within one year. Here they are looking to withdraw and have ability to refile within one year. They have some Board of Health issues regarding a septic system on site and want to resolve those first.

836 Palmer Ave is the correct address.

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

- b. Vote to approve request for a waiver of the sign permit fee, Chapter 184 Section 12, from St. Barnabas Church, 91 Main Street
- c. Retroactive authorization to submit grant application request to Cape Cod Commission for Recreation/Open Space Plan update and Economic Development Guide

English Braga motion approval of the License items 1 and 2; Administrative Orders b and c on the consent agenda. Second Patterson. Vote: Yes-5. No-0.

3. Review and Vote to Approve Minutes of Meetings held
Public Session
January 10, 2022
Patterson motion approval as edited. Second English Braga. Vote: Yes-5. No-0.
- January 15, 2022
English Braga motion approval as edited. Second Taylor. Vote: Yes-5. No-0.

TOWN MANAGER'S SUPPLEMENTAL REPORT

Finance Committee will meet Wednesday and are reviewing the operating budget.

The next Board meeting will be 2/28/22.

Town hall and administrative offices closed 1/21/22.

SELECT BOARD REPORTS

Mr. Patterson:

Attended the following-

Cape Cod and Islands Selectmen's Counselors Association, now known as the Cape and Islands Municipal Leaders Association. The CEO of the Housing Assistance Corporation gave a presentation on accessory dwelling units, a way to provide affordable housing. Presentation from county staff in charge of septic management loan program that is available to anyone who needs to update septic system, sewer hookup, or alternative system.

Virtual presentation on the Sandwich Road fire station
Affordable Housing Committee meetings
EDIC meetings
CPC meetings
Boy Scout court of honor for Eagle Scout Matt Briggs.

Chair Brown:

Mr. Suso and Chair Brown talked about the policy book, it is very large, does the Board want to take a look at it? Mr. Suso is working on updating about 12 policies, the Board could look at all policies that could be updated or omitted. New policies include consideration of the surplus policy, Transportation Committee embarkation fee, and there may be other policies overlooked that could be in place. Does the Board want another Saturday meeting to look at policies. 3/5/22 8:30 a.m.-11:30 a.m. Mr. Suso will review agenda, it is a good time to think about what to do with an onboarding packet for new Select Board members.

DISCUSSION OF FUTURE AGENDA ITEMS

Invite the Diversity and Inclusion Officer to a meeting.

Affordable Housing funds update and discussion. Is there something the Board should do to entice developers to get that money?

Is there update on the Falmouth Housing Corp. Scranton Avenue project? Mr. Suso said they received their comprehensive permit from the Zoning Board of Appeals (ZBA), they can take next step to get State funding. Working internally on potential roadway improvements on Main St.

The WHOI Sustainability Coordinator presentation to the Select Board; she has received a lot of grant money, doing it for 2-3 years, and gave presentation to the Rotary Club.

ADJOURN

Patterson motion to adjourn at approximately 10:00pm. Second Taylor. Vote: Yes-5. No-0.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

4. Review and Vote to Approve Minutes of Meetings:

b. Executive Session – March 14, 2022 and March 28, 2022

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

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

Select Board Present: Doug Brown, Chair; Nancy Taylor, Co-Chair; Megan English Braga; Sam Patterson; Onjalé Scott Price.

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Peter McConarty; Maura O'Keefe, Town Counsel.

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

Mr. Johnson-Staub reviewed the summary prepared and part of the packet, focusing on items that need the Select Board's (Board) direction sooner rather than later. Mayflower Wind (Mayflower) agreed to reimburse the Town's expenses related to engineering and legal review of the Mayflower proposal. There are some alternate landfall locations the Town asked Mayflower to look at. The Town had preliminary conversation and review of one of the sites by the peer review engineer – Exponent, Inc. After extended dialog with Mayflower and Eversource representatives, Town staff now believe that Surf Drive is not a viable option; all landfall locations on Surf Drive are off the table.

There was a brief discussion of the Energy Facility Siting Board (EFSB) review process. The EFSB review is based on electric reliability, cost, and environmental impact.

