

CONSENT AGENDA

1. Licenses

- a. Approve applications for six (6) One-Day Sunday Entertainment Licenses – Falmouth Yacht Club, 290 Clinton Avenue, Falmouth – 6/26, 7/10, 7/31, 8/14, 8/28, 9/4 – 4:00 pm to 6:00 pm

LICENSE APPLICATION REVIEW

Restaurant/Business: Falmouth Yacht Club

Address: 290 Clinton Avenue

License Type: One-Day Entertainment License (six Sunday licenses)

New or Transfer of License

or

Change of License _____

Police No objection

Fire No Issues

Building Plans have been reviewed by the Building Commissioner's Office

Health _____

Zoning OK per ZBA

Planning _____

DPW _____

NOTES:



Town of Falmouth

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

ENTERTAINMENT LICENSE APPLICATION (per day)

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

NAME OF ESTABLISHMENT **Falmouth Yacht Club**

ADDRESS **290 Clinton Ave**

Falmouth

Ma

02540

NAME OF OWNER/MANAGER **Jay Kehoe**

TELEPHONE #: **508 548 3865**

EMAIL: **kehoe@falmouthyachtclub.com**

NARRATIVE DESCRIBING ENTERTAINMENT:

Acoustic, non amplified live music.

LOCATION OF ENTERTAINMENT **Falmouth Yacht Club Boat Yard

****Attach a Floor Plan showing where on the premises Live Music or Dancing will take place.**

DAY or DAYS APPLIED FOR: check all that apply MON TUE WED THR FRI SAT

SUNDAY ENTERTAINMENT: Y/N (if YES, also complete State application+ fee - contact the Select Board Office)

Hours entertainment will be offered **4:00pm- 6:00pm June 26; July 10; 31, August 14; 28; Sept 4th**

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT:

- 1. DANCING By Patrons Y/N Other Dancing Y/N
- 2. MUSIC Recorded Y/N Live Y/N No. of Musicians **4** Amplification Y/N

Type of Instruments **Beat Box, Guitar, Bass, Viloin**

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

DATE **2/11/2022**

X
OWNER, MANAGER OR AUTHORIZED AGENT

Town Fees:
FILING FEE: \$10.00
PERMIT FEE: \$25.00 per day



State Fee, \$ 6
Municipal Fee, \$ 30

THE COMMONWEALTH OF MASSACHUSETTS
Town OF Falmouth



LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Falmouth Yacht Club in or on the property at No. _____ (address)

The Licensee or Authorized representative, Jay Kehop in

accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>6/26</u>	<u>4:00pm</u>	<u>Acoustic Music</u>
<u>7/31</u>	<u>4:00pm</u>	<u>Acoustic Music</u>
<u>8/14</u>	<u>4:00pm</u>	<u>Acoustic Music</u>

Hon. Nancy R Taylor Mayor/ Chairman of Board of Selectman, Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

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

State Fee, \$ 6
Municipal Fee, \$ 30

THE COMMONWEALTH OF MASSACHUSETTS
Town OF Falmouth



LICENSE

For
PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is Falmouth Yacht Club in or on the property at No. _____ (address)

The Licensee or Authorized representative, Tom Kelce in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>8/28</u>	<u>4:00 pm</u>	<u>Acoustic Music</u>
<u>9/4</u>	<u>4:00 pm</u>	<u>Acoustic Music</u>
<u>9/11</u>		

Hon. Nancy R Taylor Mayor/ Chairman of Board of Selectman, Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein: may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

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

Phyllis Downey

Subject: FW: Sunday form required-RE: Entertainment license requirement needed-Time Sensitive
Attachments: scan0149.pdf

From: Jay Kehoe <kehoe@falmouthyachtclub.com>
Sent: Wednesday, May 25, 2022 11:33 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: RE: Sunday form required-RE: Entertainment license requirement needed-Time Sensitive

Here you go..

Music starts at 4 and ends at 6:00

Number:
22-6-Ent-1-Day

DRAFT

Fee
\$30.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Falmouth Yacht Club
Jay Kehoe, Manager
290 Clinton Avenue
Falmouth, MA 02540
is hereby granted this

Sunday Entertainment License

Location of Entertainment: Boatyard of Falmouth Yacht Club, 290 Clinton Avenue, Falmouth, MA 02540.

This license is granted in accordance with the provisions of Chapter 140 of the General Laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment.

This license is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and amendments thereto and shall not be valid for a location other than as herein described.

Date: Sunday, September 4, 2022. Hours: 4:00 p.m. to 6:00 p.m.
Live acoustic music, with volume limited to not go past the parking lot in front of the Club. Member seating will be set up so there is social distancing spacing.

Valid from: September 4, 2022 Valid until: September 4, 2022

By order of The Falmouth Board of Selectmen

June 6, 2022

DRAFT

NOTICE
 as the original (red) stamp of the
 or Professional Land Surveyor
 Including any municipal or other
 he information contained herein; and
 property of Holmes & McGrath, Inc.

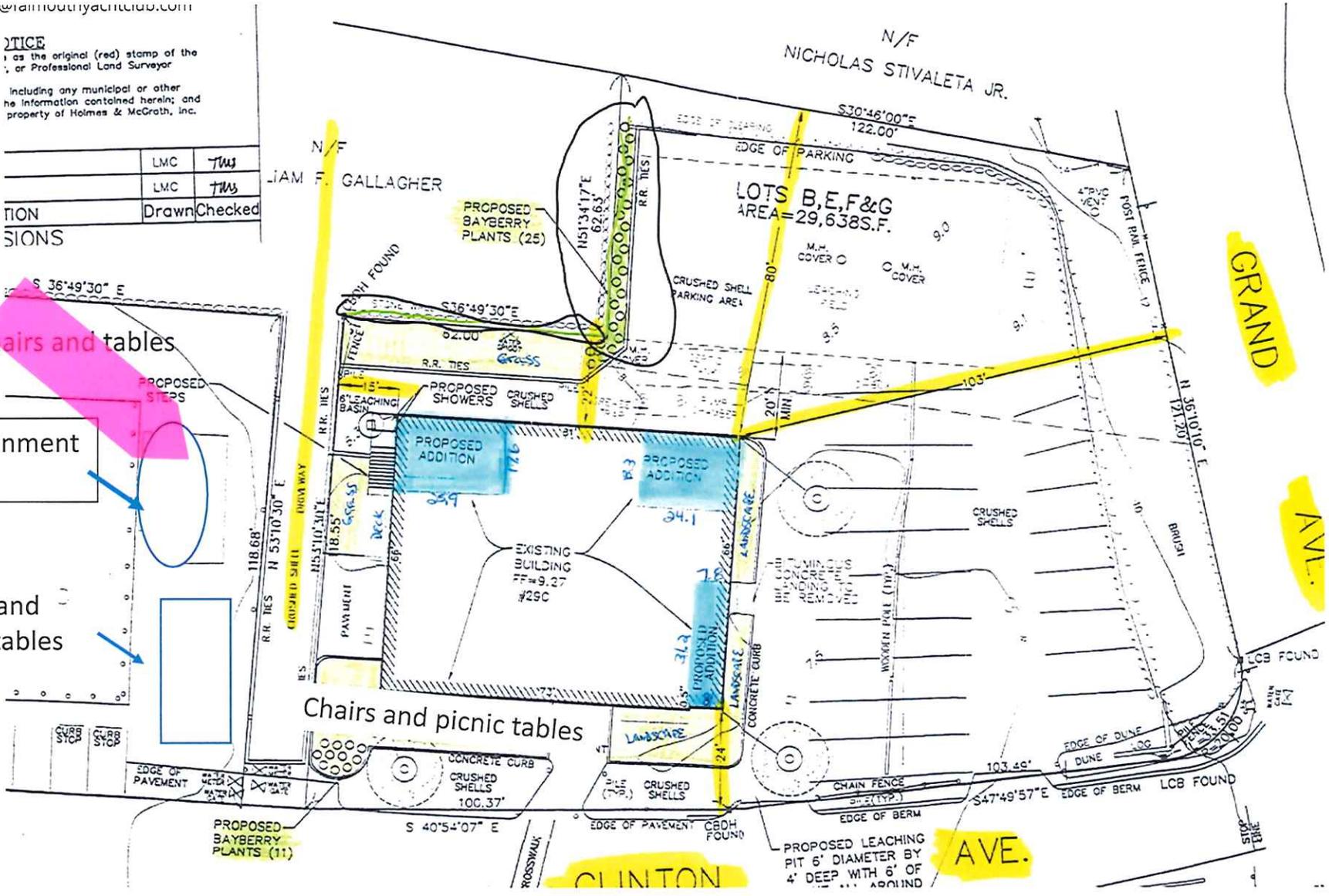
	LMC	<i>TMS</i>
	LMC	<i>TMS</i>
ATION	Drawn	Checked
SIONS		

Chairs and tables

Entertainment set up

Chairs and picnic tables

Chairs and picnic tables



CONSENT AGENDA

1. Licenses

- b. Approve Application for New Class I Motor Vehicle Dealer License – Capstan Yachts, 56 Scranton Avenue, Falmouth

LICENSE APPLICATION REVIEW

Restaurant/Business: Capstan Yachts

Address: 56 Scranton Avenue

License Type: Motor Vehicle Dealer Class 1 License

New or Transfer of License _____

or

Change of License _____

Police _____

Fire No Issues

Building _____

Health _____

Zoning No opposition - parking conditions below:

Planning _____

DPW _____

Assessor _____

Tax Collector _____

Zoning: No opposition provided the premises maintains the 28 shared parking spaces.

DRAFT

Number:
003-CLI

Fee
\$100.00

The Commonwealth of Massachusetts
Town of Falmouth

This is to certify that
Capstan Yacht, corp d/b/a Capstan Yachts
Kyle Smith, President
56 Scranton Avenue, Unit A
Falmouth, MA 02540
is hereby granted this

Agent's or Seller's License - Class I
for the Sale of Second-Hand Motor Vehicles

The premises shall be used and occupied by tenants as a
boat brokerage and dealership under a manufacturer
agreement with X Shore Americas, Inc.

In accordance with the provisions of Chapter 140 of the General Laws with amendments thereto
the above named entity whose principal business is the sale of new motor vehicles or who has a
signed contract as required by Section 58, Class 1, is hereby licensed to purchase and sell, as
incidental or secondary thereto, second-hand motor vehicles at the above located premises
described as follows:

Licensee will maintain the 28 shared parking spaces on the
premises. Number of vehicles on premises - 1

Valid from: June 6, 2022

Valid until: December 31, 2022

By order of The Falmouth Board of Selectmen

June 6, 2022

DRAFT

This License Must be Posted in a Conspicuous Place upon the Premises

PAID
\$110.00
CC#1032



RECEIVED
MAY 19 2022
SELECTMEN'S OFFICE

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: Capstan Yachts Corp D/B/A Capstan Yachts

ADDRESS: 56 Scranton Ave unit A

TOWN: Falmouth **STATE:** MA **ZIP CODE:** 02540

MAILING ADDRESS: (if different) 148 West Way

TOWN: Mashpee **STATE:** MA **ZIP CODE:** 02649

OWNER OF PROPERTY:

NAME OF APPLICANT: Kyle & Amber Smith **TITLE:** President

HOME ADDRESS: 148 West Way

TOWN: Mashpee **STATE:** MA **ZIP CODE:** 02649

FID # 86-3469938 **EMAIL (required)** info@capstanyachts.com

TELEPHONE # (BUSINESS) 774-228-0454 **(HOME)** 561-420-9828

CLASS OF LICENSE: 1 **NUMBER OF VEHICLES:** 1

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 - OWNER or MANAGER of RECORD

DATE: 5/10/2022

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.

THE COMMONWEALTH OF MASSACHUSETTS

Town Falmouth OF Falmouth

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Capstan Yachts Corp

Business address of concern. No. 56 Scranto AveSt.,
Falmouth, MA 02540City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?
Corporation

3. If an individual, state full name and residential address.
.....

4. If a co-partnership, state full names and residential addresses of the persons composing it.
.....

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President Kyle Smith 148 West Way Mashpee MA 02649

Secretary Amber Smith 148 West Way Mashpee MA 02649

Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? yes

If so, is your principal business the sale of new motor vehicles? yes

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? no

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

The premises shall be used and occupied by tenants, as a Boat Brokerage and Dealership.

8. Are you a recognized agent of a motor vehicle manufacturer? yes (Yes or No)

If so, state name of manufacturer X Shore Americas inc.

9. Have you a signed contract as required by Section 58, Class 1? yes (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? no (Yes or No)

If so, in what city — town

Did you receive a license? (Yes or No) For what year?

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? no (Yes or No)

Sign your name in full. Amber D. [Signature]
(Duly authorized to represent the concern herein mentioned)

Residence.....

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted. 20 ... Fee \$.....

Signed.....
.....
.....
.....
.....

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

RESELLER AGREEMENT

This RESELLER AGREEMENT (this “**Agreement**”) is made and entered into on [3/18/2022 (the “**Effective Date**”) by and between X SHORE AMERICAS, INC, a limited liability company registered under the laws of Delaware, and its registered office at 251 Little Falls Drive, City of Wilmington, County of New Castle, Delaware 19808, USA, (the “**Company**”); and Capstan Yachts, a [Massachusetts corporation] with its principal place of business at [148 West Way, Mashpee, MA 02649] (the “**Reseller**”). Company and Reseller are individually referred to as a “**Party**” and jointly as the “**Parties**”.

RECITALS

- A. Company designs and manufactures electric boats.
- B. Reseller wishes to be appointed as authorized non- exclusive reseller in approved territory and agreed upon territory as defined in 1.17 below for the resale and distribution of electric boats manufactured by Company, and Company is willing to make such appointment on the terms and conditions set out in this Agreement.

THEREFORE, in consideration of the foregoing and the mutual representations, warranties, covenants and agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

1. DEFINITIONS

- 1.1 “**Agreement**” means this agreement and all its Schedules.
- 1.2 “**Boat**” means any electric boat, as specified and made available on Company’s website from time to time, manufactured and sold by Company to Reseller.
- 1.3 “**Confidential Information**” means all non-public proprietary information disclosed under this Agreement by Company to Reseller, including:
 - a) proprietary product-related technology, ideas and algorithms;
 - b) trade secrets;
 - c) technical, business, financial or marketing information and plans;
 - d) the terms of this Agreement; and
 - e) any item marked as confidential by Company, or which by its nature would reasonably be considered confidential by Company.
- 1.4 “**Documentation**” means any user documentation, on any media, provided by Company for use with the Product.
- 1.5 “**Delivery**” shall have the meaning set out in Section 5.1.

- 1.6 **“Delivery Time”** shall have the meaning set out in Section 4.2.
- 1.7 **“End User”** means any person or entity that purchases Products or End User Services solely for its own use.
- 1.8 **“End User Price List”** means the list of prices payable by the End User for the Products available on Company’s website and updated from time to time by Company.
- 1.9 **“End User Services”** shall mean any digital services provided by Company and made available or sold directly from Company to the End User.
- 1.10 **“Modules”** means any modules or parts to be fitted with or added to the Boat, as specified and made available on Company’s website from time to time and manufactured and sold by Company to Reseller.
- 1.11 **“Options”** means any alternative or optional equipment, parts or other products to be fitted with or added to the Modules or Boat, as specified and made available on Company’s website from time to time, and manufactured and sold by Company to Reseller.
- 1.12 **“Price”** shall have the meaning set out in Section 3.1.
- 1.13 **“Product”** means any Boat (either several different types of Boat or more than one of the same type of Boat, or both), Modules and Options.
- 1.14 **“Purchase Order”** shall have the meaning set out in Section 4.1.
- 1.15 **“Software”** shall mean software products and software or firmware incorporated in Products.
- 1.16 **“Term”** shall mean the term of this Agreement including any extensions of the term.
- 1.17 **“Territory”** means a 1-year nonexclusive agreement for New England, Florida and agreed upon scenarios in the Caribbean. The **Company** reserves the full rights to engage in all kinds of Business to Consumer (End User) B2B (Business to Business) and B2G (Business to Government) negotiations and business interests and sell the Product with Modules, Options and Software in the Territory.

2. APPOINTMENT OF RESELLER

- 2.1 **Appointment.** Subject to the terms and conditions set forth in this Agreement and Reseller’s fulfillment of all of its obligations under this Agreement, Company hereby authorizes and appoints Reseller and Reseller hereby accepts the appointment as a non-exclusive reseller, during the Term of this Agreement, to purchase Products from Company and to market, sell and distribute for resale Company’s Products to End Users in the Territory.
- 2.2 **Territory.** Reseller’s authorization from Company to resell Company’s Products is limited to the Territory. Additional sales locations must be pre-approved by Company in writing.

Verifikat

Transaktion 09222115557465324669

Dokument

Capstan_Yachts_Kyle_Smith_Agreement_3182022
Huvuddokument
23 sidor
Startades 2022-03-18 13:57:44 CET (+0100) av Andreas
Larsson (AL)
Färdigställt 2022-03-20 15:30:06 CET (+0100)

Initierare

Andreas Larsson (AL)
andreas.larsson@xshore.com

Signerande parter

Jenny Keisu (JK)
jenny.keisu@xshore.com

Signerade 2022-03-18 15:57:25 CET (+0100)

Kyle Smith (KS)
ksmith@capstanyachts.com

Signerade 2022-03-20 15:30:06 CET (+0100)

Patrick DeSocio (PD)
patrick.desocio@xshore.com

Signerade 2022-03-18 14:01:41 CET (+0100)

Detta verifikat är utfärdat av Scrive. Information i kursiv stil är säkert verifierad av Scrive. Se de dolda bilagorna för mer information/bevis om detta dokument. Använd en PDF-läsare som t ex Adobe Reader som kan visa dolda bilagor för att se bilagorna. Observera att om dokumentet skrivs ut kan inte integriteten i papperskopian bevisas enligt nedan och att en vanlig papperutskrift saknar innehållet i de dolda bilagorna. Den digitala signaturen (elektroniska förseglingen) säkerställer att integriteten av detta dokument, inklusive de dolda bilagorna, kan bevisas matematiskt och oberoende av Scrive. För er bekvämlighet tillhandahåller Scrive även en tjänst för att kontrollera dokumentets integritet automatiskt på: <https://scrive.com/verify>



CONSENT AGENDA

2. Administrative Orders

- a. Approve Grant of License to John Bowen to install a parking space in front of the home at 102 Grand Avenue

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to John R. Bowen, Trustee and Anna A. Bowen, Trustee of the Bowen Family Trust under Declaration of Trust dated October 11, 2017 and referenced in a Trustee's Certificate filed with the Barnstable County Registry of Deeds at Book 30977, Page 140, the following license to use certain portions of town road known as Grand Avenue adjacent to property known as 102 and 102A Grand Avenue, Falmouth, MA. For Deed reference see Barnstable County Registry of Deeds at Book 30977, Page 144.

The license is given provide limited additional parking for use by the residents of 102 and 102A Grand Avenue within the layout of Grand Avenue, as more fully described in a sketch plan of the approved location of the licensed area, attached hereto.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Board of Selectmen at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Board of Selectmen, remove all encroaching improvements from the Town's road and restore any disturbed area to its original condition;
- c. If the licensee, and their successors and assigns, fails to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the licensee, and their successors and assigns, to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue permissively;
- e. The licensee and their successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents,

officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Board of Selectmen, hereto duly authorized this _____ day of _____, 2022.

BOARD OF SELECTMEN OF
THE TOWN OF FALMOUTH

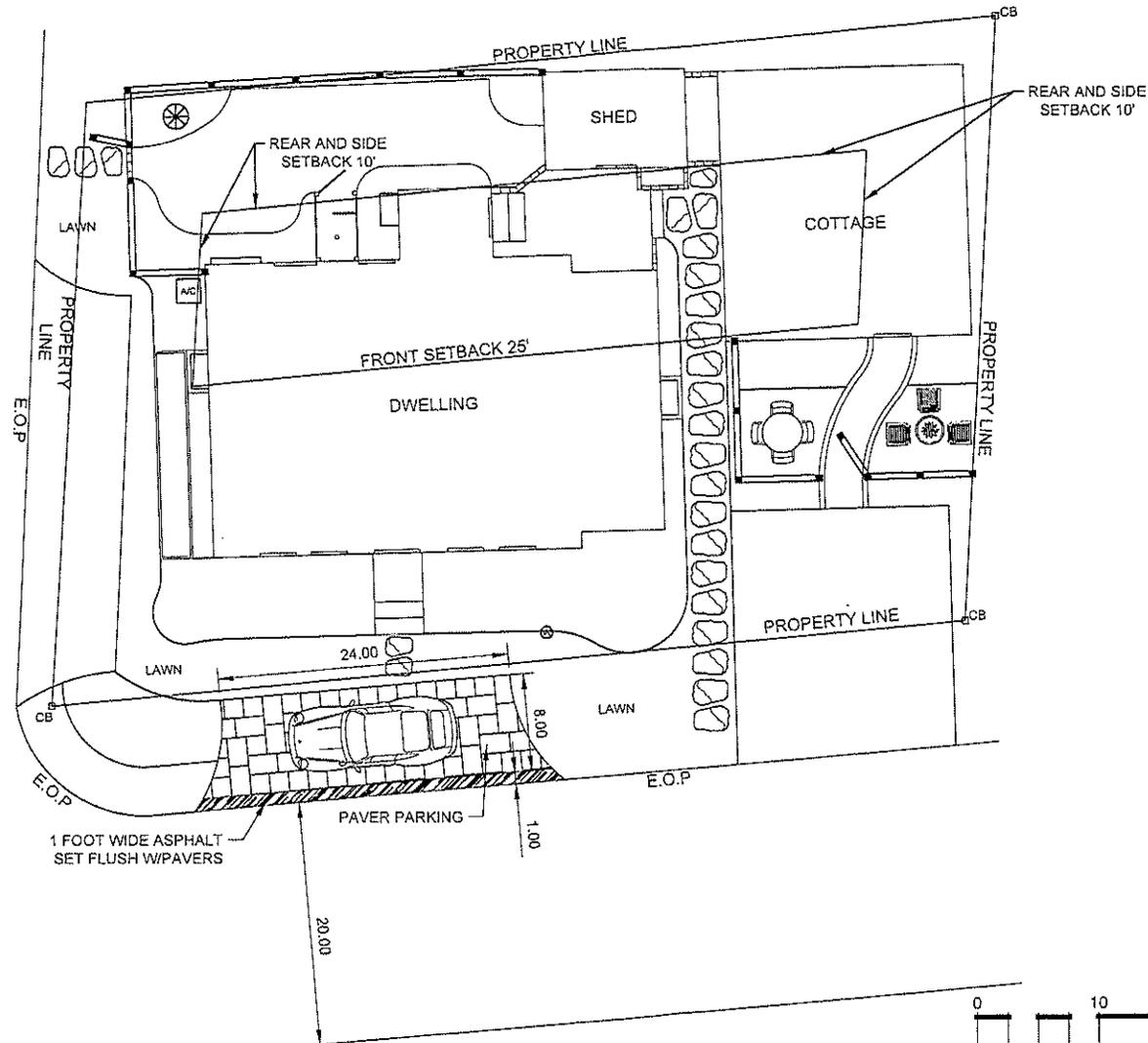
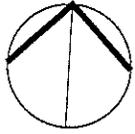
Nancy R. Taylor, Chair

Onjalé B. Scott Price, Vice Chair

Samuel H. Patterson

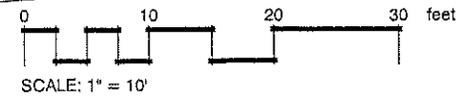
Douglas C. Brown

Edwin P. Zylinski



RECEIVED
MAY 19 2022
SELECTMEN'S OFFICE

Deed reference: Book 30977, page 144
Plan reference: Book 25, page 71
Parcel ID: 46B 21 036 001



SHEET 1 OF 3

NOTES:
All rights reserved.
The drawings, designs, and ideas embodied herein are the property of Desley Landscape Consulting & Design and shall not be copied, reproduced, or disclosed to any outside organizations without written consent of Desley Landscape Consulting & Design.

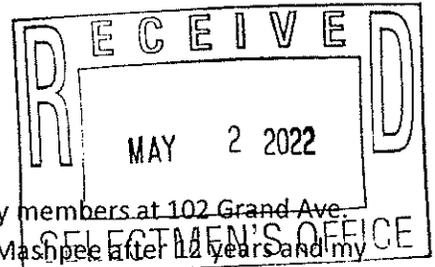
PREPARED FOR:
JOHN BOWEN
102 GRAND AVENUE
FALMOUTH, MA 02540

PREPARED BY:
DESLEY LANDSCAPE
CONSULTING & DESIGN

TITLE:
SITE AND MATERIALS

DATE: 06.15.21 **SCALE:** 1" = 10'
Revised: 05.19.22

PROF: DUD
DATE: 06/15/21
JOB: 2021-00352 U.S. FARM VILLAGE



Dear Falmouth Select Board,

I'm writing to request permission to install an area to park a car for myself and family members at 102 Grand Ave. Falmouth. The reason for this request is that we are moving back to Falmouth from Mashpee after 12 years and my family now has three drivers hence three vehicles. This additional space will accommodate one car and will give us the additional space needed on our property for all three vehicles in our family or an occasional guest.

Our property is currently being remodeled but is not associated with this request as far as I'm aware. There are no zoning or other permits either associated with this request as well.

More specifically, the area needed is in the front of our home and is wide enough to pull off the road so that it won't create any hinderance to traffic. Furthermore, it will be a safe designated area instead of us having to drive on the lawn or not being able to park at all.

Your approval will be greatly appreciated and will help us in our move back to Falmouth.

Sincerely and respectfully yours,

A handwritten signature in black ink, appearing to be "J.R. Bowen", with a long horizontal flourish extending to the right.

John R. Bowen
37 Cappawack Rd.
Mashpee, MA 02649
508-776-2246

From: Nicholas Croft <nicholas.croft@falmouthma.gov>
Sent: Wednesday, May 11, 2022 9:15 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>
Cc: Jim McLoughlin <james.mcloughlin@falmouthma.gov>; Maura O'Keefe <maura.okeefe@falmouthma.gov>
Subject: RE: Reminder - FW: Grant of License - 102 Grand Avenue request

Phyllis,

This homeowner came in for a driveway opening permit from the engineering department. We had initially turned it down because the proposed driveway is to be proposed within the right of way and this section of Grand Ave has no parking signs. To be fair there aren't many options there for parking. We said no to the driveway permit because we felt we couldn't grant a parking spot/driveway in this location based on the No Parking signs and that the work was being done completely in the right of way. We recommended he go to the Select Board, because they could potentially move toward the process of getting a license for the work in the right of way allowing him to get the parking area.

Design recommendations according to the driveway permit would require a maximum width of the driveway to be 24'. On the proposed plan it is closer to +/-35'. Also as stated on the provided plan that there must be a 1' Foot Wide Asphalt Curb. It doesn't need to be a curb, but there must be 1' of asphalt between the road and the first row of pavers. Parking in this spot must allow 20' of travel space on Grand Ave for unimpeded travel in both directions.

Nicholas Croft
Civil Engineering Tech. – Engineering Division
(508) 457-2543 – nicholas.croft@falmouthma.gov

Town of Falmouth Department of Public Works
416 Gifford Street, Falmouth, MA 02540
(508) 457-2543 falengr@falmouthma.gov

From: Maura O'Keefe
Sent: Wednesday, May 11, 2022 9:03 AM
To: Phyllis Downey <phyllis.downey@falmouthma.gov>; Jim McLoughlin <james.mcloughlin@falmouthma.gov>
Cc: Nicholas Croft <nicholas.croft@falmouthma.gov>
Subject: Re: Reminder - FW: Grant of License - 102 Grand Avenue request

Once I get the green light, I'll be able to draft the license.

Thanks,
Maura

Maura E. O'Keefe

Town Counsel

Town of Falmouth

157 Locust Street

Falmouth, MA 02540

CONSENT AGENDA

2. Administrative Orders

- b. Approve request from the Falmouth Cultural Council for a waiver of the special event permit fees for the Falmouth Art Market at Marina Park on Thursdays from 6/30/22 to 9/1/22

**Select Board
Fee Waiver Policy
Adopted February 11, 2016**

I. General Fee Waiver Policy (excluding Special Events Fees)

It is the policy of the Town of Falmouth to consistently and equitably implement the annual schedule of fees; however, there may arise from time-to-time unique circumstances in which fees may be waived.

Fee Waivers shall be granted by the Town Manager only as follows:

- **Municipal and School Projects:** Town Projects in which the procurement and solicitation documents clearly indicate in the bidding process prior to the opening of the price proposals that fees shall be waived.

Private non-profit agencies presenting a case for a unique public benefit may seek a waiver of fees subject to staff review and approval by the Select Board. These agencies should contemplate up to a two-month review and approval period. To be eligible for a waiver of fees, the private non-profit shall exhibit that it offers a unique public benefit at no charge to the public or provides a service to the Town Residents, particularly the neediest of our residents. Affordable Housing projects that are required to prepare a development pro forma to receive permits or grants will not be considered unless they provide 100% affordable housing and the development fees and profit are limited to below 20% of the project cost.

Inspection fees and fees associated with direct service or material costs will not be waived.

II. Special Events Fees and Use Charges Policy

Public amenities in the Town of Falmouth such as parks, facilities, special open spaces and public ways have been developed for the use and enjoyment of the public. Special events fees and use charges have been established with an understanding that these fees and charges relate to the cost of supporting the facility for such events. Special events may limit access to the public, may only be available to the public willing to pay a fee for the use and enjoyment of the facility/event, and for some events the general public may be prohibited from accessing the facility during the approved Special event.

Select Board Fee Waiver Policy (continued)

Daily Fees:

The daily fee established shall be charged for each day the Special event has been granted use and enjoyment of the facility. Set up and break down days will be charged the daily fee.

Recurring Events:

Recurring one-day events (more often than four times a year) will be charged the full fee for at least the first and the last day of the scheduled event. Any consideration for a waiver is as described below.

Fee Waivers:

The Town will waive daily fees for special events sponsored by established Village associations, the Falmouth Fireworks Committee, the Falmouth Chamber of Commerce, Falmouth VIPs, Falmouth Public Schools, Falmouth Academy, or the Town of Falmouth. With the exception of School or Town events, fees will not be waived for any events that have limited public access or charge an admission fee.

Fee waivers can also be granted, upon request, by the Town Manger under the following conditions:

- An event providing broad community benefit and sponsored for charitable purposes may request a fee waiver. The Sponsor must present a letter of request including financial documentation verifying that all net event fees collected will be directed to a specific charitable purpose.

Any recurring events may be granted a discount up to 75% of the daily charge (excluding the required first and last days) upon application to the Select Board. The Board will consider the cost of maintenance of the facility, the public benefit of the event, and the public disruption caused by the event.

All events will carry any necessary insurance and supply bonds as required for the event.

Request for Fee Waiver:

Falmouth Art Market

Notes:

The applicant is requesting a full waiver of the special event permit fee.

The Select Board has voted in recent past years to reduce the fee as follows:

2021	Reduced to \$300
2020	Reduced to \$300 (but event was cancelled)
2019	Reduced to \$300
2018	Reduced to \$300
2017	Reduced to \$300

The standard reduction in permit fee calculation is as follows;

\$200 per day permit fee x 10 days = \$2,000

First and last day = \$400

8 days x \$200 = \$1,600 - \$1,200 (75% reduction) = \$400

\$400 + 400 = \$800 permit fee

May 20, 2022

Town of Falmouth
Office of the Town Manager & Selectmen
59 Town Hall Square
Falmouth, MA 02540

Dear Selectmen,

The Falmouth Cultural Council manages the Falmouth Art Market at Marina Park which takes place from June 30 - September 1. We would like to apply for a full waiver for this up coming summer season.

The Art Market is a non-profit group. Vendor fees are passed on to the council in order to provide scholarships to artists and to support cultural events in the community.

We hope you will consider our request.

Thank you,
Jane Parhiala
Marilyn Rowland, FCC Chair



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Falmouth Art Market

NAME Falmouth Cultural Council, Jane Parhiala

MAILING ADDRESS 59 Town Hall Sq., Falmouth, MA 02540

EVENT DAY & DATE Thursdays: June 30, 2022 – September 1, 2022

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell Side)

EVENT TYPE Art Market – Craft Sales

SET-UP/BREAK-DOWN TIME 9:00 / 6:00 EVENT HOURS 11:00 a.m. – 5:00 p.m.

NUMBER OF ATTENDEES 26 vendors # OF VEHICLES 26 vendors

ADDITIONAL DETAILS Use of electricity at bandshell for music. Use of restrooms at Harbormaster office for vendors. 26, 10' x 10' tents, and chairs. Folk music. Signs at park.

CONDITIONS:

1. Vendors to drop off and shuttle to/from Gus Canty Recreation Center parking lot.
2. Four spaces available for vendor parking on grass area behind Bandshell.
3. Vendor parking plaques will be placed on vendors' vehicles.
4. Assigned location for parking vendor vehicles.
5. Contact Inspectional Services Department for permit for tents over 400 sq. ft.
6. All areas to be checked for cleanliness following event.
7. Event sponsors are required to have a plan to separate recyclable materials from solid waste in compliance with applicable Massachusetts waste ban regulations.

PERMIT FEE 10 days x \$200/day = \$2,000.00 FILING FEE \$10.00

DEPOSIT \$300.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred)

APPROVED:

Julian M. Lucas
Town Manager

4/22/2022
Date

CONSENT AGENDA

2. Administrative Orders

- c. Approve request for sign variance from the East Falmouth Village Association for temporary off-premise signs for the East Falmouth Village Association Annual Meeting

East Falmouth Village Association

Request for Off-Premise Signs

Purpose: East Falmouth Village Association Annual Meeting on Thursday, July 21, 2022

Quantity: 4

Locations:

1. Shorewood Dr. and Rt. 28
2. Davisville Rd. and Rt. 28
3. Davisville Rd. and Menauhant Rd.
4. Central Ave. and Rt. 28

Size: 2 feet wide x 3 feet high (6 square feet), sandwich board signs. Sign size is within the 8 sq. ft. maximum size.

Length of time: Thursday, July 14, 2022 through Thursday, July 21, 2022

Diane Davidson

From: Doug Brown
Sent: Tuesday, May 31, 2022 8:55 AM
To: Nancy Taylor; Diane Davidson; Peter Johnson-Staub
Subject: EFVA off premise signs

Hi Nancy

Could you please add an agenda item for EFVA off premise sign request. 2' x 3' sandwich board signs for annual meeting of July 21. Signs will be at 4 locations. Shorewood Dr. / RT 28. Davisville Rd. / Rt 28. Davisville Rd / Menahaunt Rd. Central Ave. / Rt 28. Request is for July 14 - 21. This is the same request as previously approved.

Thank You, Doug

Doug Brown
Select Board Member
59 Town Hall Sq
Falmouth Ma 02540

Cell 508 560 4149

CONSENT AGENDA

2. Administrative Orders

- d. Vote to approve request for exemption under the Conflict of Interest Law, G.L. c. 268A, § 19(b)(1), Disclosure by non-elected municipal employee of financial interest and Determination by Appointing Authority – Acting Town Manager, Peter Johnson-Staub, relative to TAM compensation study

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	Peter Johnson-Staub
Title or Position:	Acting Town Manager
Municipal Agency:	Town Manager's Office
Agency Address:	59 Town Hall Sq
Office Phone:	508-495-7320
Office E-mail:	Peter.johnson-staub@falmouthma.gov
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	<p>Please describe the particular matter.</p> <p>This issue pertains to the Compensation Study of the non-union, Technical Administrative and Management (TAM) employees to be conducted by a contracted consultant and the decisions regarding potential compensation adjustments for some or all pay grades included in this group of employees that may result from this study. The Assistant Town Manager position is included among the TAM positions to be reviewed. The Town Manager position is not included. This study is to be conducted in two phases.</p> <p>In Phase 1, GovHR USA, LLC will conduct a salary survey that includes a subset of the employees in this TAM employee group. Approximately 30 positions will be included in the survey out of a total of approximately 45 positions. Employees are grouped into pay grades so the results of this survey can be used to consider compensation changes for all 45 positions in the TAM employee group. It is anticipated the Town Manager may implement a percent adjustment to the pay plan applied uniformly to all pay grades and all positions; or, percent adjustments may vary by pay grade.</p> <p>In Phase 2, the pay classification of all positions within the TAM employee group will be reviewed as they have for other employee groups. A consultant will also be engaged for this "classification plan" review which may result in the pay grade – and associated pay range – for selected position being changed subject to Select Board and Town Meeting approval.</p> <p>The ultimate purpose of both phases of the study and adjustments to the compensation plan is to maintain a pay plan that is both fair and competitive in order to recruit and retain qualified employees.</p>
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	<p>Please describe the task you are required to perform with respect to the particular matter.</p> <p>In connection with Phase 1 of the compensation study, I will participate in the selection of the positions to be included in the survey with the Personnel Director (if the position is filled before Phase 1 concludes) and the Finance Director. I will participate in reviewing the work of the consultant and will make recommendations to improve the accuracy of the survey -- for example, by ensuring that positions from other Towns have duties and qualifications that are sufficiently similar to the Falmouth position to merit inclusion in the</p>

	<p>survey. I solicit input from the Personnel Director and Finance Director about the percent increase that should be considered for the TAM pay grades based upon the results of the Compensation Study. My recommendation is subject to Select Board approval and the compensation for all positions is ultimately subject to Town Meeting budget appropriation.</p> <p>In Phase 2, my participation would include deciding on job description content, and evaluation of the pay classification of each position.</p>
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	<p>Please explain the financial interest and include a dollar amount if you know it.</p> <p>The financial interest here is that the Select Board will adopt a new salary schedule for TAM employees that includes my position as Assistant Town Manager based on the GovHR's Compensation Study and my recommendation.</p>
Employee signature:	
Date:	

DETERMINATION BY APPOINTING OFFICIAL

	APPOINTING AUTHORITY INFORMATION
Name of Appointing Authority:	Select Board
Title or Position:	Select Board
Agency/Department:	Select Board
Agency Address:	59 Town Hall Sq
Office Phone:	508-495-7320
Office E-mail	selectboard@falmouthma.gov
	DETERMINATION

Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

Form revised February, 2012

**TECHNICAL ADMINISTRATIVE AND MANAGEMENT EMPLOYEES
(NON-ALIGNED) AND AFSCME DEPARTMENT HEADS (as of 04/21)**

M-1	
M-2	Office Assistant – Personnel Office Assistant – Finance
M-3	Administrative Assistant to Town Manager Benefits Coordinator – Personnel IT Support Specialist
M-3A	Administrative Assistant – Fire Administrative Assistant – Police
M-4	Office Manager/Licensing-Administration Outreach Worker – C.O.A. Paralegal/Admin. Asst. - Legal
M-5	Director of Veterans Services – <i>AFSCME-B</i> Network/Computer Technician IT Computer Technician - Public Safety - <i>AFSCME-A</i>
M-6	Administrator, Zoning Board of Appeals – <i>AFSCME-B</i> Assistant Town Planner Assistant Town Planner – Community Development Business Systems Manager Community Preservation Fund Administrator Clinical Social Worker GIS Coordinator Housing Coordinator Systems Analyst
M-7	Communications Administrator Computer Operations Manager
M-8	Assistant Library Director Assistant Town Engineer Conservation Administrator Council on Aging Director Deputy Director of M.E.S./Shellfish Constable – <i>AFSCME-B</i> Director of Recreation Diversity Equity and Inclusion Officer Fleet Services Manager

Italicized wording indicates union affiliation & wage schedule.

**TECHNICAL ADMINISTRATIVE AND MANAGEMENT EMPLOYEES
(NON-ALIGNED) AND AFSCME DEPARTMENT HEADS (as of 04/21)**

M-9	Building Commissioner Director of Assessing – <i>AFSCME-B</i> Director of Human Services Director of Personnel Facilities Manager – <i>AFSCME-B</i> Health Agent – <i>AFSCME-B</i> Superintendent of Highways Superintendent of Parks, Forestry & School Grounds Town Accountant Town Planner Town Treasurer/Collector
M-10	Associate Town Counsel Director of Information Technology Director of Marine & Env. Svs. /Harbormaster – <i>AFSCME-B</i> Library Director Police Captain –Operations & Special Services Town Engineer Water Superintendent Waste Water Superintendent
M -10A	Deputy DPW Director
M-11	Assistant Town Manager Chief of Fire Rescue Director of Public Works Finance Director
M-12	Town Counsel

Italicized wording indicates union affiliation & wage schedule.

CONSENT AGENDA

2. Administrative Orders

- e. Sign Bond Anticipation Note - Teaticket School Roof



Town of Falmouth

JENNIFER MULLEN
DIRECTOR OF FINANCE

59 Town Hall Square, Falmouth, Massachusetts 02540
(508) 495-7364 Fax (508) 457-2511

TO: Peter Johnson-Staub, Acting Town Manager

FROM: Jennifer Petit, Finance Director
Patty O'Connell, Treasurer/Collector

DATE: June 2, 2022

RE: Bond Anticipation Note (BAN) Award – State House Note

The Town of Falmouth issued the following BAN – State House Note due January 26, 2023:

Project	Amount
Teaticket Roof	\$200,000
Total Issued	\$200,000

On Wednesday, June 1, the Town received three competitive bids. The bid award went to Newport 5 cents savings bank with a net interest cost of 1.99%. A State House Note does not require a vote by the Select Board, however I request a vote of the Board to accept this bid and sign the note.

Motion: to approve the Bond Anticipation Note with a net interest cost of 1.99%.

I will attend the Select Board's meeting on Monday, June 6 to answer any questions they may have.

Thank you.

CONSENT AGENDA

2. Administrative Orders

- f. Approve letter of support for Resilient Woods Hole on the request of Woods Hole Oceanographic Institution

DRAFT ONLY

June 7, 2022

Ms. Patricia Bowie,
Coastal Resiliency Specialist Massachusetts Office of Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114

Subject: ResilientWoodsHole – Phase 2: Demonstrating the Power of a Private-Public Economy Village Partnership in Implementing Community Climate Resiliency Solutions.

I am writing on behalf of the Falmouth Select Board which voted at its meeting of _____, to authorize this letter of support for the ResilientWoodsHole (RWH) initiative *Phase 2* being collaboratively pursued with Woods Hole Oceanographic Institution, Marine Biological Laboratory and the National Oceanic and Atmospheric Administration. The work proposed herein contributes directly to the objective of Governor Baker's Executive Order 569 by supporting the partnership established between WHOI, MBL, NEFSC and the Town of Falmouth to implement integrated climate strategies for the Village of Woods Hole. The scope of the proposed work is also directly responsive to the CZM coastal resilience program goals related to climate change. It is essential that the Town of Falmouth and the aforementioned participants in this ResilientWoodsHole initiative continue to work in close cooperation to ensure that reasonable access to waterfront facilities, docks and related water access are reasonably maintained to facilitate the work which is underway in Woods Hole to the benefit of all who recognize the critical importance of our planet's marine environment.

Phase 2, will show significant progress in demonstrating and implementing site-specific adaptation measures in critical flood entry points on the WHOI, MBL, and NOAA campuses; feasibility of dune restoration on publicly accessible non-profit owned and town-run flood pathways; and move the RWH initiative forward to engender real community support as envisioned by Governor Baker's Executive Order 569. This proposed Grant will extend this initial work in identifying strategies for adaptation and enhancement of resilience in these affected areas of Woods Hole, given the reality of sea level rise and related challenges. Such an analysis is fundamental to ensuring that the cutting-edge work of WHOI, MBL, NOAA and companion entities will continue to the benefit of generations to come.

Thank you for your kind consideration of this grant application.

Sincerely,

Peter Johnson-Staub
Acting Town Manager

cc: Town of Falmouth Select Board
Woods Hole Oceanographic Institution
Marine Biological Laboratory
National Oceanic Atmospheric Association

CONSENT AGENDA

2. Administrative Orders

- g. Approve request from Marine and Environmental Services to apply to the Office of Coastal Zone Management (CZM) for grant funding from the FY23 Coastal Resilience Grant Program



MARINE & ENVIRONMENTAL SERVICES
TOWN OF FALMOUTH
180 SCRANTON AVENUE, FALMOUTH, MA 02540
TEL: (508) 457-2550 • FAX: (508) 467-2525

To:	Nancy Taylor, Select Board Chair Peter Johnson-Staub, Acting Town Manager
From:	Chuck Martinsen, Deputy Director MES
Date:	May 25, 2022
Re:	Project Proposal for CZM Funding Opportunity

MES is seeking Select Board approval for submitting a proposal summarized below to the FY23 Coastal Resilience Grant Program.

Coastal shorelines within the Southeast New England region are currently susceptible to the impacts of climate change which will continue to intensify in the near future. While long-term planning efforts are being considered and are years away from implementation, Towns need cost-effective estuarine shoreline management strategies that can mitigate erosion in highly vulnerable areas now. Observations on existing municipal and commercial aquaculture farms suggests the farms serve to buffer storm energy and significantly decrease wave energy transmitted to the shoreline. The project goal is to collect the necessary data to inform a site-specific strategy utilizing aquaculture to mitigate coastal erosion.

In addition to MES, the Falmouth Conservation Commission, the Water Quality Management Committee, the Shellfish Advisory Committee, and the Great Pond Village Association are partnered in supporting this proposal.

Proposal applications for this funding opportunity are due by June 13, 2022.

BUSINESS

1. Petition related to surplus police department firearms (10 minutes)

From Rev. Deb Warner, who spoke at the Vigil on Falmouth Green. Please note that the petition will be collected and taken to Deb on the morning of June 6 so that she can deliver to the Select Board that evening.



Date: Fri, May 27, 2022 at 7:56 PM

Dear Friend,

Attached is a citizen petition addressed to the Falmouth Board of Selectmen. It requests that the Board amend their recent decision which allowed for semi-automatic long guns ("assault rifles") no longer in use by the Falmouth Police Department be permitted to be sold to Powderhorn Outfitters gun store in Hyannis and available for sale to individual Falmouth Police officers. These officers could, if they so choose, be free to sell these same guns back to the Powderhorn Outfitters in Hyannis, who could legally sell them to another gun dealer within or outside the Commonwealth of Massachusetts.

The petition calls for semi-automatic long guns no longer in use by the Falmouth Police Department be dismantled and destroyed rather than be traded in to Powderhorn Outfitters. Such action would remove the possibility that such guns could be used to harm or kill a child or adult, commit a crime or be used as a means for an individual to inflict harm or kill him or herself.

Obviously, this is a small step to remove assault rifles from the hands of individuals who for various reasons, including their mental health, should not have or handle them.

Such a reversal of the Board of Selectmen would be a courageous step for them to take. However, given the continual assault on innocent children and adults, these times demand that we each step up and act with courage in honor and memory of those who have been killed or forever traumatized.

Thank you for considering signing this petition.

Please scan and return it to:

Falmouth Gun Safety Coalition email: falmouthgsc@gmail.com

Or print and mail your page to:

Falmouth Gun Coalition
P. O. Box 333
West Falmouth, MA 02574

The signed petitions will be presented to the Falmouth Board of Selectmen as soon as possible, hopefully on June 6th at their next scheduled meeting.

Thank you very much,

The Rev. Deborah Warner

PETITION TO THE FALMOUTH BOARD OF SELECTMEN

THAT ALL SEMI AUTOMATIC LONG GUNS
ONCE THEY ARE NO LONGER IN USE BY THE
FALMOUTH POLICE DEPARTMENT
BE DISMANTLED AND DESTROYED

V

Name	Address	Precinct
Urvian ESSAIEIN U. Essain	105 Two Ponds RD Falmouth MA. 02540	1
Robert Leary	196 Boelett Dr E. Fal 02536	8
Barey Clickstein	39 Fox Run Ln E. Falmouth 02534	8
CLIFF LUNA	35 QUAIL Hollow Rd NORTH FALMOUTH, MA	5
Aaron Fein	94 Little Island Rd Falmouth, MA 02540	
Salli Bruel	89 Pine Lane OSTERVILLE, MA	
Warren D. Collins	50 Minot St Falmouth, MA	
Deane Karnow	26 Frederick B Douglas Rd. N. Falmouth MA 02546	5

PETITION TO THE FALMOUTH BOARD OF SELECTMEN

**THAT ALL SEMI AUTOMATIC LONG GUNS
ONCE THEY ARE NO LONGER IN USE BY THE
FALMOUTH POLICE DEPARTMENT
BE DISMANTLED AND DESTROYED**

Name	Address	Precinct
Leonard Collins	50 Minot	2
Warren Collins	50 Minot	2
Christine Duffey	111 Two Ponds Rd	1
Christie Duffey		
Baron Duffey / Baron Duffey	111 Two Ponds Rd	1

AGREEMENT

By and between the Town of Falmouth and
Marchar, Inc. d/b/a Powderhorn Outfitters

This Agreement is made this 26th day of May, 2022
by and between the Town of Falmouth, Massachusetts, a municipal corporation in
Barnstable County, having a principal place of business at 59 Town Hall Square,
Falmouth, MA 02540, acting by and through its Town Manager (hereinafter "the Town")
and Marchar, Inc. d/b/a Powderhorn Outfitters, with a business address of 210 Barnstable
Road, Hyannis MA 02601 (hereinafter "the Contractor").

Whereas the Town desires to engage the Contractor to provide the goods described
herein; and

Whereas the Town has complied with the provisions of G.L. c. 30B, s. 1 et seq. (the
Uniform Procurement Act) and any other applicable law, rule or regulation as follows:

The Town has secured written quotes from at least three vendors in compliance with
M.G.L. c. 30B § 5.

NOW, THEREFORE, the Town and the Contractor agree as follows:

1. **Contract Documents.** The Contract Documents consist of this Agreement together
with the purchase order issued by the Contractor and dated March 25, 2022,
attached hereto as Exhibit A and letter from the Contractor dated April 26, 2022
attached hereto as Exhibit B. The Contract Documents constitute the entire
agreement between the parties. This Agreement, including any exhibits or
documents incorporated by reference, may be amended by a written document
signed on behalf of both parties.
2. **Scope of Services.** The Contractor shall furnish all goods in accordance with
Exhibit A.
3. **Delivery.** The Contractor shall deliver all goods at the location determined by the
Town. All delivery charges shall be paid by the Contractor. Title to goods
delivered shall remain in the name of the Contractor until accepted by the Town.
4. **Warranties.** The Contractor guarantees that all goods sold are merchantable; that
they are fit for the purpose for which they are purchased; that they are of uniform
quality and consistency; that they are free from any latent defects and that they are
in conformity with any sample which may have been presented to the Town. The
Contractor further warrants that all work will be done in a good and workmanlike
manner and in strict conformity with the Contract Documents. The Contractor
will provide the Town with any manufacturer's warranties with respect to goods
or products delivered and accepted. In any event Contractor shall replace, repair

or make good, without cost to the Town, any defects or faults in goods or services provided hereunder within one (1) year after the date of installation or acceptance by the Town, whichever is later.

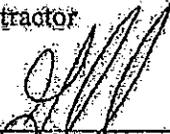
5. **Payment.** The Town shall make payment for the goods within thirty (30) days of the submission of an invoice with all necessary supporting documentation. The Town is a tax exempt organization and is not responsible for payment of any sales taxes imposed by any jurisdiction. The Town tax exempt number is 046-001-148. The Town shall not be responsible for any late payment penalty.
6. **Termination.** The Town shall have the right to terminate this Agreement if the Contractor neglects or fails to perform any duty or obligation under this Agreement and a cure is not effected by the Contractor within seven (7) days following its receipt of a termination notice issued by the Town. In the event of such termination the Town's liability to the Contractor shall not exceed the value of goods delivered and accepted by the Town. Upon termination, the Contractor shall return all property, including any documentation, relative to this Agreement belonging to the Town and in the possession of the Contractor.
7. **Notices.** All notices to the Town shall be in writing and mailed, postage prepaid, to Town Manager, Town of Falmouth, 59 Town Hall Square, Falmouth, MA 02540. All notices to the Contractor shall be in writing and mailed, postage prepaid, to Marchar, Inc. d/b/a Powderhorn Outfitters, 210 Barnstable Road, Hyannis MA 02601.
8. **Governing Law and Venue.** This Agreement shall be governed by the laws of the Commonwealth of Massachusetts and all disputes shall be submitted to courts in Barnstable County, Massachusetts.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement as of the date first written above.

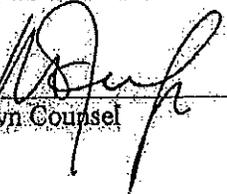
Town of Falmouth MA

By: 
Town Manager

Contractor

By: 
Its President or duly authorized
Officer

Approved as to form:

By: 
Town Counsel

Certification of sufficient appropriation:

Victoria Rose
Town Accountant
01-210-6029

EXHIBIT A

Town of Falmouth
Town Department - Police

PO NUMBER	Revision
221923	0

Issue Date: 03/25/2022

PO DESCRIPTION: Rifles

OPEN

ISSUED TO:

MARCHAR INC
DBA: POWDERHORN OUTFITTERS
210 BARNSTABLE ROAD

HYANNIS, MA 02601

VENDOR CONTACT INFO:

FOR FURTHER INFORMATION CONTACT:

SHIP TO:

TOWN OF FALMOUTH
POLICE DEPARTMENT
750 MAIN STREET
FALMOUTH, MA 02540

OPEN

BILLET TO:

TOWN OF FALMOUTH
POLICE DEPARTMENT
750 MAIN STREET
FALMOUTH, MA 02540

Item	Description	Qty	Unit Price	Cost
1	R16M4LHRFMFT - Windham Weaponry AR-15 Rifle 16"M4 Barrel rifle with 4-rail handguard rear flip sight and telescoping stock, ambi safety and ambi magazine release	35.0	\$775.00	Item Subtotal: \$27,125.00 Credit: (\$9,000.00) Item Total: \$18,125.00
2	R11MEDSFST-7 Windham Weaponry AR-15 Patrol Rifle - 11.5" Barrel rifle with M-LOK handguard and telescoping stock, ambi safety and ambi magazine release	3.0	\$1,050.00	Item Subtotal: \$3,150.00 Credit: (\$2,176.00) Item Total: \$975.00

OPEN

This order is exempt from Massachusetts Sales and Use Tax Exemption Number E-04-6001148- **TOTAL OF PURCHASE ORDER: \$19,100.00**

Active FY: 2022
Dept: Town Department - Police
Requisitioned by: Edward Dunne
Requisition #: 28637
Vendor #: 2362

APPROVED BY

Executive Director

EXHIBIT B

Powderhorn Outfitters

210 Barnstable Road

Hyannis, MA 02601

T- 5087758975

F- 5087718856

04/26/2022

Attn: Sergeant Ben Guthrie
Falmouth Police Department
750 Main Street
Falmouth MA, 02540

Powderhorn Outfitters is proud to work with the Falmouth Police Dept. in the procurement of their new patrol rifles. We have always supported our local law enforcement and will ensure that all Massachusetts firearm laws are adhered to. Furthermore Powderhorn Outfitters will make certain that all rifles traded will be sold to local Law Enforcement officers.

Thank you so very much

Greg Coleman
Powderhorn Outfitters

TOWN OF FALMOUTH
POLICY FOR THE DISPOSAL OF SURPLUS FIREARMS

Adopted by the Select Board on May 23, 2022

This Policy is enacted to be consistent with the gun control laws of the Commonwealth and in an effort to curb the volume of firearms that are available to the public, whether legally or illegally. This policy is not intended to conflict with the Procurement Act at chapter 30B of the General Laws but, instead, embodies its spirit of ensuring that goods purchased with Town of Falmouth funds are bought and disposed of in a manner that is harmonious with the will of its residents, as represented by the Select Board.

The Select Board herein grants the Town Manager the authority to dispose of surplus firearms as follows:

Firearms of any value that can be legally purchased, owned or possessed in Massachusetts by anyone who holds a valid Massachusetts Firearms Identification Card or License to Carry (e.g. semi-automatic pistols) that are deemed surplus by the Chief of Police may be destroyed in a safe and appropriate manner or may otherwise be disposed of in a manner that assures that the surplus firearms will be resold to individuals who are qualified to purchase, own or possess them under Massachusetts laws.

Firearms of any value that are subject to the so-called "assault weapons ban" or any other similarly restricted firearms under Massachusetts General Laws c. 140, §§ 128, 131(o) and 131M as may be amended that are deemed surplus by the Chief of Police shall be destroyed in a safe and appropriate manner or disposed of in a manner that assures the surplus firearms will only be resold to individuals who are qualified to purchase, own or possess them under Massachusetts laws, with a preference to consideration that the surplus firearms be sold back to active members of the Falmouth Police Department.

BUSINESS

2. Report – Golf Advisory Committee (10 minutes)



Falmouth Country Club

June 6th, 2022 Town of Falmouth – Select





Total Golf Participation (Millions)

■ On-course ■ Off-course only



On-Course Golfers are individuals age 6+ who played at least one round of golf on a golf course. Off-Course Only Participants are individuals age 6+ who didn't play on a golf course, but participated at a driving range, golf entertainment facility or an indoor golf simulator.



Troon Acquisition



- Troon acquired Indigo Golf Partners in December of 2020
- 630 golf courses in 30+ Countries
- Indigo added municipal arm to balance destination/private/high end portfolio that Troon is known for worldwide.



Falmouth Country Club Historical Financials

2015-2021 Historical Revenues & 2022 Forecast

	2015	2016	2017	2018	2019	2020	2021	2022 Forecast
Revenues								
Green / Cart Fees	\$1,256,914	\$1,198,410	\$1,134,196	\$1,088,126	\$1,198,703	\$1,775,101	\$1,719,107	\$1,750,813
Range Fees	\$103,062	\$95,724	\$85,712	\$83,807	\$91,580	\$117,433	\$146,710	\$146,173
Annual Pass Sales	\$107,497	\$98,358	\$120,014	\$127,905	\$131,785	\$146,447	\$267,388	\$307,190
Rental / Handicap	\$11,845	\$13,662	\$12,082	\$11,996	\$12,163	\$10,013	\$13,799	\$14,410
Total Revenue	\$1,479,317	\$1,406,154	\$1,352,004	\$1,311,834	\$1,434,231	\$2,048,994	\$2,147,004	\$2,218,586
Rounds								
Total Rounds	41,011	40,482	39,192	36,865	39,075	54,928	55,575	55,661
Rent								
Base Fee	\$370,000	\$370,000	\$372,500	\$372,500	\$375,500	\$375,000	\$375,000	\$375,000
Concession Fee	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Golf Revenue Share	\$43,341	\$5,547	\$0	\$0	\$7,116	\$314,497	\$378,906	\$407,687
Concession Revenue Share	\$1,954	\$1,577	\$1,114	\$1,640	\$3,760	\$3,151	\$9,364	\$8,682
Total Rent	\$440,295	\$402,124	\$398,614	\$399,140	\$411,376	\$717,648	\$788,270	\$816,369

BASE RENT

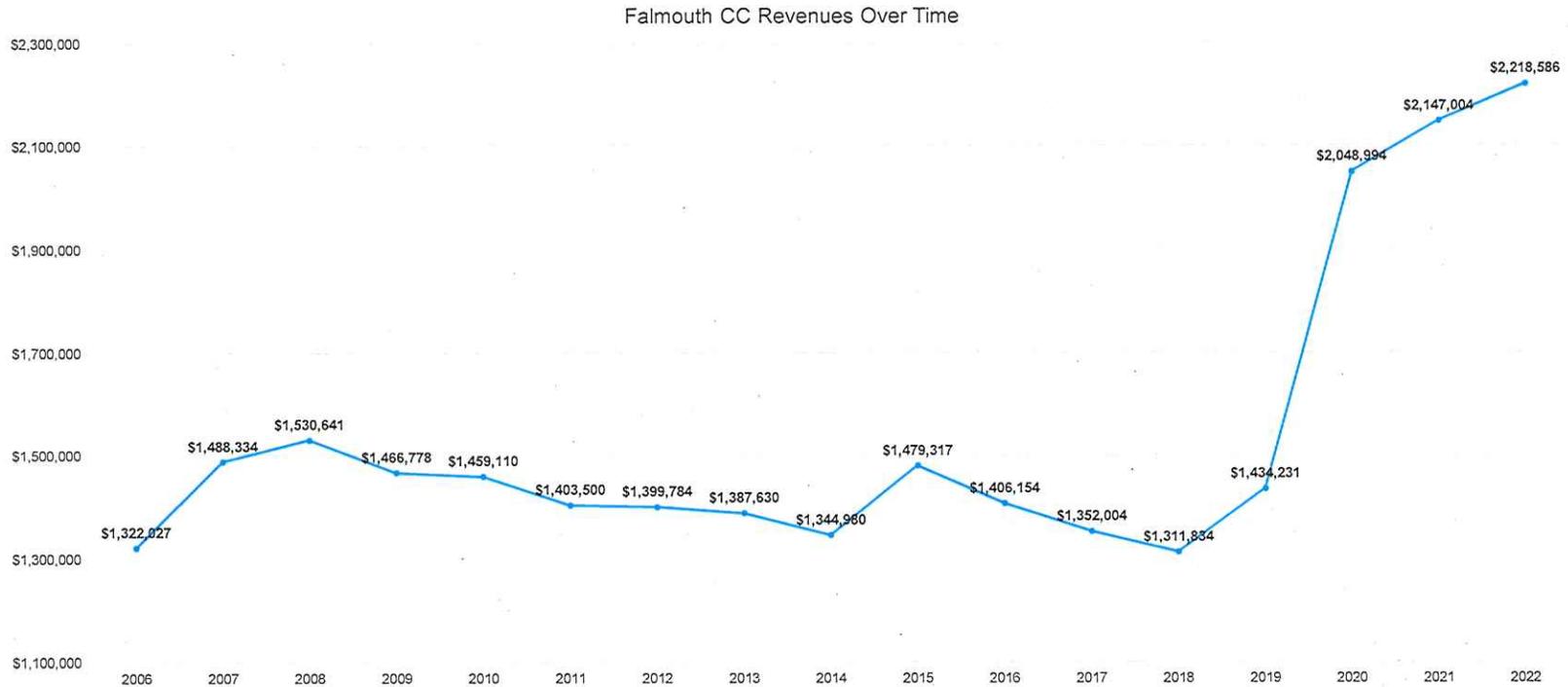
Increase base rent to \$375,000 in 2020

GOLF REVENUE THRESHOLDRevenue share % to town of 50%
There will now be a revenue share of 10% of Golf Shop and Food & Beverage Sales over \$200k.**CONCESSION RENT**

Golf Shop and F&B concession Base Rent is \$12,500 each (total \$25K)

CAPITAL

The town spends \$50k a year in capital expenses.



- By the end of 2022, Indigo Sports will have paid the Town over \$7.1 million dollars in rent and incentives since 2006. 2021 was the best year in our history and we paid the Town \$788k through revenue sharing.
- Interests are aligned. When we do well, so does the Town.
- Positive momentum continues into 2022 as we just finished the biggest May⁵ we've ever had.

FY2021 Capital Improvement - \$50,000

This is a request for equipment needed to maintain the Falmouth Country Club. Maintaining a golf course requires a considerable inventory of equipment. Regular replacement of equipment is needed to ensure reliability and avoid excessive down time and repair costs. Under the terms of the existing lease, the Town is obligated to allocate \$50,000 for equipment in FY21. The priorities and cost estimates identified are identified below. Pricing of individual items is subject to change but expenditures shall not exceed \$50,000.

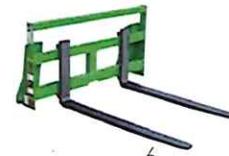
- 2 HoverPro 450 - \$2,000
- 1 Versa Vac - \$27,000
- 1 Transpro 100 \$2,000
- 2 Pro Force Debris Blower \$16,000



FY2022 Capital Improvement - \$50,000

This is a request for equipment needed to maintain the Falmouth Country Club. Maintaining a golf course requires a considerable inventory of equipment. Regular replacement of equipment is needed to ensure reliability and avoid excessive down time and repair costs. Under the terms of the existing lease, the Town is obligated to allocate \$50,000 for equipment in FY22. The priorities and cost estimates have been identified by representatives of the private operator that leases the course from the Town. Pricing of individual items is subject to change but expenditures shall not exceed \$50,000.

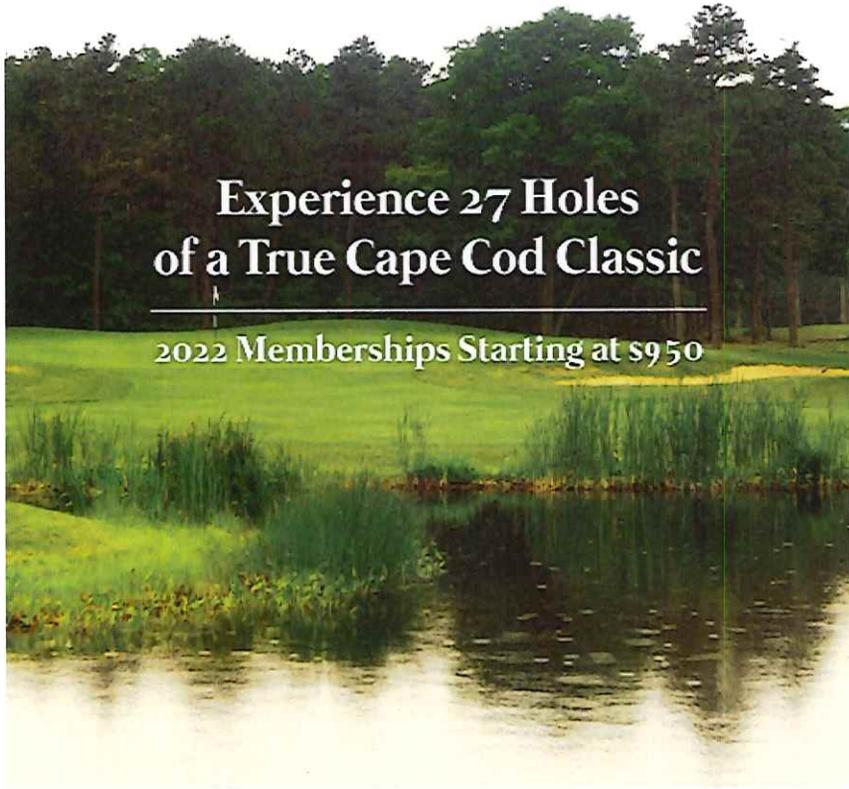
- \$26,058 - John Deere ProGator 2020A
- \$15,210 - Turf Tender - Pull Type
- \$5,395 - Sweep-N-Fill
- \$911.34 - BB2048 Frontier Standard Duty Box
- \$630 - Tow-Behind Sprayer
- \$998 - Frontier AB12F Fixed Pallet Fork



COMMUNITY & FALMOUTH COUNTRY CLUB

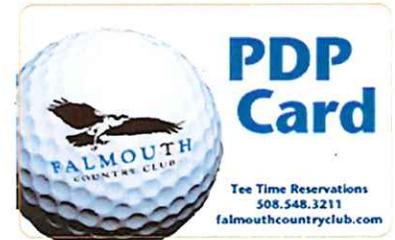
MAINTAINING A SAFE PLACE FOR THE COMMUNITY

- 12 Leagues call FCC home including five Ladies Leagues and The Falmouth Newcomers
- Kids Play FREE with a paid adult on the Talon Course
- Falmouth Rec Summer Junior Camp
- Falmouth HS Boys and Girls Golf Teams
- Morse Pond After School Program
- Lawrence After School Program
- Cape Cod Junior Golf Association Tour Event
- NEPGA Junior Tour Event
- Hurricane Junior Golf Tour Event
- US Kids Junior Golf Tour Events
- PGA Junior League Travelling Team
- MIAA High School Sectional Qualifier



Experience 27 Holes
of a True Cape Cod Classic

2022 Memberships Starting at \$950



Summer Rates

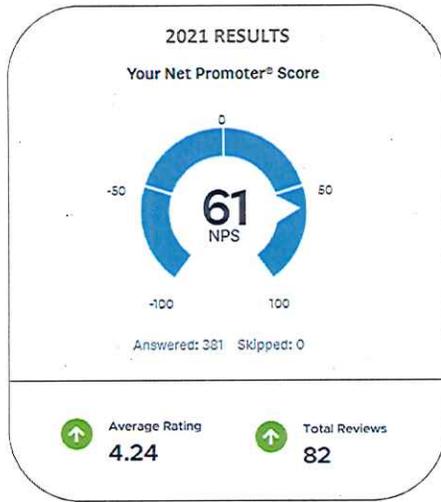
Winter Rates

Non-Resident In-Season Green Fees May - October

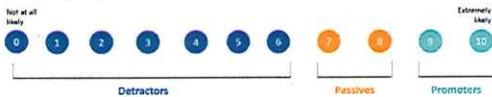
	MONDAY - THURSDAY	FRIDAYS, WEEKENDS & HOLIDAYS
OPEN - 2PM	\$52	\$67
TWILIGHT (AFTER 2PM)	\$37	\$42
9 HOLE	\$35	\$37

Resident In-Season Green Fees May - October

	MONDAY - THURSDAY	FRIDAYS, WEEKENDS & HOLIDAYS
OPEN - 1PM	\$42	\$57
TWILIGHT (AFTER 1PM)	\$32	\$37
9 HOLE	\$30	\$32



How likely are you to recommend to a colleague or friend?



$$NPS = \% \text{ of Promoters} - \% \text{ of Detractors}$$

(% & 10%) (0-6)

What is a Good NPS Score?



Online Customer Feedback- 2021-2022



★★★★★ Google

I hardly golf but playing here was an absolute blast. I'd love to come back again one day.

★★★★☆ GOLFADVISOR.

Great value for walking, nice course and pretty great conditions for price. One of the few affordable places around now where you can play a good 18 hole course. Not too difficult either so good for learning but also not super simple or boring.

★★★★☆ GOLFADVISOR.

Great course

Solid layout. Smaller greens but they were in immaculate shape. 1st time playing Falmouth. Will def go back again

★★★★★ facebook

very well maintained course and the people there are wicked friendly

★★★★☆ GOLFADVISOR.

Course is in great shape already

Pleasantly surprised at how good a shape the course was in already early in the season.

★★★★★ facebook

Course is in very good condition right now. Played the 18 hole course and the value was well worth it.

★★★★★ GOLFADVISOR.

Friendly Locals

First time playing Falmouth CC, arrived early and inquired about moving to an earlier tee time. On vacation and first round of the year, . . . moved up into into a member twosome.

Pre-season conditions. . . but, course was great and the locals were so friendly and supportive in describing each hole. . . .

★★★★★ GOLFADVISOR.

Falmouth Country Club

Due to COVID restrictions, the off course amenities were not available, but the staff was extremely friendly. It was 48 degrees, no sun, but no wind which made it feel comfortable to play. For the last week of February, the greens and tee boxes were in good shape. The sand in the bunkers were playable too. Nice layout with enough room in the fairways to absorb the driver off the tee. Very walkable track which include walking to the next tee. Old style golf course with plenty of trees to make you stay focused. Would recommend this course to play anytime of the year.

App Performance



2021 Performance			
YTD Revenue	YTD Downloads	YTD Active Retention	YTD Geo Messages Sent
\$67,890.50	1,252	53.2%	758
YTD Offers	YTD Redemptions	YTD Pushes Sent	YTD Pop Up Rev
27	310	1,080	\$161.50

2022 YTD Performance			
YTD Revenue	YTD Downloads	YTD Active Retention	YTD Geo Messages Sent
\$4,446.00	259		46
YTD Offers	YTD Redemptions	YTD Pushes Sent	YTD Pop Up Rev
16	67		

Monthly Download Growth

Month	Downloads
January	33
February	55
March	47
April	124

Revenue by Month

Month	Revenue
January	\$0
February	\$160
March	\$541
April	\$3,745

Social Performance

2021 METRIC

f YTD NEW FANS
109

ig YTD New Followers
101

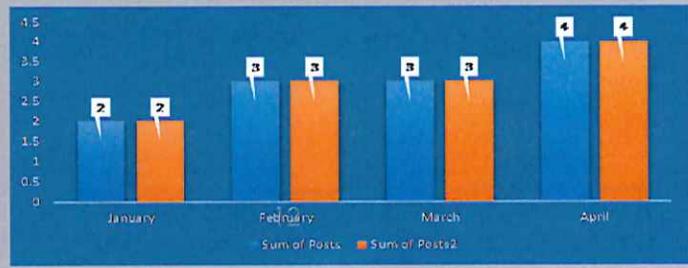
Social Monthly Dashboard



April 2022

f Posts 4	f New Fans 5	ig Posts 4	ig New Followers 5
f Total Fans 957	f Page Impressions 24,839	ig Total Followers 232	ig Post Impressions 246
f Post Engagement Rate 1.30%	f Content Clicks 1,425	ig Post Engagement Rate 6.97%	ig Profile Visits 29

f YTD Posts 12	f YTD NEW FANS 21	ig YTD POSTS 12	ig YTD New Followers 17
--------------------------	-----------------------------	---------------------------	-----------------------------------



LOCALIZED MARKETING

Kids Play Free Every Day!

KIDS PLAY FREE
with a Paid Adult
Head to the course today!

Looking for a **FASTER WAY** to book your tee time on one of our 3 courses?

Download our app!

FALMOUTH COUNTRY CLUB
falmouthcountryclub.com
508.548.3291
650 Carriage Shop Road
East Falmouth, MA 02536

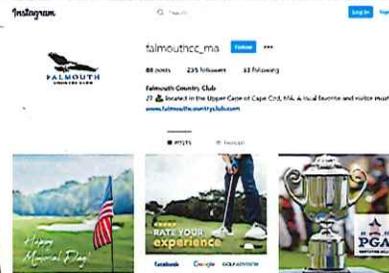
Falmouth Country Club
Published 16 months ago · April 22
It's **spring** and there is no better game to be connected to nature than the game of golf. How are you celebrating Earth Day?
#EarthDay #FalmouthCountryClub

Enhanced Annual Passholder Experience

Tea Times Course Info Login / Sign Up

Showing Tee Times for: Jun 01, 2022 Enter Promo Apply

3:50 PM	3:55 PM	4:00 PM
Falmouth Country Club	Falmouth Country Club	Falmouth Country Club



BUSINESS

3. Report – Historical Commission (15 minutes)

Falmouth Historical Commission

2022

Commission members

- Ed Haddad Chair
 - Christian Valle Vice Chair
 - Annie Dean
 - Johanna Reed
 - Tamsen George
 - Lee Drescher – Alternate
 - Open – Alternate
-
- Planning Dept. support: Jed Cornock and Melinda Tondera

Historical Commission Roles

- Regulatory
 - Issue Certificates of Appropriateness for exterior changes in the historic district
 - Meetings are monthly on the first Tuesday of each month
 - Maintain a Design Guidelines
 - Regularly review new materials to add to Design Guidelines
- Advisory
 - Advise on the preservation of Falmouth's historic assets

Regulatory Activity

- 2022 ytd 39 applications: 18 administrative approvals, 21 hearings
- 2021 63 applications: 38 administrative approvals, 24 hearings, 1 withdrawn
- 2020 73 Applications: 51 administrative approvals, 20 hearings, 2 withdrawn
- 2019 87 Applications: 63 administrative approvals, 24 hearings
- 2018 92 Applications: 73 administrative approvals, 19 hearings
- 2017 80 Applications: 52 administrative approvals, 28 hearings

60 – 80% Approved administratively, 2-3 day turnaround

Demolition Delay Bylaw

- The Demolition Delay Bylaw mandates that any request to demolish a house that is included on the List of Significant Buildings be delayed 12 months.
 - Property owner can petition the Historical Commission for a waiver of the 12 months delay.

Advisory Activity

- Annie Dean is the HC representative on the CPC
- Christian Valle is the HC representative on the Edward Marks Building Advisory Committee (EH also a member)
- Completed Phase 4 (final) of Historic Resource Inventory (Form B)
 - 1500+ historic homes (over 50 years)
 - Update the List of Significant Building (Demolition Delay Bylaw)
 - 399 new Form B's created. All CPC and MHC funded
 - All Form B's are posted to MACRIS (State Historic Resource Register)
- Completed the Form C for three water trough/fountains
 - 2 Gifford St 1 Crown Circle

Advisory Activity

- Successfully put in motion the planned preservation of the Old Burying Grounds gravestones. The HC initially submitted the application for funding of a Conditions Assessment Report which has subsequently been assumed by DPW. HC will stay involved.
- The HC has identified the Crown Circle neighborhood as a candidate for a historic district. The HC will provide the residents, through outreach meetings, with information about how a historic district can preserve the character of their neighborhood. They will ultimately decide on whether to move forward with a district. If so, I will be back to speak with the Select Board about moving forward.

Preservation Restrictions

- The HC holds the Preservation Restrictions for the Falmouth CPC and MHC
 - Wicks House (Historical Society)
 - The Dome in Woods Hole
 - West Falmouth Library
 - Woods Hole Library
 - River Bend Silo
 - Conant House (Historical Society)
 - 3 Water St (WCAI/WGBH)
 - Waquoit Congregational Church

BUSINESS

4. Allocation of County ARPA funds (10 minutes)

ARPA Funds

Amounts Available:

Falmouth Grant Award	\$ 3,200,000
Falmouth Share of County Allocation #1 (\$10 Million)	\$ 1,334,782
Falmouth Share of Future County Allocations (\$30 Million)	TBD
TOTAL ARPA Available	\$ 4,534,782

Amounts Allocated:

Sewer Treatment Plant Design	(1,700,000)
Public Safety Bonuses @ \$2,500 each	(325,000)
Non-Public Safety Employee Bonuses @ \$1,000 each	(375,000)
Subtotal Allocations	(2,400,000)

Uncommitted Balance \$ 2,134,782

Proposed Allocations of County Allocation #1

Supplemental Funding for Nye Park Hardcourts	110,000
Water Treatment Facility Upgrades - Coonamesset and Crooked Pond	200,000
Wastewater Treatment Facility Upgrades, Town Mtg Article #14, 04/2022	1,024,782
TOTAL County Allocations	1,334,782

Coonamesset and Crooked Pond Water Treatment Facility - Upgrades

Item	Appropriation	Cost	Balance
Art 8 11/21 Wells, Mains Treatment Plan	\$200,000		
Tata & Howard Engineering Costs		\$81,000	\$119,000
Dankris Total Bid including Filed Sub Bid		\$259,840	(\$140,840)
20% Construction Contingency		\$51,968	(\$192,808)
Requested Funding to Balance the Costs			\$192,808

TOTAL \$200,000 \$392,808 (\$192,808)

3-Jun-22

**Town of Falmouth Department of Public Works
 Installation of Basketball, Tennis and Pickle Ball Courts at Nye Park
 North Falmouth, MA 2022**

May 27, 2022 Bid Opening Results

General Contractor	Base Bid	Add Alternate 1	Total Amount
Cape & Island Tennis & Track	\$564,085	\$10,895	\$574,980

Estimated Current Funding Available

Article 8	Nov 2021 Town Meeting	\$60,000	
Article 39	April 2020 Town Meeting	\$497,212	
Total Estimated Available		\$557,212	

Expected Construction Cost

Total Bid Amount	\$574,980		
Construction Contingency	\$86,247		
Total Required	\$661,227		

Additional Funding Requested

Total Required	\$661,227		
Total Available	\$557,212		
Requested Amount	\$104,015		

PUBLIC HEARINGS

1. Wetlands/Dock – Stephen H. Ogilvy, Jr. – Application for Special Permit to reconstruct and license an existing pier, ramp and float in the waters of Siders Pond located at 110 Siders Pond Road, Falmouth (15 minutes)

Public hearing checklist:

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



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 6, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Stephen H. Ogilvy, Jr. for permission to reconstruct and license an existing pier, ramp and float in the waters of Siders Pond located at 110 Siders Pond Road, Falmouth, MA. Area affected is Siders Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, May 20, 2022 and Friday, May 27, 2022; Falmouth Enterprise.

PUBLIC HEARING NOTICE

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Per Order of the
Select Board

May 20, 27, 2022



TOWN OF FALMOUTH
BOARD OF SELECTMEN

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

To the Board of Selectmen
Falmouth, MA

TOWN CLERK
MAY 19, 2022 AM 11:37
RECEIVED

Date: April 14, 2022

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

OWNER: Stephen H Ogilvy, Jr 110 Siders Pond Road, Falmouth, MA 02540
(full name) (address)

AGENT: BSS Design, Inc. 164 Katharine Lee Bates Road, Falmouth, MA 02540
(full name) (address)

APPLICANT: Stephen H Ogilvy, Jr 318 Elm Road, Falmouth, MA 02540
(full name) (address)

1. Location of Property: Map 47A Section 05 Parcel 002 Lot 011

Street Name and House Number 110 Siders Pond Road

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

3. Description of property and project site: Developed waterfront property

with a four bedroom single family house and shed. Project: Existing Dock- Pier, Ramp and Float

a. Dimensions, Acreage of total parcel: 0.429 Acres

b. Length of water marsh frontage: 98'

c. Dimensions of area to be dredged: No Dredging Depth

d. Dimensions of area to be filled: None

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

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

Disposition of Spoil: None

f. Describe proposed riprap or bulkheading, if any: Partial cobble wall along edge of pond.

g. Other (docks, piers and etc.) Existing dock to be resonctructed

h. Method (equipment to be used) for proposed work: Power and hand tools

4. Purpose of proposed work: Reconstruct and license existing dock

5. Zoning which governs area: GR

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

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

8. Remarks Existing Dock - Pier, Ramp & Float

9. Project Summary for legal notice: This project is to reconstruct and license an existing pier, ramp and float in the waters of Siders Pond, 110 Siders Pond Road, Falmouth, MA

Owner: Stephen H Ogilvy, Jr Agent: BSS Design, Inc

318 Elm Road, Falmouth, MA 02540
(Name & Address)

164 Katharine Lee Bates Road, Falmouth, MA 02540
(Name & Address)

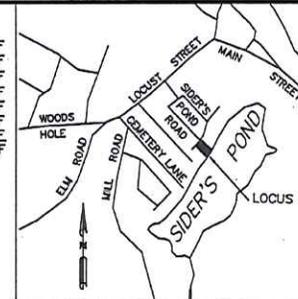
TEL #: [REDACTED]

TEL #: 508-540-8805 *John E. Pyther*

Applicant: same as owner

(Name & Address)

TEL #: _____



LOCUS MAP

MITIGATION AREAS:

① MITIGATION FOR 2005-06 COVERAGE:	243 SF
② MITIGATION FOR 2005-06 COVERAGE:	362 SF
③ MITIGATION REQ'D BY 2005 RDA:	247 SF
④ MITIGATION REQ'D BY 2005 RDA:	113 SF
⑤ RESTORATION PLANTING	124 SF
⑥ RESTORATION PLANTING	114 SF
⑦ RESTORATION PLANTING	267 SF
TOTAL MITIGATION AND RESTORATION	1,470 SF

MITIGATION CALCULATIONS:

COVERAGE CREATED AFTER 2005:

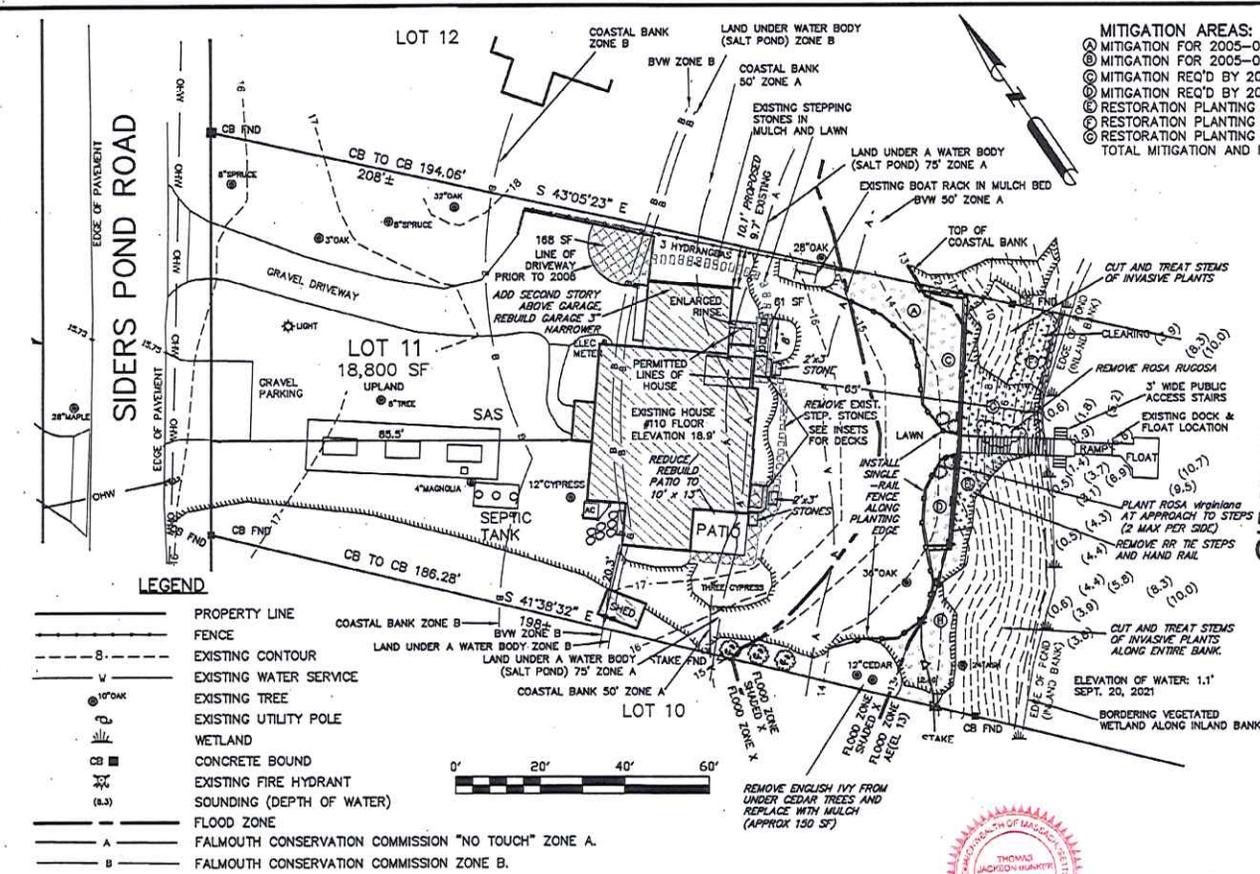
IN ZONE A:	
DECK & STONES AT SE CORNER OF HOUSE:	37 SF
DECK, RINSE, STONES NE CORNER OF HOUSE:	52.5 SF
3:1 MITIGATION REQUIRED:	268.5 SF
IN ZONE B:	
DRIVEWAY AT NW CORNER OF HOUSE:	168 SF
2:1 MITIGATION REQUIRED:	336 SF
MITIGATION REQUIRED FOR COVERAGE AFTER 2005:	604.5 SF
MITIGATION REQUIRED BY THE 2005 RDA:	380 SF
TOTAL MITIGATION PLANTING REQUIRED:	984.5 SF
TOTAL MITIGATION PLANTING PROVIDED:	965 SF
TOTAL RESTORATION PLANTING PROVIDED:	505 SF
TOTAL NATIVE SHRUB PLANTING PROVIDED:	1,470 SF

APPROXIMATELY 163 SHRUBS PLANTED 3' ON CENTER WILL BE REQUIRED TO VEGETATE THESE AREAS.

MITIGATION AND RESTORATION PLANTING SHALL CONSIST OF #2 OR #3 SIZE NATIVE SHRUBS PLANTED 3' O.C. PLANTS MUST BE WATERED AND MAINTAINED IN GOOD HEALTH, KEPT FREE OF INVASIVE VINES AND ORNAMENTAL PLANTS, AND MUST BE INSPECTED AND APPROVED IMMEDIATELY AFTER INSTALLATION.

SHRUBS ARE TO BE NON-CULTIVAR NATIVE SPECIES FROM THE LIST APPROVED BY FALMOUTH CONSERVATION COMMISSION INCLUDING: HICHBUSH BLUEBERRY (VACCINIUM corymbosum), VIBURNUM dentatum & nudum, INKBERRY (ILEX glabra), WINTERBERRY (ILEX verticillata), SUMMERSWEET (OLETHRA alnifolia), AMELANCHIER canadensis, RED CHOKEBERRY (ARONIA arbutifolia), BAYBERRY (MYRICA pennsylvanica), VIRGINIA ROSE (ROSA virginiana).

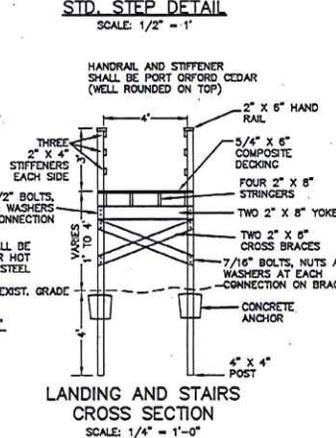
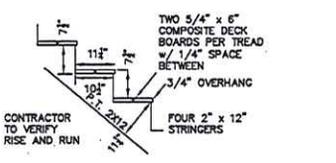
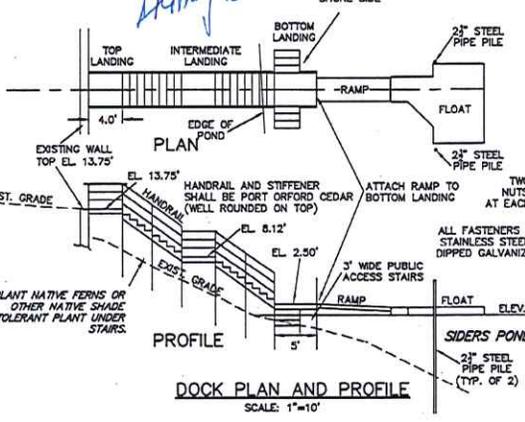
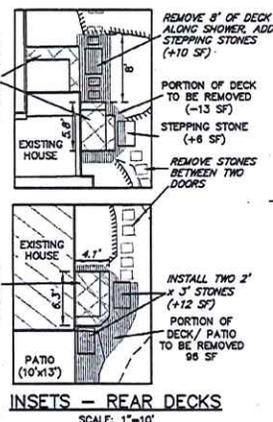
SIDERS' POND
A GREAT POND
(LAND UNDER A WATER BODY)



LEGEND

	PROPERTY LINE
	FENCE
	EXISTING CONTOUR
	EXISTING WATER SERVICE
	EXISTING TREE
	EXISTING UTILITY POLE
	WETLAND
	CONCRETE BOUND
	EXISTING FIRE HYDRANT
	SOUNDING (DEPTH OF WATER)
	FALMOUTH CONSERVATION COMMISSION "NO TOUCH" ZONE A.
	FALMOUTH CONSERVATION COMMISSION ZONE B.
	EXISTING STRUCTURES
	COVERAGE CREATED AFTER 2005
	PROPOSED MITIGATION
	RESTORATION PLANTING

- NOTES:**
- LOCUS IDENTIFICATION:
HOUSE No. 110 SIDERS POND ROAD
ASSESSORS No. 47A 05 002 011
LOT 11 PLAN BOOK 20 PAGE 141
LOCUS IS WITHIN:
ZONING DISTRICT: GR
FLOOD ZONES: AE (ELEV 13), SHADED X & X
WIND-BORNE DEBRIS REGION
LOCUS IS NOT WITHIN:
ZONE II OF A PUBLIC WATER SUPPLY
WATER RESOURCE PROTECTION DISTRICT
COASTAL POND OVERLAY DISTRICT
ENDANGERED SPECIES HABITAT
RIVERFRONT AREA
HISTORIC DISTRICT
HISTORIC REGISTER DISTRICT
WILDLIFE CORRIDOR OVERLAY DISTRICT
BLACK BEACH / SIPPWISSET MARSH DCP
 - LOT COVERAGE BY STRUCTURES:
• EXISTING: 2,167 SF 11.53%
• PROPOSED 2,108 SF 11.21%
 - LOT COVERAGE BY STRUCTURES, PAVING AND PARKING:
• EXISTING: 2,288 SF 12.17%
• PROPOSED 2,226 SF 11.64%
 - ELEVATIONS ARE FROM ON-THE-GROUND SURVEY BASED ON NAVD.
 - SEPTIC SYSTEM WAS TRACED FROM PLAN BY FALMOUTH ENGINEERING DATED FEB 11, 2011 AND HAS NOT BEEN VERIFIED.
 - EXISTING BUILDING OFFSETS ARE MEASURED TO CORNER BOARDS, NOT FOUNDATION.



PLOT PLAN - PROPOSED STAIRS
AT
110 SIDERS POND ROAD
FALMOUTH, MASSACHUSETTS
PREPARED FOR
STEPHEN OGILVY JR

scale	1" = 20'
date	OCT. 11, 2021
drawn	EJP, TJB, RAR
checked	TB
job number	21110
revisions	ADDED BOAT RACK, STEPPING STONES, & IVY REMOVAL & PLANTING NOTE AT S.E. CORNER OF PROPERTY DECEMBER 1, 2021 TJB
	ADD EXISTING STEPPING STONES ACROSS POND SIDE OF FLOOR ABOVE GARAGE. REMOVE DECK ALONG SHOWER. ADD 2 1/2" STONES. EXTEND FENCE SOUTH AND WEST TO CEDAR TREES 12/23/21 TJB
	REDUCE GARAGE WIDTH 3" APRIL 5, 2021 TJB
drawing number	B28-99

BSS
DESIGN

ENGINEERING
& SURVEYING

www.bssdesign.com
BSS Design, Incorporated
164 Katharine Lee Bates Rd.
Falmouth, Massachusetts 02540
508.540.8805 Fax 508.548.8313

April 14, 2022

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

Re: 110 Siders Pond Road

To whom it may concern:

I, Stephen H Ogilvy Jr, being the owner of the property at 110 Siders Pond Road, Falmouth, MA, give permission to Jeffrey E. Ryther, P.E., of BSS Design, Inc. to represent me regarding the application and hearing for the Selectmen's Wetland Permit.

Sincerely,



Jeffrey E. Ryther, P.E. for
Stephen H Ogilvy Jr

cc: BSS Design, Inc.

110 SIDERS POND RD

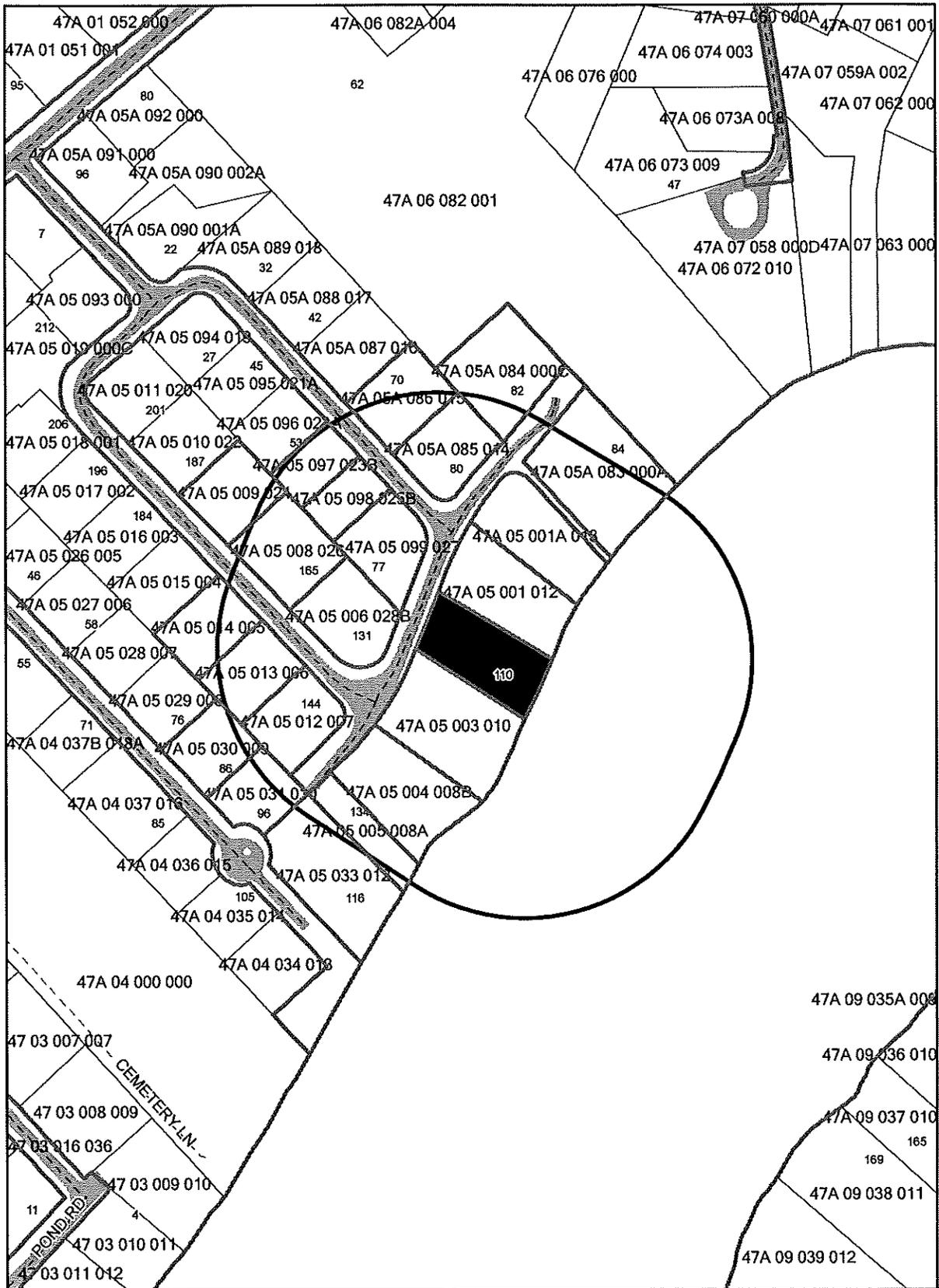
CERTIFIED

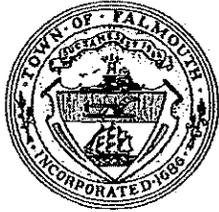
A handwritten signature in blue ink, appearing to read "Bruce Cabral", is written over a horizontal line.

Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
May 11, 2022

166 SIDERS POND RD BLOXSOM KATHERINE P BLOXSOM MICHAEL E 166 SIDERS POND RD FALMOUTH. MA 02540	47A 05 014 005 LUC: 101	96 PIN OAK WAY KAMS CRAIG I KAMS RENA L 41 CANTERBURY DR SUDBURY. MA 01776	47A 05 031 010 LUC: 109	61 SIDERS POND RD SHANNON JAMES E SHANNON SUSAN M 61 SIDERS POND RD FALMOUTH. MA 02540	47A 05 097 023B LUC: 101
124 SIDERS POND RD BOURDON JAMES P BOURDON JEAN F 124 SIDERS POND RD FALMOUTH. MA 02540	47A 05 003 010 LUC: 101	134 SIDERS POND RD KUNEN DAVID ALAN KUNEN MANDI Z 42 YORK RD WAYLAND. MA 01778-1013	47A 05 005 008A LUC: 101	132 SIDERS POND RD WARREN TRUSTEE PHILIP H WARREN TRUSTEE SUSAN 132 SIDERS POND RD FALMOUTH. MA 02540	47A 05 004 008B LUC: 101
116 PIN OAK WAY DEWITT EDWARD J MORTENSON KATHLEEN E 116 PIN OAK WAY FALMOUTH. MA 02540-2653	47A 05 033 012 LUC: 101	100 SIDERS POND RD MCGONAGLE EDWARD J MCGONAGLE ELIZABETH S 165 MONROE ST DEDHAM. MA 02026	47A 05 001 012 LUC: 101	<i>110 Siders Pond Rd.</i>	
86 PIN OAK WAY DUDLEY CHITTENDEN THOMAS CHITTENDEN ANURADHA B 24 WALKER FARM RD SUDBURY. MA 01776	47A 05 030 009 LUC: 109	70 SIDERS POND RD MOFFETT JAMES WYLIE 1701 WAYNE AVE SOUTH PASADENA. CA 91030	47A 05A 086 015 LUC: 101		
80 SIDERS POND RD DYER MARCIA A 80 SIDERS POND RD FALMOUTH. MA 02540-2664	47A 05A 085 014 LUC: 101	110 SIDERS POND RD OGILVY JR STEPHEN H 318 ELM RD FALMOUTH. MA 02540	47A 05 002 011 LUC: 101		
144 SIDERS POND RD FITZPATRICK FRANCIS J FITZPATRICK MARY A 1623 GEDDES LN FERNANDIAA BEACH. FL 32034-1962	47A 05 012 007 LUC: 101	88 SIDERS POND RD OWENS TRUSTEE WILLIAM BRECHNER OWENS TRUSTEE ELIZABETH BROWN 88 SIDERS POND RD FALMOUTH. MA 02540-2664	47A 05 001A 013 LUC: 101		
69 SIDERS POND RD FOSTER TRUSTEE MARGARET Y FOSTER TRUSTEE RICHARD C 69 SIDERS POND RD FALMOUTH. MA 02540	47A 05 098 025B LUC: 101	77 SIDERS POND RD POLLEN LINDA K 77 SIDERS POND RD FALMOUTH. MA 02540	47A 05 099 027 LUC: 101		
165 SIDERS POND RD GALLO DAVID G GALLO CYNTHIA T 165 SIDERS POND RD FALMOUTH. MA 02540-2666	47A 05 008 026 LUC: 101	82 SIDERS POND RD RANKIN RUSSELL D RANKIN CYNTHIA M 82 SIDERS POND RD FALMOUTH. MA 02540-2664	47A 05A 084 000C LUC: 101		
131 SIDERS POND RD GLYNN TRUSTEE SUZANNE FAY GLYNN TRUSTEE CAITLIN 49 LOCUST ST FALMOUTH. MA 02540-2666	47A 05 006 028B LUC: 101	177 SIDERS POND RD REED TRUSTEE KENNETH M REED TRUSTEE CAROLYN C 177 SIDERS POND RD FALMOUTH. MA 02540	47A 05 009 024 LUC: 101		
84 SIDERS POND RD JONES III ESTATE OF DEWITT CLINTON JONES MARGARET HANNA 84 SIDERS POND RD FALMOUTH. MA 02540-2664	47A 05A 083 000A LUC: 101	152 SIDERS POND RD RILEY TRUSTEE WILLIAM RILEY TRUSTEE LINDA T 24 MAPLE ST NEEDHAM. MA 02492	47A 05 013 006 LUC: 101		

110 SIDERS POND RD





Falmouth Conservation Commission

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

March 2, 2022

Stephen H Ogilvy
318 Elm Rd
Falmouth, MA 02540

RE: 110 Siders Pond Rd, Falmouth, MA
DEP# 25-4683

Dear Stephen H Ogilvy:

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

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

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

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

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

cc: BSS Design, Inc.



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

Provided by MassDEP:
 25-4683
 MassDEP File #
 1315441
 eDEP Transaction #
 Falmouth
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable
 a. County Barnstable b. Certificate Number (if registered land) 204
 23769
 c. Book 23769 d. Page 204
 7. Dates: 10/13/2021 1/5/2022 3/2/2022
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
 8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Plot Plan Proposed Stairs
 a. Plan Title Plot Plan Proposed Stairs
 BSS Design, Inc Thomas J Bunker, PLS
 b. Prepared By c. Signed and Stamped by
 12/23/2021 1"=20'
 d. Final Revision Date e. Scale
 f. Additional Plan or Document Title g. Date

B. Findings

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

Approved subject to:

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



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

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B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	10 a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	20 a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	144 a. square feet _____ e. c/y dredged	_____ b. square feet _____ f. c/y dredged	_____ c. square feet	_____ d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

25-4683

MassDEP File #

1315441

eDEP Transaction #

Falmouth

City/Town

B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" (or, "MassDEP")
"File Number 25-4683 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

1. Municipal Ordinance or Bylaw	2. Citation
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.	
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw	10.00
2. Citation	
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



Falmouth Conservation Commission

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

Name: Stephen H Ogilvy
Address: 110 Siders Pond Rd, Falmouth
DEP #: 25-4683

FINDINGS:

1. The applicant proposes to permit an unauthorized dock, remove impervious surface added without valid permits, add a second story above the garage, remove invasive English Ivy, cut, and treat small area of invasive species, plant restorative and mitigation plantings.
2. Resource areas onsite or within 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and Resource Area Buffer.

INTERESTS

1. Storm Damage Prevention
2. Flood Control
3. Protection of fisheries
4. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to Stephen Ogilvy, JR, 110 Siders Pond Road, Falmouth, MA, to permit an unauthorized dock, remove impervious surface added without valid permits, add a second story above the garage, remove invasive English Ivy, cut, and treat small area of invasive species, plant restorative and mitigation plantings according to the narrative and plan prepared by BSS Design, Inc., dated October 11, 2021 and revised December 1, 2021 and December 23, 2021 and entitled "Plot Plan-Proposed Stairs" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws

9. The Limit of Work strawbales/silt fencing shall be replaced as necessary and should to be maintained in good condition throughout the entire construction period. Upon completion of all construction and stabilization of the site, strawbales/silt fencing is to be removed and properly disposed of. No fill is allowed to be placed against or outside the Limit of Work at any time. There shall be no work or storage of materials outside the Limit of Work.
10. The construction site is to be cleaned daily to remove any loose debris and permitted cuttings offsite. Any fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location noted on the plans.
11. The applicant shall use all means to effectively prevent erosion into the wetland or other Resource Area and to encourage the growth of protective vegetation.
12. Any other proposed activities (alteration, fill, excavation or removal of vegetation) within any Resource Area or within 100 feet of any Resource Area will require that the applicant obtain all necessary permits from the Conservation Commission.
13. Applicant is put on notice of the requirement to adhere to the performance standards set forth in the Town's Nitrogen Control Bylaw (Chapter 237 of the Code of Falmouth; full text available at <https://ecode360.com/27443489>), which applies to all areas throughout the Town of Falmouth. These performance standards stipulate that: (1) the application of nitrogen is prohibited between October 16 and April 14; (2) residents/property owners may not allow nitrogen to be applied to any impervious surface on their property, including parking lot, driveway, roadway, sidewalk, or ice; and must immediately and completely remove and contain any nitrogen that may be applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface; (3) residents/property owners may not apply nitrogen directly to any surface before or during a heavy rain event; and (4) the application of nitrogen is at all times prohibited within 100 feet of Resource Areas as defined in Falmouth's Wetlands Regulations FWR 10.02(1)(a) through (d) (<https://ecode360.com/12120136>), namely: any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, swamp, wet meadow, bog, or vernal pool; any creek, estuary, stream, pond, or lake; the ocean; and land under water bodies.
14. The application of nitrogen is at all times prohibited within 100 feet of the following additional areas under Conservation Commission jurisdiction: land subject to tidal action; land subject to flooding or inundation by groundwater or surface water; land subject to coastal storm flowage; land subject to flooding; lands and waters within the Black Beach Great Sippewissett Marsh District of Critical Planning Concern; and lands and waters within the Waquoit Bay Area of Critical Environmental Concern.
15. Drywells and roof gutters shall be installed to contain all roof runoff. Proof of drywell installation shall be submitted with the request for a Certificate of Compliance. Dated photographs of the installed drywells with correct DEP # displayed and a signed letter by the contractor are to be submitted as proof of installation. Failure to comply with this condition, in its entirety, will result in the excavation of the drywell to prove compliance.

16. Before work can begin (i.e. clearing or construction) the Town of Falmouth Conservation Commission Form(s) 1 and 2 are to be submitted to the Conservation Department, identifying the General Contractor (GC) and other responsible parties and signed by the GC and all other responsible parties confirming that the signatories thereto have read and understand the Order of Conditions and that they jointly and severally take responsibility for compliance with the OOC on site during the life of the project. These documents shall be submitted with the ten (10) day start work notification required by Standard Condition #8(b).
17. Any changes to the plan of record noted in Standard Condition 1 above, no matter how minor in scope, including, but not restricted to, changes in the building footprint and appendages such as decks, addition and/or modification of accessory structures, changes in landscape features such as patios, retaining walls, plantings, removal of vegetation, the modification of finished grades, etc. require that the applicant obtain the permission of the Conservation Commission *before* undertaking the modified work. Depending on the scope of the change, said permission may be obtained by filing for an Administrative Approval, an amended Order of Conditions, or entirely new Notice of Intent. Failure to comply with this condition may subject the applicant to an enforcement order and/or fines.
18. If the applicant seeks an Occupancy permit from the Building Department prior to the issuance of a Certificate of Compliance the applicant shall post a performance bond; the bond shall cover the cost of all outstanding work, including landscaping plus 25% of the total. The bond will be released once all outstanding work has been completed and the applicant applies for and receives a Certificate of Compliance.
19. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. If this Order is based on a professionally rendered drawing then a letter must be submitted from an engineer or architect certifying full compliance and any deviation from the approved plans, as well as, an "Existing Conditions" plan. This plan shall include ALL structure and landscape features including patios, retaining walls, ornamental plantings, native plantings, AC units, steps, outdoor showers, walkways, etc. Any mitigation trees for the project shall be located and identified to species. Any mitigation shrubs for the project shall be delineated on the plan, labeled as "native buffer shrubs" and the final square footage noted. A request for a Certificate of Compliance shall be made in writing immediately following completion of all work including permanently stabilizing the site with vegetation.

SPECIAL CONDITIONS:

1. Lawn within the 100 ft buffer to all resource areas shall be seeded (not sod) with a drought tolerant fescues on eight (8) to ten (10) inches of loam. The loam shall be of natural origin as defined by the United States Department of Agriculture (USDA).
2. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).

3. No chemically treated wood may be used. The use of non-toxic materials is mandatory and shall be certified in writing by a professional engineer.
4. Prior to the installation of the dock all unpermitted impervious surface shall be removed.
5. All plantings shall be from 2-gallon or 3-gallon containers and spaced 3 feet on center. No dwarf varieties such as "shamrock" inkberry (*Ilex glabra "shamrockii"*) or "hummingbird" sweet pepperbush (*Clethra alnifolia "hummingbird"*) may be used. Tags depicting the plant species and variety shall be left on the plants until established.
6. All plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
7. All plantings shall be installed prior to construction. Once the plantings have been installed the Conservation department shall be notified to conduct a site visit.
8. All cuttings/debris, etc. are to be kept out of the Resource Areas.
9. The construction site is to be cleaned daily to remove any loose debris.
10. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
11. Special Condition 6 shall be written into the Certificate of Compliance and shall be registered with and ongoing with the deed.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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E. Signatures

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

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

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

3/2/2022

1. Date of Issuance

4

2. Number of Signers

Jennifer Lincoln
 Signature

Jennifer Lincoln, Conservation Administrator

Jamie Mathews
 Signature

Printed Name
Jamie Mathews, Chair

Kevin O'Brien
 Signature

Printed Name
Kevin O'Brien

Elizabeth Gladfelter
 Signature

Printed Name
Elizabeth Gladfelter

Peter Walsh
 Signature

Printed Name
Peter Walsh

Signature

Printed Name

Signature

Printed Name

by hand delivery on

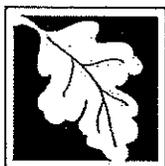
by certified mail, return receipt requested, on

Date

 Date 7019 2970 0000 0046 4650
 3/2/2022

For Signature Authorization see
 Doc: 1,393,700
 BARNSTABLE LAND COURT REGISTRY

For Signature Authorization see
 Doc: 1,393,700
 BARNSTABLE LAND COURT REGISTRY



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F. Appeals

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

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

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