One key issue for ESFB to decide on is Zoning Exemption. If this project is technically viable, but zoning prevents it from happening, the ESFB is likely to rule in favor of the Mayflower and exempt the project from such zoning requirements. With regard to the Wind Energy Facilities bylaw, Acting Building Commissioner said this zoning requirement applies to the Mayflower project and there is no way the Mayflower project could comply. If the Board is adamantly opposed the project in Falmouth, the Board could consider petitioning the EFSB not to exempt the project from that particular zoning bylaw and if ESFB agrees, then it will not take place in Falmouth. There are other issues such as setback for Mayflower's preferred substation location, which is Lawrence Lynch (LL). The other substation site is Cape Cod Aggregates --setback is not an issue there.

Ms. English Braga noted how much concern the project has generated. She suggested the Falmouth Heights residents may file litigation against the Town if the project is approved.

Atty. Kiernan recommends the Town file for status as an intervenor in the EFSB review. This allows the Town to participate in the EFSB if process if it chooses. She noted it will be difficult for the Town to block the project entirely through the EFSB process given its criteria but the Board may wish to intervene to address specific concerns.

Chair Brown noted the Worcester Court site is a public park, would see significant permanent damage, and it is his least preferred option.

Mr. Johnson-Staub noted there will be different neighborhood impacts depending on the final recommended landfall. If Worcester Court continues to be Mayflower's preferred site and the Board believes there are other viable alternatives that are better for the Town, the Board may decide not to support the project. He suggested Mayflower filed with the EFSB prematurely.

Mr. Johnson-Staub asked what the right time to have a public dialogue and what the scope of that dialogue should be. Page 2 of his memo includes a potential outline for a couple potential public sessions. If we had a public forum in April or May 2022 and we are not further along in review than we are today, then we would be describing to the public the two landfall sites Mayflower filed and three other potential sites identified by the Town.

Ms. English-Braga suggested the Board hold a listening session sooner rather than later. It is important to give the public an opportunity for input before the Board reaches any conclusions.

Chair Brown motion to intervene and adopt the tentative public meeting schedule with adjustments as needed going forward. Second English Braga. Roll Call Vote: English Braga, aye; Patterson, aye; Scott Price, aye; Taylor, aye; Chair Brown, aye.

On Thursday 3/24/22 the EFSB will have their own listening session via Zoom. Residents may participate and the Town may want to participate as well. There are instructions to sign up to get on the list to speak. The EFSB will allow State and public officials from the Town to speak first.

Landfall locations were briefly reviewed by Mr. Johnson-Staub, including Little Pond, Falmouth Harbor, and Falmouth Heights Kite Park. The Board feels Mayflower chose Worcester Court because it is cheap and easy. The Board finds it disrespectful for Mayflower to move forward with filing and wants to know why Mayflower does not believe the alternative sites identified by the Town are not feasible.

The options Mayflower brought were on Town beaches. Tides Motel has public lot which may be an amenable site. Mr. Johnson-Staub will proceed with vetting alternative locations.

The Board has not decided to support the project yet.

Ms. English Braga motion to adjourn at approximately 7:10pm. Second Scott Price. Roll Call Vote: English Braga, aye; Patterson, aye; Scott Price, aye; Taylor, aye; Chair Brown, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Executive Session 1
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.

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

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Maura O’Keefe, Town Counsel; Peter McConarty, DPW Director.
Via Phone: Attorney Audrey Kiernan

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.

Mr. Johnson-Staub reported the Town received an email that Mayflower postponed their public hearing because they will further review the Energy Facilities Siting Board (EFSB) petition. Mayflower appears to be aware there is a lot of opposition, and the Select Board (Board) is not enthusiastic about the two sites and routes selected. Mayflower will look more closely at the three alternative sites the Board suggested. The Town will have engineers to assist in evaluating the technical information Mayflower presents regarding the other three sites’ viability. The Town has worked with attorney Kiernan to draft the host community agreement. There are a number of generic issues the Town wants to address to protect the Town’s interests regardless of the landfall locations. Town representatives have not discussed with Mayflower any specifics regarding the monetary provisions of the agreement. He noted that working on the host community agreement does not imply the Board has taken a position to support the project. Mr. Johnson-Staub will forward the Board an outline of the host community agreement issues, including; traffic, construction management, noise mitigation, and substations. The Board prefers the substation location on Thomas Landers Road rather than the Lawrence Lynch location on Gifford Street. The Thomas Landers Road site would be a more expensive location for Mayflower. Mr. Duffy was told that Lawrence Lynch wants to remain in Falmouth but does not have an alternate location at this time. Mayflower has made an offer to purchase the Lawrence Lynch site, but it has not been accepted yet.

The Board noted that the Lawrence Lynch location is in close proximity to parks, a cemetery, and there will likely be a lot of light at the facility that may be intrusive. The Thomas Landers site is less intrusive.

A public meeting could be held in late April, on a date and at a site to be determined. This would be a listening session, an opportunity to have a public session, invite Mayflower for their presentation, and take public comment. The Board could open the presentation, reiterate they have not taken a position yet, give Mayflower opportunity to make a presentation, receive questions from the community, and then open it up for public comment.

English Braga motion to adjourn at 7:02 p.m. Second Taylor. Roll Call Vote: Taylor, aye; Scott Price, aye; English Braga, aye; Patterson, aye; Chair Brown, aye.

Respectfully Submitted,
Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Executive Session 2
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.

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

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Maura O'Keefe, Town Counsel; Peter McConarty, DPW Director.

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.

Atty. Duffy explained that this is an old problem and has been festering for many years. The property is by Martin Road and cannot be seen from the street very well. It is a two family house that burned down in 2004 under former ownership. Cape Harbor Homes acquired it around 2009, orders were issued by the Building Commissioner to demolish and make the area safe, which the owner ignored. In 2010 the Building Commissioner issued an RFP, the low bidding contractor was instructed to tear the house down. The contractor had no work plan, no license, no permit, and worked for one day before being thrown off the job. In that one day the contractor demolished the house and made a mess. The property stayed that way until around 2018, when it came to Mr. McConarty's and Atty. Duffy's attention. Mr. McConarty engaged Arcadis to oversee cleanup of the site, including asbestos abatement, which was completed in 2020. The site is now clean and a lien was filed at the Barnstable Registry of Deeds for \$112,000. The Town knew they would not collect the entire lien. The property owner has been paying taxes all along. The property owner offered to settle the lien for \$20,000. Atty. Duffy feels that amount is reasonable, as it would take years to litigate it and would be expensive.

According to Mr. McConarty, the remediation of the site is closed out per state and federal regulations. There is a for sale sign on the property.

The value of the work and abatement done was about \$120,000. The bid to clean up the site ten years ago was \$6,000.

The Town caused the damage, though took it over when the owner failed to act to address the hazards.

Town Meeting voted the money to clean it up and to pay it.

The owner's negligence in 2015 was a \$6,000 liability.

English Braga motion to accept Atty. Duff's recommendation to settle the lien for \$20,000. Second Patterson. Roll Call Vote: Taylor, aye; Scott Price, aye; English Braga, aye; Patterson, aye; Chair Brown, aye.

English Braga motion to adjourn at 7:02 p.m. Second Taylor. Roll Call Vote: Taylor, aye; Scott Price, aye; English Braga, aye; Patterson, aye; Chair Brown, aye.

Respectfully Submitted,
Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Executive Session 3
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.

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

Staff Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Frank Duffy, Town Counsel; Maura O’Keefe, Town Counsel.

M.G.L. Ch. 30A s.21(a)(3) – Discuss and vote to authorize the Town Manager or Town Counsel to execute the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements with Attorney General.

Atty. Duffy heard about this on Friday, the deadline to submit to the Attorney General’s Office (AGO) is this Thursday. A settlement with three distributors was announced. The Commonwealth of Massachusetts will receive some of this money. The AGO and litigation counsel for communities reached an agreement, 40% of the settlement will be distributed to the cities and towns signed on to this litigation; 60% will stay with the State administered by a board of directors. The amount of the settlement is unknown because these companies will stay in business and over next 20 years and will give a portion of their income into the fund. The funds will be distributed among cities and towns based on a formula to include the number of municipalities and their population. The funds will be distributed to each community over twenty years and must be used to supplement resources for prevention/treatment related to problems from opioids. Municipalities are required to report to the State annually what the money was used for.

Atty. Duffy’s recommendation is to sign onto the agreement and, if the Board agrees, needs their authorization.

Taylor motion to authorize the Town to sign the settlement agreement. Second Patterson. Roll Call Vote: Taylor, aye; Scott Price, aye; English Braga, aye; Patterson, aye; Chair Brown, aye.

English Braga motion to adjourn at 7:02 p.m. Second Taylor. Roll Call Vote: Taylor, aye; Scott Price, aye; English Braga, aye; Patterson, aye; Chair Brown, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary