

TOWN OF FALMOUTH
SELECT BOARD
AGENDA

MONDAY, JUNE 13, 2022 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

6:30 p.m. OPEN SESSION

6:30 p.m. EXECUTIVE SESSION

1. M.G.L. c. 30A s. 21(a)(2) – To discuss strategy with respect to collective bargaining: DPW union and non-union personnel (COVID premium pay)
2. M.G.L. c. 30A s. 21(a)(5) – To investigate charges of criminal conduct or to consider the filing of criminal complaints

7:00 p.m. OPEN SESSION

1. Call to Order
2. Pledge of Allegiance

JOINT MEETING – SELECT BOARD AND AFFORDABLE HOUSING COMMITTEE

1. Home Opportunity Purchase Program
2. Down Payment/Closing Cost Assistance Program

8:00 p.m. REGULAR MEETING

1. Proclamations
 - a. Eagle Scout Edward “Ned” H. Heywood, Boy Scout Troop 40
 - b. Falmouth Station 150th Anniversary
2. Recognition
3. Announcements
 - a. Beach Update
 - b. “Open Ship” for Sea Education Association (SEA)
4. Public Comment

8:15 p.m. TOWN MANAGER’S PRELIMINARY REPORT

8:20 p.m. COMMITTEE APPOINTMENTS

1. Vote to appoint committee member:
 - Zoning Board of Appeals (full member) until 6/30/22 – Susanne Murphy

8:25 p.m. BUSINESS

1. Andrews Farm lease extension (10 minutes)
2. ARPA allocation correction (Town ARPA for Nye Park and Water Projects) (10 minutes)

8:45 p.m. CONSENT AGENDA

1. Administrative Orders

- a. Approve Eversource petition to install approximately 60' (feet) of conduit and cable under town road northwesterly starting at handhole 293/H2A and to install (1) new handhole labeled 293/H2A in public ROW on side of road at base of existing pole 293/2. This work is to be done to provide electric service to #8 Mast Road
 - b. Approve Eversource petition to install approximately 38' (feet) of conduit and cable under town road and to install (1) new handhole labeled 1029/H3A in public ROW on side of road at base of existing pole 1029/3. This work is to be done to provide electric service to #17 Shoreview Avenue
 - c. Approve Eversource petition to relocate 1 JO pole labeled 211/3 approximately 30' (feet) southwest towards pole 211/4. Pole to be relocated for customer at #58 Montauk Street.
2. Review and Vote to Approve Minutes of Meetings
 - a. Public Session – May 23, 2022; May 26, 2022
 - b. Executive Session – May 23, 2022

8:50 p.m. TOWN MANAGER'S SUPPLEMENTAL REPORT

8:55 p.m. SELECT BOARD REPORTS

9:05 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:10 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

OPEN SESSION

**JOINT MEETING
SELECT BOARD AND AFFORDABLE HOUSING COMMITTEE**

1. Home Opportunity Purchase Program
2. Down Payment/Closing Cost Assistance Program



**Making Home
Ownership More
Accessible**

Adding to the SHI

**Enabling Employees
to Live and Work in
the Community They
Serve**

**Improving Work/Life
Balance for the
Workforce**

**Reducing
Environmental
Impact with Less
Commuting**

**Improving
Engagement in the
Community through
Home Ownership**

HOME OWNERSHIP OPPORTUNITY PROGRAMS

TOWN OF FALMOUTH

*Prepared by Jordan Frye & Laura Moynihan, Esq. for
AHC Discussion April 2022*

Housing Opportunity Purchase Program



- Grants to qualified First-Time homebuyers to finance the gap between the affordable price and the selling price of an existing market rate home
- One (1) grant up-to \$250,000 for a 2-bedroom, 3-bedroom home or 4-bedroom home
- Income limits to up to 80% AMI and other eligibility requirements apply
- Maximum household Assets limited to \$75,000
- Applicants must secure pre-approval for a mortgage loan, submit evidence of such approval and availability of funds for a down-payment together with the application

Housing Opportunity Purchase Program



- The home purchased will be subject to a deed rider that will permanently restrict the resale price of the home
- Upon resale, the home will be conveyed to an income and asset eligible household through an affirmative fair marketing/non-discriminatory process according to Department of Housing and Community Development (DHCD) guidelines
- The unit(s) will be eligible for inclusion in the Town's Subsidized Housing Inventory (SHI)

Housing Opportunity Purchase Program



- Combined gross annual income for all household members, from all sources in the household, must be at or below 80% Area Median Income (AMI) of Barnstable County, adjusted to the appropriate household size (2022)

Maximum Income limits, 80% AMI

1-Person	2-Person	3-Person	4-Person	5-Person	6-Person
\$60,900	\$69,600	\$78,300	\$86,950	\$93,950	\$109,900

- Applicants must meet the program income limits in effect at the time of application and must continue to meet the program income limits in effect at the time of purchase of the home

Housing Opportunity Purchase Program



- Applicants must be First-Time Homebuyers (not having owned a home or interest in a home in the past three (3) years, including in trust) with certain exceptions:
 - a) Displaced homemakers, where the displaced homemaker (an adult who has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner;
 - b) Single parents, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);
 - c) Households where at least one household member is 55 or over;
 - d) Households that owned a principal residence characterized as manufactured housing or otherwise not permanently affixed to a permanent foundation in accordance with applicable regulations; e. Households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.

Housing Opportunity Purchase Program



Number of Bedrooms	Minimum Affordable Sale Price (Estimates)	Maximum Affordable Sale Price (Estimates)	Grant	Market Sale Price, UP TO
2	\$200,000	\$230,000	\$250,000	\$480,000
3	\$222,000	\$265,000	\$250,000	\$515,000
4	\$240,000	\$280,000	\$250,000	\$530,000

Housing Opportunity Purchase Program



- Affordable Sales Price Determined by DHCD
- Grants are the lesser of the maximum grant or the amount between the affordable sale price and the actual sale price.
- Program reimbursement to buyers up to **\$2,000** toward initial home inspections and any additional inspections required under this program.
- Property inspections by qualified Massachusetts-licensed inspectors are required for units purchased through this program. If the seller is not responsible for repairs, participants pay for any additional amounts for repairs required to be made to the property as a result of any inspection performed.

Housing Opportunity Purchase Program



LOTTERY PROCESS:

- Selection of eligible applicants based on the number of grants deemed available
- Ranking of eligible applicants based on submission date
- If the eligible applicant is unable to purchase a home within 120 days, is unable to obtain financing, does not comply with the program guidelines, or withdraws for any other reason, the next eligible applicant will be offered the grant opportunity.
- Extensions totaling up to 90 days may be granted when circumstances outside of a participant's control have prevented closing before the deadline.
- All eligible applicants who have been offered a grant must attend and obtain a completion certificate from an accepted First-time Homebuyer Class prior to Closing

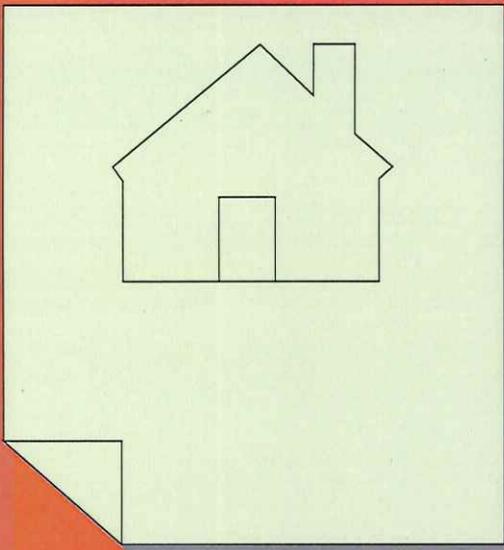
Housing Opportunity Purchase Program



- “HOPP Application” required for submission by the scheduled deadline
- Applications to be pre-qualified for lottery based on submitted documents
- Applicants will need to secure pre-approval for a mortgage loan and submit evidence of the pre-approval with the application.



DOWN PAYMENT/ CLOSING COSTS PROGRAM



- First-time homebuyer applicants buying properties within the Town of Falmouth
- Creating accessibility to home ownership with down payment and closing cost assistance
- Work force Housing Assistance

Down Payment/Closing Cost Assistance Program



- Eligible applicants are households at 120% of the AMI
- Total household assets are limited to \$75,000.00
- Principal residence use only
- Selection will be by date of completed application with lender pre-approval and property is under agreement for purchase
- Work with a local first mortgage lenders for efficiency of process

Down Payment/Closing Cost Assistance Program



- Available in an amount of \$1000 up to 5% of the purchase price per household but not more than \$30,000.00
- Up to an additional \$10,000.00 to be provided for necessary repairs
- Buyers to contribute funds at least 1.5% of the purchase price
- Funds shall be used only for down payment and/or closing costs
- Closed simultaneously with the first mortgage

Down Payment/Closing Cost Assistance Program



Second Mortgage Security:

- Interest Free
- Repayment if House Sold within 5 years
- Requirement to Maintain LTV Ratio of at least 90% for 5 years

Down Payment/Closing Cost Assistance Program



Commitment of Funds is contingent upon receipt of:

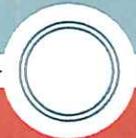
- Copy of Purchase and Sales Agreement
- Copy of Home Inspection for approval
- Completed Confirmation Notice from Lender Re First Mortgage Approval
- Copy of Mortgage Commitment Letter to the Buyer
- Copy of the Lender's Good Faith Estimate
- Copy of the Appraisal
- Total LTV of all loans/grant funds cannot exceed 100% of the purchase price

Down Payment/Closing Cost Assistance Program



CLOSING PROCESS:

- Closing Documents and Check to the closing attorney upon receipt of a draft HUD Settlement Statement at least one business day prior to the closing date (the exact amount of the funds requested is derived from the HUD Settlement Statement)
- Funds provided for repairs after the closing held by the Town until the work has been deemed successfully completed



Town of Falmouth

Making Home Ownership More Accessible

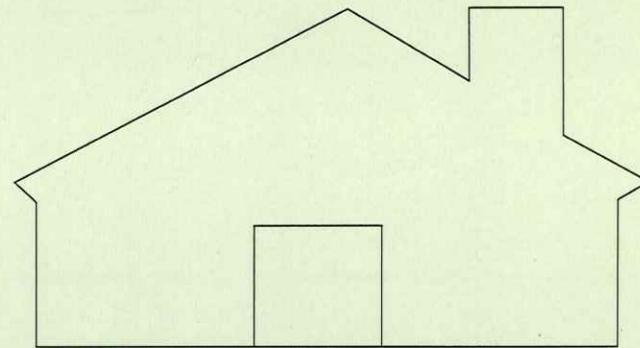
Adding to the SHI

Enabling Employees to Live and Work in the Community They Serve

Improving Work/Life Balance for the Workforce

Reducing Environmental Impact with Less Commuting

Improving Engagement in the Community through Home Ownership



**HOME OWNERSHIP
OPPORTUNITY
PROGRAMS**

OPEN SESSION

REGULAR MEETING

1. Proclamations

- a. Eagle Scout Edward "Ned" H. Heywood, Boy Scout Troop 40**

Please note: Ned is on a school trip, so he is unable to attend tonight.



PROCLAMATION

WHEREAS: Edward "Ned" H. Heywood of Boy Scout Troop 40 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Edward "Ned" H. Heywood met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: Edward "Ned" H. Heywood is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Nancy R. Taylor, Onjalé Scott Price, Samuel H. Patterson, Douglas C. Brown and Edwin (Scott) P. Zylinski II as Select Board of the Town of Falmouth, do hereby declare and PROCLAIM

EDWARD "NED" H. HEYWOOD AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 13th day of June, 2022.

Nancy R. Taylor, Chair

Douglas C. Brown

Onjalé Scott Price, Vice Chair

Edwin (Scott) P. Zylinski II

SELECT BOARD

Samuel H. Patterson

Boy Scout Troop 40

Lynn A Briggs
Troop Secretary
Falmouth, MA 02540

phone: [REDACTED]
e-mail: [REDACTED]



BOY SCOUTS OF AMERICA

May 31, 2022

Nancy R. Taylor, Chair
Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

Dear Ms. Taylor,

Edward "Ned" H. Heywood of Boy Scout Troop 40 of Falmouth, Massachusetts, sponsored by Saint Barnabas Episcopal Church, has progressed through the ranks of scouting, and has achieved the rank of Eagle Scout. Ned is a good citizen and a credit to his community and nation.

Here is a statement from Ned about his Eagle Project and what scouting has done for him:

"My project entailed placing two viewing platforms at the Upper Child's River Restoration Project trail in East Falmouth. I used recycled ship lines to create 2 natural fences and installed a total of four benches to provide a resting area for everyone who might need it. My project enables people of all ages to rest and enjoy two beautiful views at a recently restored brook trout run in East Falmouth. I'm proud to leave a legacy in the town I live in.

Scouting has taught me how to have patience, helped me develop leadership skills, and to be productive. It has shown me how to help others as well as myself. I've led Troop 40 in Falmouth for two years and learned a lot along the way. I pride myself on the work it takes to teach my peers, and the work I have accomplished while in scouts."

Please consider presenting a commendation from the town recognizing this fine individual, to be read at his Eagle Court of Honor Sunday, June 26, 2022 @ 2:00 pm (location to be determined) He wishes to extend an invitation to attend the ceremony to you as well as your colleagues, Onjale' Scott Price, Samuel H. Patterson, Douglas C. Brown, and Edwin (Scott) P. Zylinski II.

Thank you,

A handwritten signature in blue ink, appearing to read "Lynn A Briggs".

Lynn A Briggs, Troop 40, Boy Scouts of America



Diane Davidson

From: Lynn Briggs [REDACTED]
Sent: Tuesday, June 7, 2022 7:59 PM
To: Diane Davidson
Subject: Re: Eagle Proclamation

Also it will be at 2:30 at St Barnabas

On Tue, May 31, 2022 at 12:18 PM Lynn Briggs <lynnbdream2@gmail.com> wrote:
Hi Diane,

I am just sending this email ahead of the hard copy Eagle Proclamation request. The family is looking for a June 26th Court of Honor date.

Lynn Briggs

OPEN SESSION

REGULAR MEETING

1. Proclamations

b. Falmouth Station 150th Anniversary

June 13, 2022



PROCLAMATION

- WHEREAS The Old Colony Railroad began railroad service to Falmouth on July 18, 1872 with stations at North Falmouth, West Falmouth, Falmouth, and Woods Hole; and
- WHEREAS The arrival of the railroad to Falmouth transformed a small agrarian community and **dying maritime economy** into a commercial, business, and tourist center; and
- WHEREAS Commercial businesses in Falmouth Village became dependent on the railroad service including the Lawrence Grain Mill Company, Falmouth Coal Company, and Wood Lumber Company; and
- WHEREAS Businesses in Woods Hole also became dependent on the railroad service including the Cahoon's Harborside Fish Market and the Pacific Guano Company; and
- WHEREAS Other small businesses in East Falmouth, such as strawberry growers, welcomed the addition of the railroad to serve urban markets with their produce; and
- WHEREAS Large estates, many hotels, and homes were built in Falmouth as summer tourists were attracted to the beaches and temperate climate of the shore and islands; and
- WHEREAS The Town of Falmouth recognizes the significant anniversary and the historical importance of the Falmouth Station on Depot Avenue on this day.

NOW, THEREFORE, We Nancy R. Taylor, Onjalé Scott Price, Samuel H. Patterson, Douglas C. Brown, and Scott Zylinski as Select Board of the Town of Falmouth, by the authority vested in us, do hereby PROCLAIM

JULY 18, 2022 AS THE 150TH ANNIVERSARY OF THE FALMOUTH STATION

IN WITNESS THEREOF, we have hereunto set our hand and caused the great seal of the Town of Falmouth, Massachusetts to be affixed on this 13th day of June, 2022.

Nancy R. Taylor, Chair

Douglas C. Brown

Onjalé Scott Price, Vice Chair

Scott Zylinski

Samuel H. Paterson

SELECT BOARD

Paul C. Dreyer

Falmouth, MA 02540-2830

Email:

Tel: Mob: 1.774.994.1920

June 5, 2022

Dr. Nancy Taylor
Chair
Falmouth Select Board
Town Hall Square
Falmouth, MA 02540

Falmouth Station
150th Anniversary

Dear Dr. Taylor,

As you are aware, I have been an early proponent of the rehabilitation of the Falmouth Station on Depot Avenue, and I continue to be interested in the historical aspects and importance of the Station in the Town.

This year is the 150th anniversary of the Falmouth Station that was originally built in 1872.

With the arrival of the railroad in Falmouth, a small agrarian community and dying maritime economy was transformed into a commercial and business center as many businesses dependent on the railroad service including the Lawrence Grain Mill Company, Falmouth Coal Company, and Wood Lumber Company, as well as the Pacific Guano Company.

Large estates were built in Falmouth and summer tourists were attracted to the beaches and temperate climate of the shore and islands. The ferries from Hyannis were moved to Wood Hole as the shortest distance to Martha's Vineyard. In addition, a passenger train, the *Flying Dude*, ran an express train service by subscription from 1884 to 1916 between Boston and Woods Hole in 1 hour and 40 minutes.

Therefore, I respectfully suggest that the Select Board consider the preparation of a proclamation acknowledging this significant anniversary of Falmouth Station that should be placed in the Station for visitors and residents.

I will be please to discuss this further with you as appropriate. Thank you.

Sincerely,



Paul Dreyer
Town Meeting Member
Precinct 2

TOWN MANAGER'S PRELIMINARY REPORT



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

TO: Select Board
FROM: Peter Johnson-Staub, Acting Town Manager *PJS*
SUBJECT: Preliminary Report for June 13, 2022
DATE: June 10, 2022

AGENDA TOPICS – PRELIMINARY REPORT:

Joint Meeting with Affordable Housing Committee:

The Affordable Housing Committee (AHC) has identified two housing programs that could be implemented with funds from the Falmouth Affordable Housing Fund which now has an uncommitted balance of approximately \$6.6 million. Attorney Laura Moynihan has volunteered her time to investigate these two programs for a subcommittee of the AHC and will overview the programs at your meeting. Her slide presentation is included in your packet.

The Town Planner, Housing Coordinator and I reviewed this information with Ms. Moynihan but we have not had an opportunity to thoroughly vet these programs. The purpose of this agenda item is to gauge Select Board interest in pursuing these programs. A significant investment of staff time will be required to investigate the merits and feasibility of these programs so we can bring a recommended plan of action to the Board at a future date. That review would include continued dialog with the Affordable Housing Committee.

Committee Appointments:

We need to re-visit one of the Zoning Board of Appeals (ZBA) appointments voted last week. There were three vacancies on the Zoning Board of Appeals in the week leading up to the June 6th annual appointments.

- One for the seat previously held by Ed Van Kuren for a term ending 06/30/2022 which was advertised but not filled at the June 6th meeting;
- One for the seat previously held by Rob Dugan for a term ending 06/30/2024 which was advertised and filled with the appointment of Scott Peterson;
- One for the seat vacated by Scott Zylinski for a term ending 06/30/2025 which was not advertised because the vacancy was not confirmed until after the advertising deadline. Susanne Murphy was appointed for this seat but because this term was not advertised, the appointment could be called into question.

We have placed on the agenda an appointment of Susanne Murphy to a term ending 06/30/2022. Town Counsel has confirmed that the Board does not need to re-interview the candidates for this position. Unfortunately, the Board cannot immediately re-appoint her to a term beginning July first of this year and ending 06/30/2027 because the re-appointment was not advertised. We will advertise this re-appointment and also the vacancies for one full member and one associate member for future interviews and appointments.

Tony Andrews Farm Lease:

The lease awarded by the Select Board to Jeff Andrews at the recommendation of the Town Manager and the Conservation Commission has an initial term of 5 years ending December 12, 2023 and a renewal option for the tenant to extend the lease for an additional 15 years with the consent of the Town. Mr. Andrews has written a letter requesting that the Town extend the lease so he can apply for agriculture grants which will benefit the sustainability of the farm. The lease extension requires approval of both the Agricultural Commission (which now has care and control of this property) and the Select Board. The Agricultural Commission has voted to recommend approval of this lease extension. In my judgment, Mr. Andrews has managed the farm in a manner that is consistent with the purposes for which Town Meeting approved the acquisition of the property. In addition to producing locally grown food and flowers, the farm now hosts community gardens and the farm is maintained in a manner that is aesthetically appealing to visitors and passersby. I recommend approval of the extension.

The existing lease and the extension do not include the house lot at the northernmost corner of the property – 398 Old Meeting House Road. This house lot contains a residential structure and several storage buildings. The Town permits Mr. Andrews to continue to access this house lot for storage of equipment and materials.

ARPA Allocations:

On further reflection, we have a concern that applications to expend ARPA funds earmarked for Falmouth by Barnstable County may not get approved right away. Having reviewed this again with Finance Director Jennifer Mullen, I am asking that the Board reconsider the allocation of ARPA funds approved last week. We propose to allocate funds received directly by the Town for the two capital projects previously identified for which bids came in over budget. The entire allocation to be received through the County can be applied to the upgrades of the Wastewater Treatment Facility. The specific amounts are identified in your packet.

Consent Agenda:

The consent agenda includes three routine approvals for installation of Eversource equipment in the right-of-way.

COMMITTEE APPOINTMENTS

1. Vote to appoint committee member:
 - Zoning Board of Appeals (full member) until 6/30/22 –
Susanne Murphy

**Town of Falmouth
Town Committee Vacancies**

The Falmouth Select Board announces the following vacancies on a Town committee:

Zoning Board of Appeals

1 Full Member – Unexpired term until 6/30/22

1 Full Member – Unexpired term until 6/30/24

Applications are available on the Town website <https://ma-falmouth.civicplus.com/647/Town-Committees> or in the Office of the Town Manager and Select Board. Please submit applications to the Office of the Town Manager and Select Board by Monday, May 16, 2022.

Publication date: Friday, April 29, 2022; Falmouth Enterprise.

BUSINESS

1. Andrews Farm lease extension **(10 minutes)**

Dear Select Board,

As you may know I am approaching my 4th year of farming under the lease by the Town of Falmouth. It has been a wonderful experience and I have truly appreciated the support I've received from the town officials and people of Falmouth.

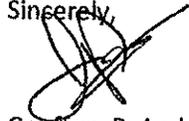
I am asking for the Select Board to re-new the lease ahead of the November 23, 2023 end date. This will allow me to apply for a number of agriculture grants which will help the sustainability of the farm. Without these grants it will be difficult to operate the farm as a viable operation. Every farm in our country depends on these grants and without them they wouldn't survive. The application process with the MDAR; Massachusetts Department of Agriculture Resources, needs to take place a year in advance of receiving the funds from these grants. The lease is the proof that the farm will remain in existence and hence available for grant funds. A one year delay in this process can be detrimental to the sustainability of the farm.

I believe I have demonstrated outstanding performance in managing the Andrews Farm and will continue to do so as this is critically important in continuing the legacy my parents started almost 100 years ago.

In Section 2.3 it states: Extension of Term. Tenant, subject to the consent of Landlord (which consent may be granted or withheld in Landlord's sole discretion), shall have the option to extend the Lease Term for fifteen (15) additional calendar years upon the same terms and conditions as are provided in this Lease.

Please approve this request in order for me to continue the grant application process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Geoffrey P. Andrews', written over the word 'Sincerely,'.

Geoffrey P. Andrews

ANDREWS FARM LEASE AGREEMENT

THIS ANDREWS FARM LEASE AGREEMENT is made as of the 12th day of December, 2018 by and between the Landlord and Tenant identified herein (the "Agreement"). The Request for Proposals for Lease of Tony Andrews Farm for Agricultural Purposes dated August 15, 2018 and the Tenant's Proposal dated September 19, 2018 are incorporated by reference herein and made a part of this Agreement. The Agreement is comprised of two separate yet interdependent leaseholds identified as the Agricultural Lease and the Residential Lease. The terms of each differ, but pursuant to this Agreement, if the Tenant breaches the terms of either lease, both may be terminated at Landlord's discretion.

WITNESSETH:

A. THE AGRICULTURAL LEASE

PART I: SPECIAL PROVISIONS

1. Date of Lease:
2. Landlord: Town of Falmouth, Massachusetts
3. Landlord's Address: 59 Town Hall Square, Falmouth, MA 02540
4. Tenant: Geoff Andrews
5. Tenant's Address: 394 Old Meeting House Rd, East Falmouth, MA 02536
6. Farmer/Caretaker: Geoff Andrews
7. Demised Agricultural Premises: The Demised Agricultural Premises known as Tony Andrews Farm, East Falmouth, MA, being the same premises conveyed to the Landlord by deed dated February 9, 2018 and filed with the Barnstable County Registry of Deeds in Book 31095, Page 237. The Demised Agricultural Premises are more particularly described as Parcel B and Lot A1 on a Plan of Land entitled "Plan of Land for the Town of Falmouth 394 and 398 Old Meeting House Road and 0 Berry Patch Lane, East Falmouth, MA" dated September 15, 2017 (as revised) and recorded with said Registry in Plan Book 674, Page 26 (the "Plan"). A copy of the Plan is attached as **Exhibit A**. The Demised Agricultural Premises is comprised of 34.4± acres and is subject to the terms of a Conservation Restriction recorded with said Registry on June 28, 2018 in Book 31370, Page 72 (the "Conservation Restriction"). A copy of the Conservation Restriction is attached as **Exhibit B**.
8. Lease Term: The period commencing as of the Term Commencement Date and ending as of November 1, 2023, unless extended pursuant to this Lease.

9. Term Commencement Date: The date of Lease.
10. Rent Commencement Date: The Term Commencement Date.
11. Termination Date: November 1, 2023, unless extended pursuant to this Lease.
12. Base Rent: \$1.00 annually. Base Rent for each calendar year shall be paid on the first day of each calendar year, and Base Rent for any other partial calendar year shall be equitably pro-rated.
13. Additional Rent: All utilities, insurance, other charges and monetary obligations of Tenant if invoiced directly to landlord (other than Base Rent) under this Lease. Additional rent, if any, shall be paid promptly when invoiced by Landlord.
14. Permitted Use: The Demised Agricultural Premises may be used solely for agricultural purposes and uses accessory thereto which uses shall be in keeping with current use of the Demised Agricultural Premises, and shall be in compliance with the terms of the Conservation Restriction and the Land Management Plan prepared and approved in compliance with a grant to the Town of Falmouth under FY18 Land Acquisition for Natural Diversity (LAND) grant program from the Commonwealth of Massachusetts Division of Conservation Services. (the "Land Management Plan"). A copy of the Land Management Plan can be obtained from the Town Manager.
15. Broker(s): None.
16. Security Deposit: \$5,000

PART II

ARTICLE I – PREMISES

Section 1.1 Demised Agricultural Property. Landlord hereby leases to Tenant and Tenant hereby leases from Landlord, upon and subject to the terms and provisions of this Agricultural Lease, the Demised Agricultural Premises identified in the Special Provisions. Wherever in this Lease the term "Demised Agricultural Premises" is used, said term encompasses the parcels identified in the Special Provisions, including any and all existing and future structures and parking facilities, as the same may from time to time be altered.

The Demised Agricultural Premises are leased to Tenant "AS IS," with the underground irrigation system, the farm stand building, and the parking area currently located thereon. The Demised Agricultural Premises are subject to and with the benefit of all present and future covenants, restrictions, easements, encumbrances, rights, and agreements of record, including without limit the Conservation Restriction and Land Management Plan to the extent in force and applicable, and subject to zoning, environmental and building laws, ordinances and regulations

and such other laws, ordinances and regulations as may from time to time be applicable to the Demised Agricultural Premises and facilities constructed thereon.

Landlord shall have the right to access and enter upon the Demised Agricultural Premise for the purposes of inspection and exercising any right reserved to Landlord by this Lease. In the event of any such entry, and except as otherwise provided herein, Landlord shall use reasonable efforts to minimize interference with or disruption of Tenant and Tenant's agricultural activities.

ARTICLE II – TERM OF LEASE

Section 2.1 Lease Term. Subject to the terms hereof, Tenant shall have the right to use the Demised Agricultural Premises during the period of the Lease Term, commencing on the Term Commencement Date and ending on the Termination Date, unless sooner terminated as hereinafter set forth.

Section 2.2 Acceptance of Demised Agricultural Premises. Tenant agrees that no representations or warranties, express or implied, respecting the conditions of the Demised Agricultural Premises and no promises to alter, repair or improve the Demised Agricultural Premises, either before or after the execution hereof, have been made by Landlord or its agents to Tenant, unless the same are contained herein and made a part hereof.

Section 2.3 Extension of Term. Tenant, subject to the consent of Landlord (which consent may be granted or withheld in Landlord's sole discretion), shall have the option to extend the Lease Term for fifteen (15) additional calendar years upon the same terms and conditions as are provided in this Lease.

ARTICLE III – RENT

Tenant covenants and agrees to pay Base Rent and Additional Rent, if applicable, to Landlord as provided in the Special Provisions at Landlord's Address, or at such other address as Landlord shall from time to time designate in writing. Base Rent for any portion of a year shall be pro-rated accordingly.

ARTICLE IV – UTILITIES

Diane Davidson

From: Karen's Gmail [REDACTED]
Sent: Wednesday, June 1, 2022 1:43 PM
To: Peter Johnson-Staub
Subject: [EXTERNAL] - Andrews Farm vote

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Peter,

Here is the vote on the proposal as requested. We specifically called out the original lease termination date since we were concerned that triggering a 15-year extension 18 months early would mean the lease would end 18 months early and didn't want that to be the case.

I did not participate in the motion or the vote.

AgComm meeting 05/26/22

Motion: Matt Churchill /Jane Vose: Grant Geoff Andrews early approval of his 15-year lease extension with the Town of Falmouth which will terminate December 12, 2038 in response to his request for early approval of the extension.

Vote: Audible and affirmative unanimous vote

Submitted by:

April Merriam, AgComm Recording Secretary

Let me know if you have any questions.

Karen

BUSINESS

2. ARPA allocation correction (Town ARPA for Nye Park and Water Projects) **(10 minutes)**

CONSENT AGENDA

1. Administrative Orders

- a. Approve Eversource petition to install approximately 60' (feet) of conduit and cable under town road northwesterly starting at handhole 293/H2A and to install (1) new handhole labeled 293/H2A in public ROW on side of road at base of existing pole 293/2. This work is to be done to provide electric service to #8 Mast Road.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: June 10, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install $\pm 60'$ of conduit on and one handhole on Mast Road

A petition was submitted by Eversource to install $\pm 60'$ of 1-3" underground conduit and one handhole on Mast Road to provide service for a customer at 8 Mast Road.

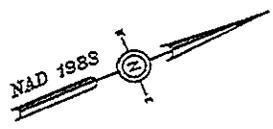
The Engineering recommendation is to approve the request as submitted on Plan No. 7994639, W/O No. 7994639, dated May 07, 2022.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY
to install new Handhole 293/2/H1A and 60'±
conduit to provide electric service to 8 MAST ROAD.



49 04 007 053
4 MAST RD
N/F
GROSCH TRUSTEE EDITH
GROSCH TRUSTEE ROBERT L

49 04 008 063
8 MAST RD
N/F
HIBBITT TRUSTEE KAREN M
HIBBITT TRUSTEE NOM TRUST

49 04 009 062
12 MAST RD
N/F
HIBBITT SUSAN B

49 04 010 061
16 MAST RD
N/F
SPECHT TRUSTEE STEPHEN F
SAVIDGE TRUSTEE MARY R

CUSTOMER
HANDHOLE
293/H2B

APPROX. 180'
TO WHITMAN RD

1-3" CONDUIT
TL=60'±

MAST ROAD

293/2

293/3

PROPOSED
HANDHOLE
293/H2A

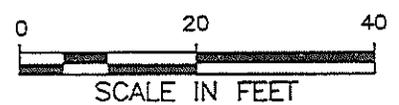
49 04 015 046
5 MAST RD
N/F
REA CAMPBELL C
REA NANCY B

49 04 014 047
0 MAST RD
N/F
PARPART TRUSTEE LEE ANNE
FERNANDO TRUSTEE LAURA A

49 04 013 048
13 MAST RD
N/F
PARPART TRUSTEE LEE ANNE
FERNANDO TRUSTEE LAURA A

LEGEND

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSIGNED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO LOCOPY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

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

C#	 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Ward #		
Work Order # 7994639	Plan of MAST ROAD, FALMOUTH	
Surveyed by: N/A		
Research by: JC		
Plotted by: TL	Showing PROPOSED HANDHOLE AND CONDUIT LOCATION	
Proposed Structures: TL		
Approved: T THIBAUT	Scale 1"=20'	Date MAY 07, 2022
P#	SHEET	1 of 1

Police Reports . . .

Thursday, June 2

12:29 PM: Mark Pimental, 66, of Falmouth was arrested on Main Street for an outstanding arrest warrant issued out of the Falmouth District Court. Mr. Pimental was transported to the district court for arraignment without incident.

4 PM: Officers responded to a three-car crash with injuries on Palmer Avenue. None of the injuries were life-threatening. Two cars were towed from the scene. One of the operators was issued a warning for failure to use care and caution while stopping.

4:31 PM: Officers responded to an uninvited and disorderly man at the Old Silver Lounge. He was issued a no trespass order for the business.

Friday, June 3

1:03 AM: Officers responded to reports of a man on Main Street who was apparently intoxicated attempting to get on a scooter. The officers determined the man should not drive due to his intoxication and that he did not have an active driver's license. He was transported to a local hotel where he checked in for the night.

7:02 AM: A man reported waking up to a man asleep on his couch. The caller locked himself in the bedroom as instructed by dispatch until the police arrived. The officers determined that the man had entered and fallen

asleep on the couch, confusing the home for his final destination while intoxicated. The homeowner did not press charges, and the man was transported away.

Sunday, June 5
12:25 AM: Reports came in of a truck crashing into mailboxes and a tree.

12:40 AM: Police officers responded to the Pier 37 Boatouse and helped security with two men who were causing problems and refusing to leave. The officers stood by while the parties arranged for transport and left.

Monday, June 6
12:32 PM: Officers responded to a breaking and entering at a Teaticket residence. Barnstable County Sheriff's Office Bureau of Criminal Investigation assisted. The incident is under investigation.

Tuesday, June 7

11:12 AM: Officers responded to the report of a vehicle crash with a deer in the area of the Speedway gas station. The officers found that the vehicle had sustained minor damage and was drivable. No injuries were reported by the occupants of the vehicle. The deer was found to have sustained life-threatening injuries. Marine & Environmental Services were dispatched to remove the deer.

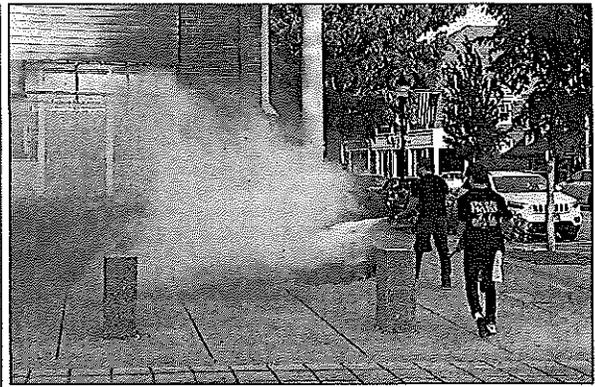
1:22 PM: A lumber truck became entangled in power lines on

Sippewissett Road. The fire and police departments responded and the area was closed until Eversource could make the necessary repairs. The Department of Public Works placed a sign, and the school department was advised of possible bus route disruptions.

6:45 PM: The police and fire departments responded to a two-vehicle crash on Route 151 and Ashmun Road. There were no injuries reported and the cars were towed away. One of the operators was cited for failure to yield the right of way. Route 151 remained open while officers directed traffic around the crash.

7:01 PM: Police officers were dispatched to the area of Main Street and Academy Lane to assist with a reported structure fire. The officers closed Main Street from Walker Street to Town Hall Square and rerouted traffic.

Wednesday, June 8
9:46 AM: An officer reported a downed tree on power lines that created a fire on Thomas B. Landers Road. The Fire/Rescue Department and Eversource were dispatched to the scene. While in the area, a second report came in of an asphyxiation on a nearby pole that was also on fire. Traffic was rerouted while Eversource dealt with the situation. The roadway reopened to traffic approximately two hours later.



Staff from Anejo apply fire extinguishers to the match fire across from the restaurant

Fire Started in Shrubbery On Main Street

By NOELLE ANNONEN
Falmouth Fire/Rescue responded to a fire outside of Maxwell & Co off Main Street on Tuesday at approximately 7:01 PM. Deputy Fire Chief Scott J. Thrasher said on Wednesday that the fire was called in by staff at Anejo Mexican Bistro. The fire started in a mulched area near shrubbery where cigarette butts were thrown. Staff from the restaurant responded to the fire with fire extinguishers. Deputy Chief Thrasher said that the staff just happened to see the fire.

Deputy Chief Thrasher said that one fire engine was sent after the first call. But once multiple calls confirmed that the fire had spread to the structure, two more engines and a ladder were dispatched. The fire was extinguished by 7:04 PM. "The damage is mostly cosmetic," Deputy Chief Thrasher said. The double-paned front glass window of the building was cracked, and a gutter was melted, but the exterior sides of the building are brick and were not damaged. Deputy Chief Thrasher said there was no interior damage. "We were very lucky," Deputy Chief Thrasher said. "We were

able to catch the fire early." The chief said that firefighters checked the inside of the building for smoke and, finding none, the last unit cleared by 8:14 PM. He said that the businesses within the building are able to continue operating, thanks to minimal and solely exterior damage, but they will need to make some repairs. Sally Affers works at Anejo and told the Enterprise that she was working on the patio of the restaurant when the fire started. She attributed the extinguishing of the fire to her friend and coworker Tim Delvin.

From Falmouth District Court . . .

Thursday, June 2

Dispositions

Leona M. Kaltbenski, 56, Cananachee Drive, Falmouth, violating a harassment prevention order on March 25, 2018, in Falmouth; violating a harassment prevention order, sufficient facts found but continued without a finding until November 29, 2022. Defendant placed on administrative supervision, ordered to stay away and not contact the victim, ordered to pay \$75 in fines.

Monday, June 6

Arraignments

Keith R. Strickland, 56, Meadow Haven Drive, Mashpee, malicious destruction of property less than \$1,200 on May 3 in Falmouth; pretrial hearing set for June 30, released on personal recognizance. Catherine O'Mahony, 1970, Teaticket Highway, East Falmouth, operating a motor vehicle with a suspended license, operating without an ignition interlock device, no inspection sticker on May 28 in Mashpee; pretrial hearing set for July 8, released on personal recognizance.

Tuesday, June 9

Arraignments

Douglas M. Rose, 18, Old Barnstable Road, East Falmouth, operating a motor vehicle with a suspended license, negligent operation of a motor vehicle marked lanes violation, rate of speed exceeding posted limit on April 15 in Falmouth; pretrial hearing set for August 12, released on personal

recognizance.

Christine Lanere, Harrison Street, Pawtucket, Rhode Island, assault and battery by concealing merchandise on December 21, 2019, in Falmouth; pretrial hearing set for July 21; ordered to stay away from Walmart; released on personal recognizance.

Dispositions

Mittreer X. Hendricks, 19, Teaticket Highway, East Falmouth; assault with a dangerous weapon, affray; assault and battery with a dangerous weapon on October 9 in Falmouth; assault with a dangerous weapon, failure to prosecute; assault and battery with a dangerous weapon, failure to prosecute.

Kristie L. Watts, 41, Alexander Terrace Road, Falmouth; unregistered motor vehicle, unregistered motor vehicle, motor vehicle lights violation on April 14 in Falmouth, unregistered motor vehicle, not responsible, unregistered motor vehicle, not responsible, on the payment of \$100 in court costs; motor vehicle lights violation, not responsible.

Raymond Aucoin, 19, Brick Kiln Road, East Falmouth; armed assault to murder, assault and battery with a dangerous weapon, affray on October 9 in Falmouth; armed assault to murder, nole prosequi; assault and battery with a dangerous weapon, failure to prosecute; affray; failure to prosecute.

Raymond Aucoin, 19, Brick Kiln

Road, East Falmouth; assault and battery with a dangerous weapon, affray on October 9 in Falmouth; assault and battery with a dangerous weapon, failure to prosecute; affray; failure to prosecute. Lorraine Rodriguez, 23, Anne Way, Brewster, unlicensed operation of a motor vehicle, state highway traffic violation on March 14 in Falmouth; unlicensed operation of a motor vehicle, to be dismissed upon the payment of \$100 in court costs; state highway traffic violation, not responsible.

Wednesday, June 7

Dispositions

Francis P. O'Connor, 33, Durham Road, East Falmouth; marked lanes violation, operating under the influence of drugs, negligent operation of a motor vehicle, possession of a Class A drug, carrying a dangerous weapon on December 10 in Falmouth; marked lanes violation, not responsible; operating under the influence of drugs, sufficient facts found but continued without a finding until June 7, 2023, ordered to attend 24 D program, 45-day loss of license, ordered to pay \$600 in fines; negligent operation of a motor vehicle, dismissed upon the request of the commonwealth; possession of a Class A drug, sufficient facts found but continued without a finding until June 7, 2023; defendant placed on administrative supervision, carrying a dangerous weapon, dismissed upon request of the commonwealth.

Falmouth Man Dies Following Crash

By NOELLE ANNONEN
Falmouth resident Peter Ray, 34, died Saturday, after his truck struck a utility pole in East Falmouth.

The Falmouth Fire Rescue Department responded to reports of an erratic pickup truck that crashed into several mailboxes in the Seacoast Shores Boulevard area on Saturday at approximately 12:29 PM, according to a press release.

Investigation by the Falmouth Police Department and the State Police Crash Reconstruction Team

While on route, the fire department received a second call that the truck had hit a utility pole and then a tree in the Edgewater Drive East and Hampden Road area, according to the news release. Fire department dispatch said Mr. Ray was the sole occupant of the truck and sustained traumatic injuries.

Rescuers arrived on the scene just before the police and began administering medical aid. A medical flight was requested for the high-priority patient, according to reports.

Fire department dispatch said the patient was not flown out of

the Falmouth Fire Rescue Department responded to reports of an erratic pickup truck that crashed into several mailboxes in the Seacoast Shores Boulevard area on Saturday at approximately 12:29 PM, according to a press release.

While on route, the fire department received a second call that the truck had hit a utility pole and then a tree in the Edgewater Drive East and Hampden Road area, according to the news release. Fire department dispatch said Mr. Ray was the sole occupant of the truck and sustained traumatic injuries.

Rescuers arrived on the scene just before the police and began administering medical aid. A medical flight was requested for the high-priority patient, according to reports.

Fire department dispatch said the patient was not flown out of

Legal Notices

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

APPLICANT: Bohler Engineering on behalf of the Town of Falmouth
Location: 878 Sandwich Road
Map# 17 01 017 002

PROPOSAL: Site Plan Review application to construct a new fire station

DATE & TIME: Tuesday, June 28, 2022 at 6:00pm

PLACE: Falmouth Town Hall
59 Town Hall St
Falmouth, MA 02540

Documents may be viewed online at: <https://www.falmouthma.gov/1372/Agenda/Current-Under-Review-Items>

By Order of the Planning Board
Paul Orey
Chair

June 10, 2022

Falmouth Zoning Board of Appeals
Notice of Public Hearing for

June 23, 2022

Notice is hereby given of the following Public Hearing on Monday, June 23, 2022 at 7:00 pm in the Select Board Meeting Room, Town Hall on Town Hall Street, Falmouth, MA.

Amended Application #24-27, Michael G. Boudreau, 81 Chubb Valley Road, East Falmouth, MA. Applicant is the Zoning Board of Appeals for a special permit pursuant to section 24B(2)(5)(1) a formerly 24B(5)(3) of the Code of Falmouth to allow a home occupation to operate a yoga studio. The subject property is 95 Old Valley Drive, East Falmouth, MA.

Fees are available in the Board of Appeals Office at Town Hall for review by interested parties. Publication Dates: June 10, 2022 and June 17, 2022

June 10, 2022

Town of Falmouth
Historical Commission
Public Meeting Notice

The Falmouth Historical Commission will hold a public meeting in accordance with the Falmouth Historic District Bylaw and M.G.L. Chapter 40C, on Wednesday, June 15, 2022 at 5:30 PM in a Zoom Meeting. The meeting will discuss the possibility of establishing a local historic district in the Down Circle area and to hear community support or concerns. Public comments and the meeting link for this specific meeting can be found at the following web address: www.falmouthma.gov/Historical

On behalf of the Falmouth Historical Commission
June 10, 2022

REQUEST FOR PROPOSAL

REAL PROPERTY

The Falmouth Retirement Board is seeking proposals from qualified property owners to lease and/or purchase a parcel of land, with buildings thereon with an associated parking area in the Town

of Falmouth located at 23 Southview Way, East Falmouth, MA. Area located in the Pine Point Veterans' graves may remain the title on the hearing at the Office of the Select Board.

Per Order of the Select Board
June 10, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 24B:14 (4) (Ordinance Regulating the Zoning Bylaws of the Town of Falmouth) on Monday, June 27, 2022 at 7:30 pm in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of John P. O'Neil, Sr. and Diane M. O'Neil for a special permit to allow a home occupation to operate a yoga studio. The subject property is 95 Old Valley Drive, East Falmouth, MA. Area located in the Pine Point Veterans' graves may remain the title on the hearing at the Office of the Select Board.

Per Order of the Select Board
June 10, 2022

Democrats To Hold Meet And Greet With Candidates

The Falmouth Democratic Town Committee will host a meet and greet session with Democratic candidates running for election in key local races at its virtual meeting on Wednesday at 7 PM via Zoom.

County Commissioner Ron Bergstrom; Rob Gallibos, candidate for Cape & Islands district attorney; and Donna Buckley, candidate for Barnstable County sheriff will share their goals, vision and ideas for the respective offices. There will be time for the

public to ask questions of each candidate.

Also on the agenda, the committee will introduce plans for a coordinated Cape and Islands campaign to recruit state Sen. Susan Moran (Plymouth & Barnstable District) and state Representative Dyan Fernandes (Barnstable, Dukes and Nantucket).

In addition, the town committee will share information on the process of "ballot curing" with its sister town committee in Collier

County, Florida, including how to volunteer.

Experienced volunteers and newcomers alike will learn about opportunities to play an active role in the election process through canvassing, phone banking, postcard writing and other ways to support Democratic candidates in the 2022 elections.

The public is welcome to attend. To receive the link to the June 15 FDTCC meeting, send an email to Scott.Simens@comcast.net

Friday Distribution Assistant

The Enterprise is looking to fill a vital role in the distribution department.

Responsibilities include:

- Unloading newspapers every Friday morning.
- Assist the Enterprise drivers with loading their vehicles with the correct amount of papers.
- Must be able to lift bundles of papers (up to 30 pounds)
- Position is 6-8 hours once a week (every Friday)
- Experience not required

If interested, please email Tyler Amara lamara@bcapenews.net or call 508-299-8379

SOARES Flower Garden Nursery

VOTED BEST GARDEN CENTER ON THE UPPER CAPE!!

Well Stocked with Fabulous Plants

Unique Annual "Hot Plants" Are In Perennials, Fruits, & Vegetables ~ Pollinator & Hummingbird Plants ~ Till Woads; Reduced Prices on Native Shrubs SALE: STONINGTON BLEND PREMIUM POTTING SOIL SHOW STOPPING PATIO POTS "We Plant Windowboxes & Containers"

1021 Sandwich Road, East Falmouth between Route 151 & Carriage Shop Road
www.soaresflowergardenursery.com 508-548-5288

Pick of the Week
Painted Brick

The Edge of Summer

100 Main St - Falmouth, MA - 508-548-5288
www.soaresflowergardenursery.com

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, June 9, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Mast Road, Falmouth, one (1) new handhole #293/H2A in public ROW on side of road at base of existing pole #293/2 and to install approximately sixty (60) feet of conduit and cable under town road northwesterly starting at new handhole 293/H2A.

The work is to be done to provide electric service to 8 Mast Road, Falmouth.

Per Order of the Falmouth Select Board

May 27, 2022

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, June 9, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Shoreview Avenue, Falmouth, one (1) new handhole labelled #1029/H3A in public ROW on side of road at base of existing pole #1029/3 and to install approximately thirty eight (38) feet of conduit and cable under town road.

The work is to be done to provide electric service to 17 Shoreview Avenue, Falmouth.

Per Order of the Falmouth Select Board

Conservation

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

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

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

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Benjamin Carroll, 357 West Falmouth Highway, Falmouth, MA – For permission to renovate the existing guest house.

Old Silver Beach Estates Homeowners Association, 35 & 11 Nauset Avenue West, North Falmouth, MA – For permission to remove two asphalt and replace with

amend the Order of Conditions for MA DEP# 25-4643 to replace a portion of previously approved mitigation plantings with four cedar trees.

Joe Jackson, Lot 41, 91, and 96 Bywater Court, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4602 to relocate the existing and previously approved driveway.

HEARINGS UNDER AN ENFORCEMENT ORDER

Stephen Gluggio and Kathleen Twohlgl Gluggio, 192 Saconneset Road, Falmouth, MA – Unpermitted clearing within Conservation jurisdiction.

Order of:
 Jamie Mathews, Chairman
 Falmouth Conservation Commission

May 27, 2022

**Falmouth Zoning Board of Appeals
 Notice of Public Hearing for
 June 23, 2022**

Notice is hereby given of the following Public Hearing @ 6:30pm and Open Meeting in the Select Board's Meeting Room, Town Hall on Thursday, June 23, 2022

Continuation(s)
 #013-22 Sacchetti, Trustee, 461 Central Avenue, East Falmouth

Application #040-22 Christopher J. and Joan H. Eldent: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.1C(3) and 240-11.3A(4) (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to demolish a portion of the existing non-conform-



PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#7994639

May 9, 2022

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

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

Mast Road, Falmouth

To install approximately 60' (feet) of conduit and cable under town road northwesterly starting at new handhole 293/H2A.

To install (1) new handhole labeled 293/H2A in public ROW on side of road at base of existing pole 293/2

This work is to be done to provide electric service to #8 Mast Road.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 7994639 Dated May 7, 2022

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By Jessica Elder

Right of Way Agent
Jessica S. Elder



FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#7994639

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining and protecting fixtures as said Company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said Company dated the 9th day of May 2022.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No.7994639 Dated May 7, 2022 filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Mast Road, Falmouth

Northwesterly from new handhole 293/H2A at base of pole 293/2, to install approximately 60' (feet) of conduit

One (1) 3" Conduit
One (1) Handhole #293/H2A

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Falmouth, Massachusetts held on the 27th day of June 2022.

Gayle A Downey
Clerk of Select Board

_____, Massachusetts _____ 2022.

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

Attest:

Town Clerk

We hereby certify that on June 9 2022, at 2:00 o'clock,
P M. at Falmouth Town Hall a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

Select Board for the Town of
Falmouth, Massachusetts

CERTIFICATE

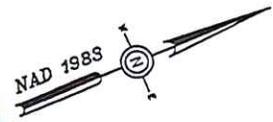
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2022, and recorded with the records of location orders of said Town, Book _____, Page _____.

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

Attest:

Town Clerk.

Plan to accompany petition of EVERSOURCE ENERGY
to install new Handhole 293/2/H1A and 60'±
conduit to provide electric service to 8 MAST ROAD.



49 04 007 053
4 MAST RD
N/F
GROSCH TRUSTEE EDITH
GROSCH TRUSTEE ROBERT L

49 04 008 063
8 MAST RD
N/F
HIBBITT TRUSTEE KAREN M
8 MAST RD NOM TRUST

49 04 009 062
12 MAST RD
N/F
HIBBITT SUSAN B

49 04 010 061
16 MAST RD
N/F
SPECHT TRUSTEE STEPHEN F
SAVIDGE TRUSTEE MARY R

CUSTOMER
HANDHOLE
293/H2B

APPROX. 180'
TO WHITMAN RD

1-3" CONDUIT
TL=60'±

MAST ROAD

293/2

PROPOSED
HANDHOLE
293/H2A

293/3

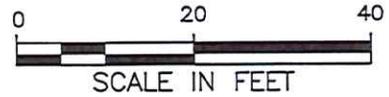
49 04 015 046
5 MAST RD
N/F
REA CAMPBELL C
REA NANCY B

49 04 014 047
0 MAST RD
N/F
PARPART TRUSTEE LEE ANNE
FERNANDO TRUSTEE LAURA A

49 04 013 048
13 MAST RD
N/F
PARPART TRUSTEE LEE ANNE
FERNANDO TRUSTEE LAURA A

LEGEND

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

C#		NSTAR EVERSOURCE d/b/a 1153 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order # 7994639		Plan of MAST ROAD, FALMOUTH
Surveyed by: N/A		
Research by: JC		Showing PROPOSED HANDHOLE AND CONDUIT LOCATION
Plotted by: TL		
Proposed Structures: TL		Scale 1"=20' Date MAY 07, 2022
Approved: T THIBAUT		
P#	SHEET 1 of 1	

CONSENT AGENDA

1. Administrative Orders

- b. Approve Eversource petition to install approximately 38' (feet) of conduit and cable under town road and to install (1) new handhole labeled 1029/H3A in public ROW on side of road at base of existing pole 1029/3. This work is to be done to provide electric service to #17 Shoreview Avenue.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: June 10, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: **Eversource – Petition to install ±38' of conduit on and one handhole on Shoreview Avenue**

A petition was submitted by Eversource to install ±38' of underground conduit and one handhole on Shoreview Ave to provide service for a customer at 17 Shoreview Ave.

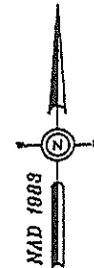
The Engineering recommendation is to approve the request as submitted on Plan No. 9021665, W/O #9021665, dated May 16, 2022.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to install new Handhole 1029/H3A and 38'± conduit to provide electric service to 17 SHORE VIEW AVE..



39 02C 000 062
26 SHOREVIEW AVE
N/F
FURR TRUSTEE JANE A.

39 02C 000 042
25 SHOREVIEW AVE
N/F
LANE JR PAUL M

SHOREVIEW AVE

LONGFELLOW RD

46 01 000 041
22 SHOREVIEW AVE
N/F
FURR JANE

1029/3 ●

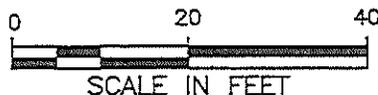
⊕
PROPOSED
HANDHOLE
1029/H3A

PVC CONDUIT
TL=38'±

⊕
CUSTOMER
HANDHOLE
1029/H3B

46 01 000 039
17 SHOREVIEW AVE
N/F
HOULDER PAUL

LEGEND	
⊕	Proposed Hand Hole
—	Proposed Conduit
●	Existing Pole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARTORS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7223

Plan# 9021665
Ward #
Work Order # 9021665
Surveyed by: N/A
Research by: JC
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

NSTAR ELECTRIC **EVSOURCE**
d/b/a
1155 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of 17 SHOREVIEW AVE
FALMOUTH
Showing PROPOSED HANDHOLE AND CONDUIT LOCATION
Scale 1"=20'
Date MAY 16, 2022
SHEET 1 of 1

Police Reports . . .

Thursday, June 2

12:49 PM: Mark Pimental, 66, of Falmouth was arrested on Main Street for an outstanding arrest warrant issued out of the Falmouth District Court. Mr. Pimental was transported to the district court for arraignment without incident.

4 PM: Officers responded to a three-car crash with injuries on Palmer Avenue. None of the injuries were life-threatening. Both cars were towed from the scene. One of the operators was issued a warning for failure to use care and caution while responding to an unwanted and disorderly man at the Old Silver Lounge. He was issued a no-trespass order for the business.

Friday, June 3

1:40 AM: Officers responded to reports of a man on Main Street who was apparently intoxicated attempting to get on a scooter. The officers determined the man should not drive due to his intoxication and that he did not have an active driver's license. He was transported to a local hotel where he checked in for the night.

7:02 AM: A man reported waking up to a man asleep on his couch. The caller locked himself in the bedroom as instructed by dispatch until the police arrived. The officers determined that the man had entered and fallen

asleep on the couch, confusing the home for his final destination while intoxicated. The homeowner did not press charges, and the man was transported away.

Sunday, June 5
12:29 AM: Reports came in of a truck crashing into mailboxes and a tree.

12:40 AM: Police officers responded to the Fire 35 Boathouse and helped security with two men who were causing problems and refusing to leave. The officers stood by while the parties arranged for transport and left on May 6.

12:52 PM: Officers responded to a breaking and entering at a Teaticket residence. Barnstable County Sheriff's Office Bureau of Criminal Investigation assisted. The incident is under investigation.

Tuesday, June 7

11:12 AM: Officers responded to the report of a vehicle crash with a deer in the area of the Speedway gas station. The officers found that the vehicle had sustained minor damage and was drivable. No injuries were reported by the occupants of the vehicle. The deer was found to have sustained life-threatening injuries. Marine & Environmental services were dispatched to remove the deer.

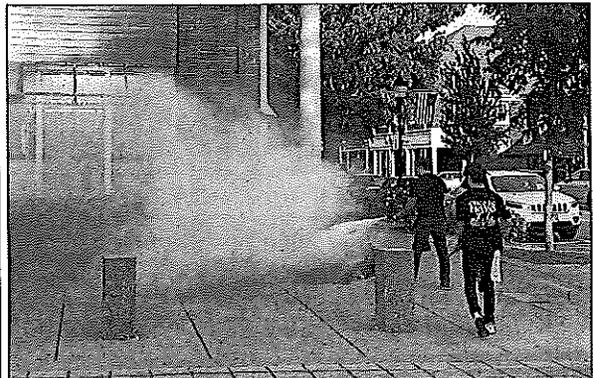
1:22 PM: A lumber truck became entangled in power lines on

Stippewissett Road. The fire and police departments responded and the area was closed until EverSource could make the necessary repairs. The Department of Public Works provided signs and the school department was advised of possible bus route disruptions.

6:45 PM: The police and fire departments responded to a two-vehicle crash on Route 151 and Ashmet Road. There were no injuries reported and the cars were towed away. One of the operators was cited for failure to yield the right of way. Route 151 remained open while officers directed traffic around the crash.

7:01 PM: Police officers were dispatched to the area of Main Street and Academy Lane to assist with a reported structure fire. The officers closed Main Street from Walker Street to Town Hall Square and rerouted traffic Wednesday, June 8

9:46 AM: An officer reported a downed tree on power lines that created a fire on Thomas B Landers Road. The Fire/Rescue Department and EverSource were dispatched to the scene. While in the area, a second report came in of an operator on a nearby pole that was also on fire. Traffic was rerouted while EverSource dealt with the situation. The roadway reopened to traffic approximately two hours later.



Staff from Añejo apply fire extinguishers to the mulch fire across from the restaurant

Fire Started In Shrubbery On Main Street

By NOELLE ANNONEN
Falmouth Fire/Rescue responded to a fire outside of Maxwell & Co off Main Street on Tuesday at approximately 7:01 PM. Deputy Fire Chief Scott J. Thrasher said on Wednesday that the fire was called in by staff of Añejo Mexican Bistro. The fire started in a mulched area for shrubbery where cigarette butts were thrown. Staff from the restaurant responded to the fire and used extinguishers. Deputy Chief Thrasher said that the staff initially knocked down the fire. Deputy Chief Thrasher said that one fire engine was sent after the

first call. But once multiple calls confirmed that the fire had spread to the structure, two more engines and a ladder were dispatched. The fire was extinguished by 7:06 PM.

"The damage is mostly cosmetic," Deputy Chief Thrasher said.

The double-paned front glass window of the building was cracked and a gutter was melted, but the exterior sides of the building were not damaged. Deputy Chief Thrasher said there was no interior damage.

"We were very lucky," Deputy Chief Thrasher said. "We were

able to catch the fire early."

The chief said that firefighters checked the inside of the building for smoke and, finding none, the last unit cleared by 8:14 PM. He said that the businesses within the building are able to continue operating thanks to minimal and solely exterior damage, but they will need to make some repairs. Sally Alferez works at Añejo and told the Enterprise in an email on Wednesday that she was working on the patio of the restaurant when the fire started. She attributed the extinguishing of the fire to her friend and coworker Tim Delvin.

From Falmouth District Court . . .

Thursday, June 2

Dispositions
Leon M. Kaitibenski, 56, Comanche Drive, Falmouth, violating a harassment prevention order on March 23, 2018, in Falmouth; violating a harassment prevention order, sulk/leak facts found but continued without a finding until November 20, 2022, defendant placed on administrative supervision, ordered to stay away and not contact the victim, ordered to pay \$50 in fines.

Monday, June 6

Arraignments
Keith R. Strickland, 56, Meadow Haven Drive, Mashpee; malicious destruction of property less than \$1,200 on May 3 in Falmouth, pretrial hearing set for June 20, released on personal recognizance.
Catherine O'Mahoney, 1970, Teaticket Highway, East Falmouth; operating a motor vehicle with a suspended license, operating without an ignition interlock device, no inspection sticker on May 26 in Mashpee; pretrial hearing set for July 8, released on personal recognizance.

Tuesday, June 9

Arraignments
Douglas M. Rose, 18, Old Barnstable Road, East Falmouth; operating a motor vehicle with a suspended license, negligent operation of a motor vehicle marked lanes violation, rate of speed exceeding posted limit on April 19 in Falmouth; pretrial hearing set for August 12; released on personal

recognition.
Christine Lamere, Harrison Street, Teaticket, Rhode Island; third offense of shoplifting by concealing merchandise on December 21, 2019, in Falmouth; pretrial hearing set for July 21, ordered to stay away from Walmart released on personal recognizance.

Dispositions

Mittee X. Hendricks, 19, Teaticket Highway, East Falmouth; assault with a dangerous weapon, affray, assault and battery with a dangerous weapon on October 9 in Falmouth; assault with a dangerous weapon, failure to prosecute; affray, failure to prosecute; assault and battery with a dangerous weapon, failure to prosecute.
Krisie L. Waits, 41, Alexander Booker Road, Falmouth; unregistered motor vehicle, unlicensed operation of a motor vehicle, motor vehicle lights violation on April 14 in Falmouth; unregistered motor vehicle, not responsible, unlicensed motor vehicle, to be dismissed upon the payment of \$100 in court costs; motor vehicle lights violation, not responsible.

Raymond Aucoin, 19, Brick Kiln Road, East Falmouth; armed assault to murder, assault and battery with a dangerous weapon, affray on October 9 in Falmouth; armed assault to murder, nole prosequi, assault and battery with a dangerous weapon, failure to prosecute; affray; failure to prosecute.
Raymond Aucoin, 19, Brick Kiln

Road, East Falmouth; assault and battery with a dangerous weapon on October 9 in Falmouth; assault and battery with a dangerous weapon, failure to prosecute; affray, failure to prosecute.
Lorrea Rodriguez, 23, Anne Way, Brewster, unlicensed operation of a motor vehicle, state highway traffic violation on March 14 in Falmouth; unlicensed operation of a motor vehicle, to be dismissed upon the payment of \$100 in court costs, state highway traffic violation, not responsible.

Wednesday, June 7

Dispositions
Francis P. O'Connor, 33, Durham Road, East Falmouth; marked lanes violation, operating under the influence of drugs, negligent operation of a motor vehicle, possession of a Class A drug, carrying a dangerous weapon on December 30 in Falmouth; marked lanes violation, not responsible, operating under the influence of drugs, sufficient facts found but continued without a finding until June 7, 2023, ordered to attend 24 B program, 45-day loss of license, ordered to pay \$900 in fines; negligent operation of a motor vehicle, dismissed upon the request of the commonwealth; possession of a Class A drug, sufficient facts found but continued without a finding until June 7, 2023, defendant placed on administrative supervision; carrying a dangerous weapon, dismissed upon request of the commonwealth.

Democrats To Hold Meet And Greet With Candidates

The Falmouth Democratic Town Committee will host a meet and greet session with Democratic candidates running for election in local races at its virtual meeting on Wednesday at 7 PM via Zoom.

County Commissioner Ron Bergstrom; Rob Galibolis, candidate for Cape & Islands district attorney; and Donna Buckley, candidate for Barnstable County sheriff will share their vision, vision and ideas for the respective offices. There will be time for the

public to ask questions of each candidate.

Also on the agenda, the committee will introduce plans for a coordinated Cape and Islands campaign to recruit state Senator Susan Moran (Plymouth) and state Representative Dylan Fernandes (Barnstable, Buks and Nantucket).

In addition, the town committee will share information on the process of "ballot curbing" with its sister town committee in Collier

County, Florida, including how to volunteer.

Experienced volunteers and newcomers alike will learn about opportunities to play an active role in the election process through canvassing, phone banking, postcard writing and other ways to support Democratic candidates in the 2022 elections.

The public is welcome to attend. To receive the link to the June 15 FBTC meeting, send an email to Scott.Simenes@comcast.net.

By NOELLE ANNONEN

Falmouth resident Peter Ray, 34, died Saturday, after his truck struck a utility pole in East Falmouth.

The Falmouth Fire Rescue Department responded to reports of an erratic pickup truck that crashed into several mailboxes in the Seacoast Shores Boulevard area on Saturday at approximately 12:29 PM, according to a press release.

While on route, the fire department received a second call that the truck had hit a utility pole and then a tree in the Edgewater Drive East and Hampden Road area, according to the news release. Fire department dispatch said Mr. Ray was the sole occupant of the truck and sustained traumatic injuries.

Rescuers arrived on the scene just before the police and began administering medical aid. A medical flight was requested for the high-priority patient, according to reports.

Fire department dispatch said the patient was not flown out of

Falmouth. He was instead taken to Falmouth Hospital, where he died from his injuries.

The incident is under

investigation by the Falmouth Police Department and the State Police Crash Reconstruction Team.

Legal Notices

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

APPLICANT: Bohler Engineering on behalf of the Town of Falmouth
Location: 878 Sandwich Road
Map: 17 01 017 002

PROPOSAL: Site Plan Review application to construct area for station

DATE & TIME: Tuesday, June 28, 2022 at 6:30pm

PLACE: Falmouth Town Hall
59 Town Hall Sq.
Falmouth, MA 02543

Documents may be viewed online at: <http://maps.falmouthma.gov/1227/Applicants/Current/Under-Review>

By Order of the Planning Board
Pat Dezer
Chair/Secretary

June 10, 2022

Falmouth Zoning Board of Appeals

Notice of Public Hearing for

June 23, 2022

Notice is hereby given of the following Public Hearing at 11:00am and Open Meeting in the Select Board Meeting Room, Town Hall on Thursday, June 23, 2022.

Amended - Application 0214-22 Michele C. Branda, 15 Oak Valley Drive, East Falmouth, MA. Access to the Zoning Board of Appeals for a Special permit pursuant to section 12A(2)(b)(5)(i) a formerly 240-162 of the Code of Falmouth to allow a home occupation to operate a yoga studio. The subject property is 15 Oak Valley Drive, East Falmouth, MA.

Fees are available in the Board of Appeals' Office at Town Hall for review by interested parties. Publication Dates: June 10, 2022 and June 17, 2022

June 10, 2022

Team of Falmouth Historical Commission

Public Meeting Notice

The Falmouth Historical Commission will hold a public meeting in accordance with the Falmouth Historic District Law and M.G.L. Chapter 90C, on Wednesday, June 15, 2022 at 5:30PM via Zoom Virtual Meetings to discuss the possibility of establishing a local Historic District in the Down Circle area and to hear testimony in support or concern. Instructions and the meeting link for this specific meeting can be found at the following web address: www.falmouthma.gov/Historical

On behalf of the Falmouth Historical Commission

June 10, 2022

REQUEST FOR PROPOSAL

REAL PROPERTY

The Falmouth Retirement Board is seeking proposals from qualified property owners to lease and/or purchase a parcel of land with buildings thereon with associated parking within the Town

of Falmouth, to use for the administrative offices of the Falmouth Community Retirement System. The option to lease office space shall be for a minimum term of 10 years with an option to extend the lease for an additional 10-year period. The Board has determined that the best use of the property is for the purchase of a parcel of land, Chapter 90B and Commonwealth of Massachusetts Regulations 840 CMR - Public Employee Retirement Administration Commission (PERAC).

All respondents are hereby advised that any proposal submitted shall be subject to (1) final approval by the Board in accordance with the provisions of the engagement by PERAC. Approval of the Board does not constitute a contract. The Board reserves the right to cancel or reject in whole or in part any and all proposals in the best interests of the retirement system.

Final RFP will be available on Monday, June 13, 2022. Completed original, hard copy and electronic copies of the responses to the RFP responses must be received no later than 2:00 p.m. EST on Friday August 12, 2022. Any bids submitted after the time will not be accepted. At its discretion, the Board reserves the right to cancel or reject in whole or in part any and all proposals in the best interests of the retirement system.

Requests for a copy of the RFP, should be sent to

Falmouth Retirement System
Attn: Francis St. Pierre, Director
45 Davis State, Suite 102
Falmouth, MA 02536

Email: fnst@falmouthretirement.gov

June 10, 17, 24, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.6 (Veterans' Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of 65-year-old and one-time Falmouth resident, James J. Simons, for a permanent license to conduct a business (license #442) and to allow replacement of existing dock in the name of the water of Charles River located at 8 Edgewater Drive East Falmouth, MA. Areas affected a Charles River. Interested parties may review the file on the hearing at the Office of the Select Board.

Per Order of the Select Board

June 10, 17, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.6 (Veterans' Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of 65-year-old and one-time Falmouth resident, James J. Simons, for a permanent license to conduct a business (license #442) and to allow replacement of existing dock in the name of the water of Charles River located at 8 Edgewater Drive East Falmouth, MA. Areas affected a Charles River. Interested parties may review the file on the hearing at the Office of the Select Board.

Per Order of the Select Board

June 10, 17, 24, 2022

Friday Distribution Assistant

The Enterprise is looking to fill a vital role in the distribution department.

Responsibilities include:

- Unloading newspapers every Friday morning.
- Assist the Enterprise drivers with loading their vehicles with the correct amount of papers.
- Must be able to lift bundles of papers (up to 30 pounds)
- Position is 5-8 hours once a week (every Friday)
- Experience not required

If interested, please email Tyler Amara tamara@enterprise.com or call 508-299-8379

SOARES Flower Garden Nursery

VOTED BEST GARDEN CENTER ON THE UPPER CAPE!!

Well Stocked with Fabulous Plants

Unique Annual "Hot Plants" Are In! Perennials, Fruits, & Vegetables

~ Pollinator & Hummingbird Plants ~

THU WEDS: Reduced Prices on Native Shrubs SALE: STONINGTON BLEND PREMIUM POTTING SOIL SHOW STOPPING PATIO POTS

"We Plant Windowboxes & Containers"

1021 Sandwich Road, East Falmouth
between Route 151 & Carriage Shop Road
www.soaresflowergarden.com 508-548-5288

Pick of the Week
Falmouth Book
The Edge of Summer

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, June 9, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Mast Road, Falmouth, one (1) new handhole #293/H2A in public ROW on side of road at base of existing pole #293/2 and to install approximately sixty (60) feet of conduit and cable under town road northwesterly starting at new handhole 293/H2A.

The work is to be done to provide electric service to 8 Mast Road, Falmouth.

Per Order of the Falmouth Select Board

May 27, 2022

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, June 9, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install on Shoreview Avenue, Falmouth, one (1) new handhole labelled #1029/H3A in public ROW on side of road at base of existing pole #1029/3 and to install approximately thirty eight (38) feet of conduit and cable under town road.

The work is to be done to provide electric service to 17 Shoreview Avenue, Falmouth.

Per Order of the Falmouth Select Board

Conservation

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

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

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

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

REQUESTS FOR DETERMINATION OF APPLICABILITY

Benjamin Carroll, 357 West Falmouth Highway, Falmouth, MA – For permission to renovate the existing guest house.

Old Silver Beach Estates Homeowners Association, 35 & 11 Nauset Avenue West, North Falmouth, MA – For permission to remove two asphalt and replace with

amend the Order of Conditions for MADEP# 25-4643 to replace a portion of previously approved mitigation plantings with four cedar trees.

Joe Jackson, Lot 41, 91, and 95 Bywater Court, Falmouth, MA – Request to amend the Order of Conditions for MA DEP# 25-4602 to relocate the existing and previously approved driveway.

HEARINGS UNDER AN ENFORCEMENT ORDER

Stephen Gluggio and Kathleen Twohig Gluggio, 192 Saconesset Road, Falmouth, MA – Unpermitted clearing within Conservation jurisdiction.

By-

Order of: Jamie Mathews, Chairman
Falmouth Conservation Commission

May 27, 2022

**Falmouth Zoning Board of Appeals
Notice of Public Hearing for
June 23, 2022**

Notice is hereby given of the following Public Hearing @ 6:30pm and Open Meeting in the Select Board's Meeting Room, Town Hall on Thursday, June 23, 2022

Continuation(s)
#013-22 Sacchetti, Trustee, 461 Central Avenue, East Falmouth

Application #040-22 Christopher J. and Joan H. Eldent: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.1C (3) and 240-11.3A(4) (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to demolish a portion of the existing non-conform-



PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#9021665

May 16, 2022

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

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

Shoreview Avenue, Falmouth

To install approximately 38' (feet) of conduit and cable under town road.

To install (1) new handhole labeled 1029/H3A in public ROW on side of road at base of existing pole 1029/3.

This work is to be done to provide electric service to #17 Shoreview Avenue.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed in accordance with the plan files herewith marked Plan No. 9021665 Dated May 16, 2022.

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By Jessica Elder

Right of Way Agent
Jessica S. Elder



FORM OF ORDER FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS
WO#9021665

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED: that the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY be and it is hereby granted a location for and permission to install and maintain underground cables, conduits and manholes, together with such sustaining and protecting fixtures as said Company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said Company dated the 16th day of May 2022.

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

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked Plan No.9021665 Dated May 16, 2022 filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Shoreview Avenue, Falmouth To install approximately 38' (feet) of conduit and cable under town road.
To install (1) new handhole labeled 1029/H3A in public ROW on side of road at base of existing pole 1029/3.

One (1) PVC Conduit
One (1) Handhole #1029/H3A

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Falmouth, Massachusetts held on the 27th day of June 2022.


Clerk of Select Board

_____, Massachusetts _____ 2022.

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

Attest:

Town Clerk

We hereby certify that on June 9 2022, at 2:00 o'clock,
P M. at Falmouth Town Hall a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

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

Select Board for the Town of
Falmouth, Massachusetts

CERTIFICATE

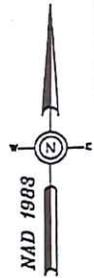
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2022, and recorded with the records of location orders of said Town, Book _____, Page _____.

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

Attest:

Town Clerk.

Plan to accompany petition of EVERSOURCE ENERGY to install new Handhole 1029/H3A and 38'± conduit to provide electric service to 17 SHORE VIEW AVE..



39 02C 000 062
26 SHOREVIEW AVE
N/F
FURR TRUSTEE JANE A.

39 02C 000 042
25 SHOREVIEW AVE
N/F
LANE JR PAUL M

46 01 000 041
22 SHOREVIEW AVE
N/F
FURR JANE

SHOREVIEW AVE

LONGFELLOW RD

1029/3 ●
⊕
PROPOSED
HANDHOLE
1029/H3A

PVC CONDUIT
TL=38'±

⊕
CUSTOMER
HANDHOLE
1029/H3B

46 01 000 039
17 SHOREVIEW AVE
N/F
HOULDER PAUL

LEGEND

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

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

Plan# 9021665
Ward #
Work Order # 9021665
Surveyed by: N/A
Research by: JC
Plotted by: TL
Proposed Structures: TL
Approved: T THIBAUT
P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of #17 SHOREVIEW AVE
FALMOUTH
Showing PROPOSED HANDHOLE AND CONDUIT LOCATION
Scale 1"=20'
Date MAY 16, 2022
SHEET 1 of 1

CONSENT AGENDA

1. Administrative Orders

- c. Approve Eversource petition to relocate 1 JO pole labeled 211/3 approximately 30' (feet) southwest towards pole 211/4. Pole to be relocated for customer at #58 Montauk Street.



Town of Falmouth

Department of Public Works - Engineering Division

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

Nicholas Croft, Engineering Technician

nicholas.croft@falmouthma.gov

Date: June 10, 2022

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

Subject: Eversource – Petition to install relocate a jointly owned utility pole on Montauk Street

A petition was submitted by Eversource to relocate a JO-ES Utility Pole $\pm 30'$ west to the property line between 54 & 58 Montauk Street.

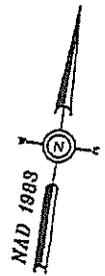
The Engineering recommendation is to approve the request as submitted on Plan No. 7793931, W/O No. 7793931, dated April 14, 2022 with the stipulation that the proposed pole does not disturb any existing trees or underground utilities in the surrounding area. Please see letter of concern from neighbor at 54 Montauk Street.

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

Thank you,

Nicholas Croft
Engineering Technician
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY
to relocate pole #211/3 30'± toward to
pole #211/4 at 58 Montauk St.



39A 12 000 005
54 MONTAUK ST
N/F
CRIMLISK TRUSTEE
JANET T
JT CRIMLISK TR

39A 12 000 006
58 MONTAUK ST
N/F
WATERS ALAN
WATERS ROBERTA

39A 12 000 008
62 MONTAUK ST
N/F
YAUCKOES JOHN F
YAUCKOES MAUREEN C

PROPOSED
JO-POLE
211/3

211/3 (JO-ES)
TO BE RELOCATED

211/2

EDGE OF PAVEMENT

APPROX. 190'±
TO MARAVISTA AVE.

MONTAUK ST

EDGE OF PAVEMENT

APPROX. R.O.W.

39A 11 000 118
53 MONTAUK ST
N/F
GARRY OLIVER
GARRY JOAN

39A 11 000 116
57 MONTAUK ST
N/F
DUMAIS JR TRUSTEE ROBERT P
RPD FAMILY NOMINEE TRUST

39A 11 000 112
63 MONTAUK ST
N/F
MIRAGLIOTTA VINCENT J



LEGEND

- ⊕ Proposed Hand Hole
- ⊖ Existing Hand Hole
- Proposed Pole
- Existing Pole
- ⊕ Riser Pole

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, HOLD HARMLESS AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus	⊕	C#
Pole locations to be abandoned, shown thus	○	Ward # -
Proposed Anchor Guy shown thus	T	Work Order # 7793931
Proposed Hip Guy shown thus	T≡	Surveyed by: -
Proposed Underground location shown thus	—	Research by: N/A
Proposed Push Brace shown thus	⊕	Plotted by: TL
Existing Pole location shown thus	●	Proposed Structures: TL
		Approved: T THIBAUT
		P#

NSTAR EVERSOURCE <small>ELECTRIC d/b/a</small>	
<small>1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125</small>	
Plan of #58 MONTAUK ST FALMOUTH	
Showing PROPOSED POLE LOCATION	
Scale	1"=20' Date APRIL 14, 2022
SHEET	1 of 1

To: Town of Falmouth, Town Engineer, Nicholas Croft
NSTAR, Right of Way Agent, Jessica Elder
Falmouth Select Board
From: Janet Crimlisk
Homeowner, 54 Montauk Street, Falmouth
Date: June 9, 2022
RE: Public Hearing Notice, relocation of telephone pole at 58 Montauk Street
Conference room, Falmouth Town Hall

I am submitting my concerns and opposition regarding the "relocating of a telephone pole at 58 Montauk Street, Falmouth, Ma 30 feet southwest towards pole 211/4." This "relocation is required because existing pole is obstructing the driveway of the customer at #58mMontauk Street". Relocating it 30 feet places it on my property.

My concerns are as follows:

1. First, the pole is not obstructing the driveway (picture A). The driveway was moved to the side of the house and the pole is on the front lawn, not obstructing the driveway.
2. The identified 30-foot relocation places the telephone pole on my land. I measured the pole 30 feet. I have a sewer line clean out right there by my fence and any excavating to place a telephone pole on my property or near my fence will potentially damage my expensive, just installed sewer line and clean out line (picture B, C, D). If this is damaged, I want NSTAR and the Town of Falmouth to guarantee payment for any damage.
3. NSTAR, I think, placed a wooden marker, which may be recommended NSTAR site? I emailed Jessica Elder but have not gotten any confirmation. If that is the site, it is not on my property but is abutting very close to my fence and my sewer line. Was Dig Safe contacted since a sewer line is a utility? I did not see any Dig Safe markers (picture E, F, G).
4. My cherry tree is next to my fence with roots going out toward the NSTAR site (if that is the site). This excavation to place a pole will damage the roots and kill my cherry tree and hydrangea shrubs on my property line (picture H).
5. I already have one telephone pole adjacent to my property and this will place another telephone pole on the other corner of my property (picture I).

I am not averse to the pole being moved 10 feet, so it is still on the property of 58 Montauk and not directly on my property or affecting my sewer line, trees, and shrubs. I do not see why moving it 10 feet is not a reasonable option. The town of Falmouth has most telephone poles placed so they are free of encroachment on trees, branches, and roots (picture J). Moving the pole 10 feet would not encroach on my tree, shrubs or sewer lines and would not be directly impacting tree branches (picture K, L).

Respectfully submitted,
Janet Crimlisk



Attachments: 12 pictures labeled A through L



DRIVEWAY NOT OBSTRUCTED



MEASURE 30 FEET



C-

SEWER LINE CLEAN OUT



D

SEWER
LINE
CLEANOUT

E



? NSTAR MARKER - ORANGE WOOD

F

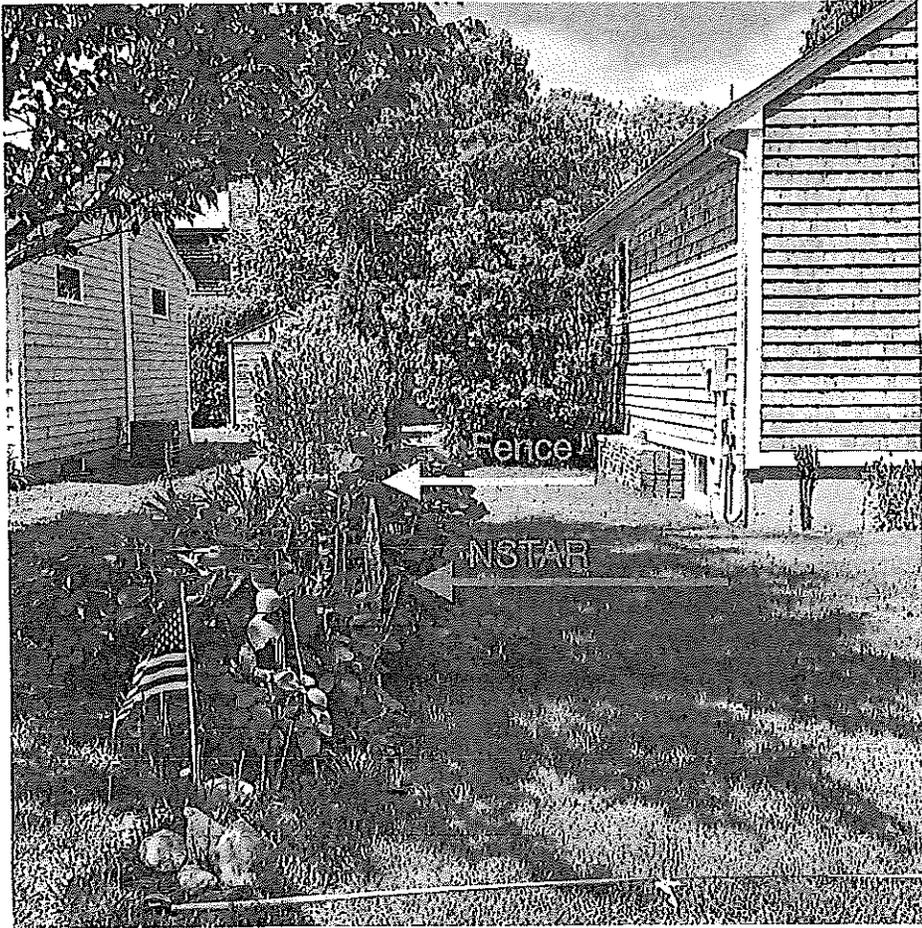


BEACH
UMBRELLA
MARKS
ORANGE
WOOD
STICK

30 FEET @ MY LAND

NSTAR MARKER ABUTTING

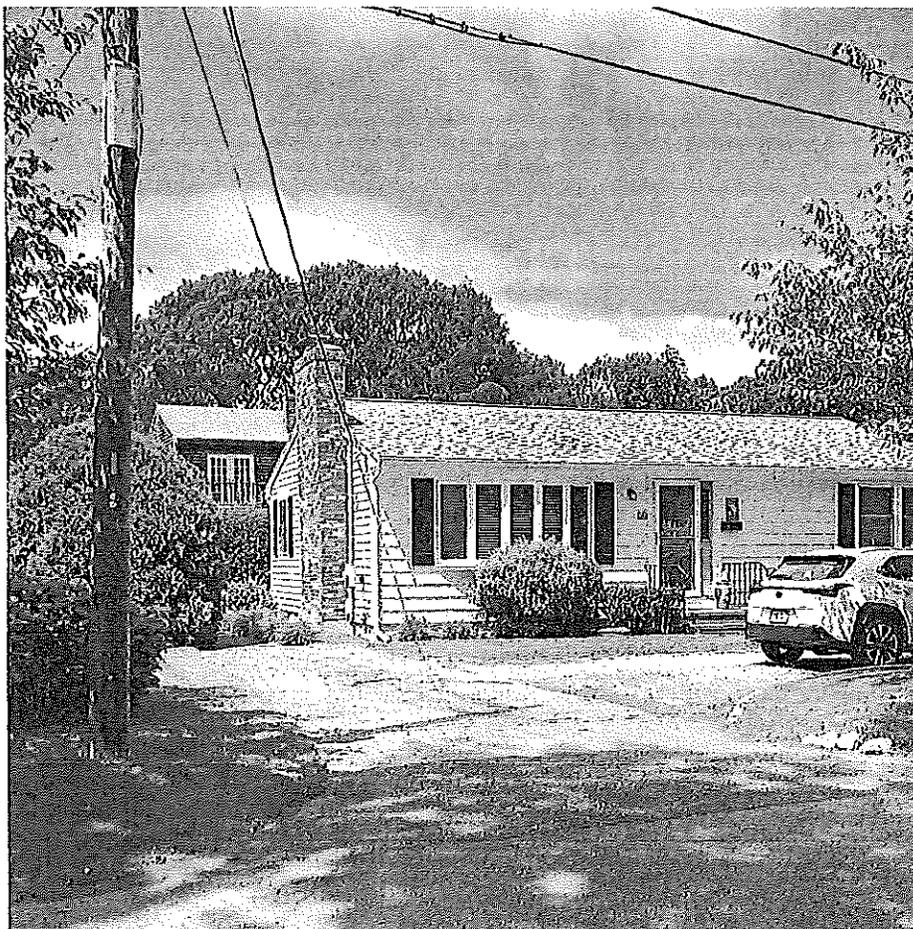
G



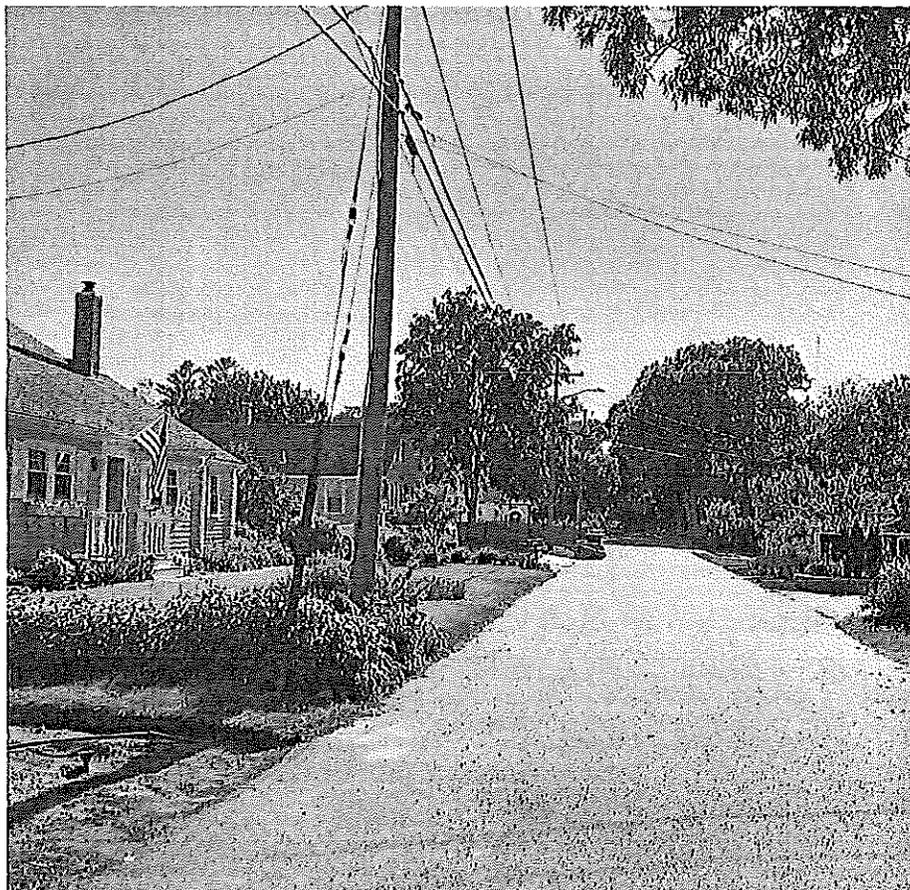
H



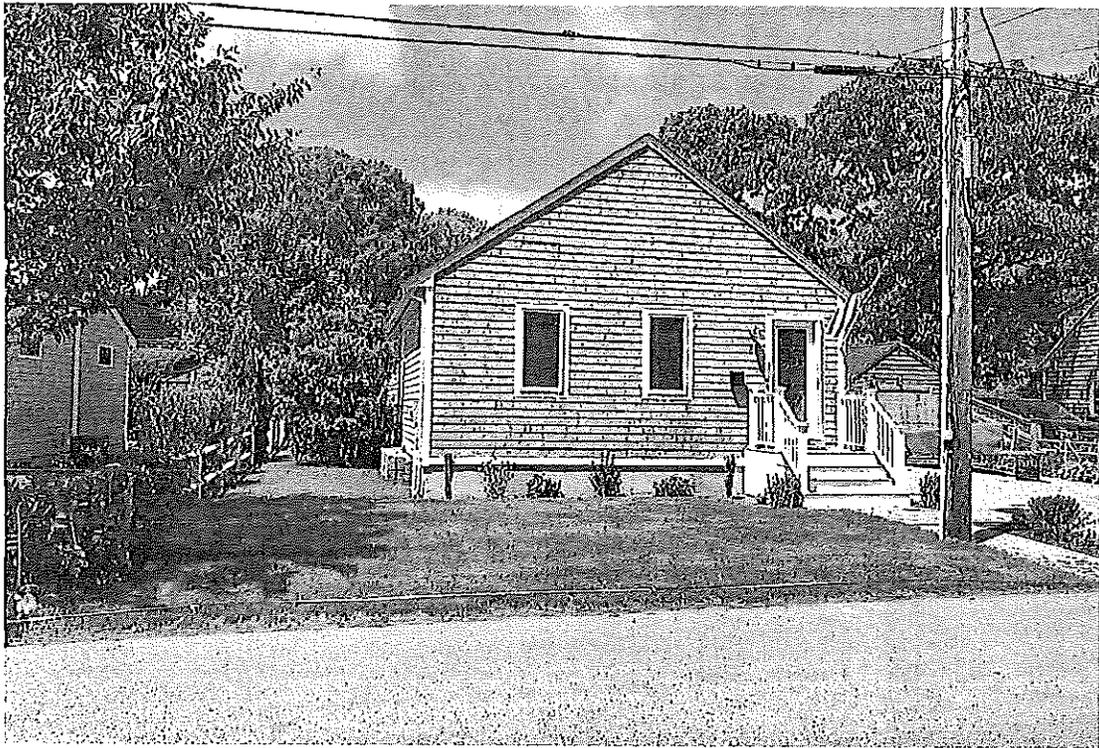
I



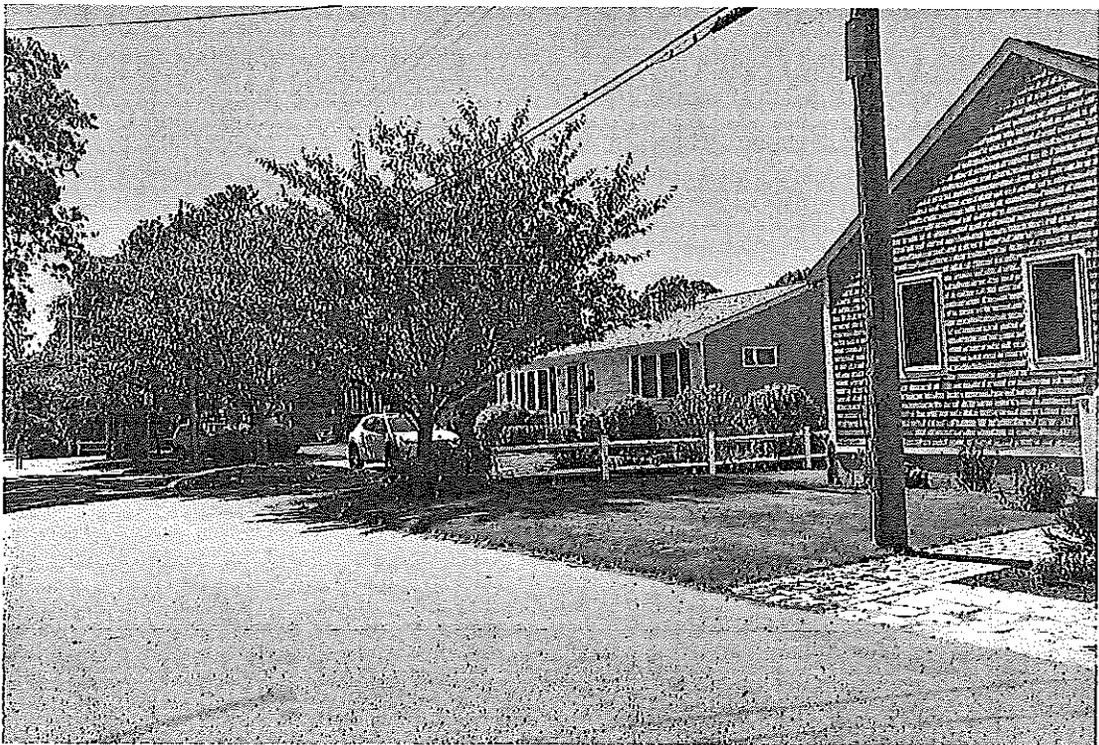
J



K



L



Police Reports . . .

Thursday, June 2
12:49 PM: Mark Pimental, 86, of Falmouth was arrested on Main Street for an outstanding arrest warrant issued out of the Falmouth District Court. Mr. Pimental was transported to the district court for arraignment without incident.

4 PM: Officers responded to a three-car crash with injuries on Palmer Avenue. None of the injuries were life-threatening. Both cars were towed from the scene. One of the operators was issued a warning for failure to use care and caution while stopping.

4:21 PM: Officers responded to an unwanted and disorderly man at the Old Silver Lounge. He was issued a no-trespass order for the business.

Friday, June 3
1:03 AM: Officers responded to reports of a man on Main Street who was apparently intoxicated attempting to get on a scooter. The officers determined the man should not drive due to his intoxication and that he did not have an active driver's license. He was transported to a local hotel where he checked in for the occupants of the vehicle.

7:02 AM: A man reported waking up to a man asleep on his couch. The caller locked himself in the bedroom as instructed by dispatch until the police arrived. The officers determined that the man had entered and fallen

asleep on the couch, confusing the home for his final destination while intoxicated. The homeowner did not press charges, and the man was transported away.

Sunday, June 5
12:29 AM: Reports came in of a truck crashing into mailboxes and a tree.

12:40 AM: Police officers responded to the Pier 37 Boatshow and helped security with two men who were causing problems and refusing to leave. The officers stood by while the parties arranged for transport and left.

Monday, June 6
12:52 PM: Officers responded to a breaking and entering at a Testicket residence in Barnstable County Sheriff's Office Bureau of Criminal Investigation assisted. The incident is under investigation.

Tuesday, June 7
11:12 AM: Officers responded to the report of a vehicle crash with a deer in the area of the Speedway gas station. The officers found that the vehicle had sustained minor damage and was drivable. No injuries were reported by the occupants of the vehicle. The deer was found to have sustained life-threatening injuries. Marine & Environmental services were dispatched to remove the deer.

1:22 PM: A lumber truck became entangled in power lines on

Sippewissett Road. The fire and police departments responded and the area was closed until Eversource could make the necessary repairs. The Department of Public Works provided signs and the school department was advised of possible bus route disruption.

6:45 PM: The police and fire departments responded to a two-vehicle crash on Route 151 and Ashmet Road. There were no injuries reported and the cars were towed away. One of the operators was cited for failure to yield the right of way. Route 151 remained open while officers directed traffic around the crash.

7:01 PM: Police officers were dispatched to the area of Main Street and Academy Lane to assist with a reported structure fire. The officers closed Main Street from Walker Street to Town Hall Square and removed traffic.

Wednesday, June 8
9:46 AM: An officer reported a downed tree on power lines that created a fire on Thomas B. Landers Road. The Fire/Rescue Department and Eversource were dispatched to the scene. While in the area, a second report came in of an asphyxiation on a nearby pole that was also on fire. Traffic was routed while Eversource dealt with the situation. The roadway received no traffic approximately two hours later.



Staff from Añejo apply fire extinguishers to the much fire across from the restaurant.

Fire Started In Shrubby On Main Street

By NOELLE ANNONEN
 Falmouth Fire/Rescue responded to a fire outside of Maxwell & Co off Main Street on Tuesday at approximately 7:01 PM. Deputy Fire Chief Scott J. Thrasher said on Wednesday that the fire was called in by staff at Añejo Mexican Bistro. The fire started in a mulched area for shrubbery where cigarette butts were thrown. Staff from the restaurant responded to the fire with fire extinguishers. Deputy Chief Thrasher said that the staff initially knocked down the fire.

Deputy Chief Thrasher said that one fire engine was sent after the first call. But since multiple calls confirmed that the fire had spread to the structure, two more engines and a ladder were dispatched. The fire was extinguished by 7:06 PM.

"The damage is mostly cosmetic," Deputy Chief Thrasher said.

The double-paned front glass window of the building was cracked, and a gutter was melted, but the exterior sides of the building are brick and were not damaged. Deputy Chief Thrasher said there was no interior damage.

"We were very lucky," Deputy Chief Thrasher said. "We were

able to catch the fire early."

The chief said that firefighters checked the inside of the building for smoke and, finding none, the last unit cleared by 8:14 PM. He said that the businesses within the building are able to continue operating, thanks to minimal and solely exterior damage, but they will need to make some repairs.

Sally Aiders works at Añejo and told the Enterprise in an email on Wednesday that she was working on the patio of the restaurant when the fire started. She attributed the extinguishing of the fire to her friend and coworker Tim Delvin.

From Falmouth District Court . . .

Thursday, June 2
Dispositions

Leona M. Kaitzenski, 56, Comanche Drive, Falmouth: violating a harassment prevention order on March 25, 2018, in Falmouth; violating a harassment prevention order, sufficient facts found but continued without a finding until November 20, 2022, defendant placed on administrative supervision, ordered to stay away and not contact the victim, ordered to pay \$50 in fines

Monday, June 6
Arrangements

Keith R. Strickland, 58, Meadow Haven Drive, Mashpee, malicious destruction of property less than \$1200 on May 3 in Falmouth, pretrial hearing set for June 30, released on personal recognizance.

Catherine O'Mahoney, 1970, Teaticket Highway, East Falmouth, operating a motor vehicle with a suspended license, operating without an ignition interlock device, no inspection sticker on May 28 in Mashpee; pretrial hearing set for July 8, released on personal recognizance.

Tuesday, June 9
Arrangements

Douglas M. Rose, 18, Old Barnstable Road, East Falmouth, operating a motor vehicle with a suspended license, negligent operation of a motor vehicle marked lanes violation, rate of speed exceeding posted limit on April 15 in Falmouth; pretrial hearing set for August 12, released on personal

recognizance.

Christine Lamere, Harrison Street, Pawtucket, Rhode Island, third offense of shoplifting by concealing merchandise on December 21, 2018, in Falmouth, pretrial hearing set for July 21; ordered to stay away from Walmart; released on personal recognizance.

Dispositions

Milteer X. Hendricks, 19, Teaticket Highway, East Falmouth, assault with a dangerous weapon, affray, assault and battery with a dangerous weapon on October 9 in Falmouth; assault with a dangerous weapon, failure to prosecute.

Kristie L. Watts, 41, Alexander Booker Road, Falmouth, unregistered motor vehicle, uninsured motor vehicle, motor vehicle lights violation on April 14 in Falmouth; unregistered motor vehicle, not responsible; uninsured motor vehicle, to be dismissed upon the payment of \$100 in court costs; motor vehicle lights violation, not responsible.

Raymond Aucoin, 19, Brick Kiln Road, East Falmouth, armed assault to murder, assault and battery with a dangerous weapon, affray on October 9 in Falmouth, armed assault to murder, nolle prosequi; assault and battery with a dangerous weapon, failure to prosecute; affray; failure to prosecute.

Dispositions

Franco R. O'Connor, 33, Durban Road, East Falmouth, marked lanes violation, operating under the influence of drugs, negligent operation of a motor vehicle, possession of a Class A drug, carrying a dangerous weapon on December 10 in Falmouth; marked lanes violation, not responsible; operating under the influence of drugs, sufficient facts found but continued without a finding until June 7, 2023, ordered to attend 24 H program, 45-day loss of license, ordered to pay \$600 in fines; negligent operation of a motor vehicle, possession of a Class A drug, sufficient facts found but continued without finding until June 7, 2023; defendant placed on administrative supervision; carrying a dangerous weapon, dismissed upon request of the commonwealth.

Dispositions

Franco R. O'Connor, 33, Durban Road, East Falmouth, marked lanes violation, operating under the influence of drugs, negligent operation of a motor vehicle, possession of a Class A drug, carrying a dangerous weapon on December 10 in Falmouth; marked lanes violation, not responsible; operating under the influence of drugs, sufficient facts found but continued without a finding until June 7, 2023, ordered to attend 24 H program, 45-day loss of license, ordered to pay \$600 in fines; negligent operation of a motor vehicle, possession of a Class A drug, sufficient facts found but continued without finding until June 7, 2023; defendant placed on administrative supervision; carrying a dangerous weapon, dismissed upon request of the commonwealth.

Raymond Aucoin, 19, Brick Kiln Road, East Falmouth, armed assault to murder, assault and battery with a dangerous weapon, affray on October 9 in Falmouth, armed assault to murder, nolle prosequi; assault and battery with a dangerous weapon, failure to prosecute; affray; failure to prosecute.

Raymond Aucoin, 19, Brick Kiln Road, East Falmouth, armed assault to murder, assault and battery with a dangerous weapon, affray on October 9 in Falmouth, armed assault to murder, nolle prosequi; assault and battery with a dangerous weapon, failure to prosecute; affray; failure to prosecute.

Democrats To Hold Meet And Greet With Candidates

The Falmouth Democratic Town Committee will host a meet and greet session with Democratic candidates running for election in key local races at its virtual meeting on Wednesday at 7 PM via Zoom.

County Commissioner Ron Bergstrom, Rob Gallucci, candidate for Cape & Islands district attorney, and Donna Buckley, candidate for Barnstable County sheriff will share their goals, vision and ideas for the respective offices. There will be time for the

public to ask questions of each candidate.

The agenda, the committee will introduce plans for a coordinated Cape and Islands campaign to reelect state Senator Susan Moran (Plymouth & Barnstable Districts) and state Representative Dylan Fernandes (Barnstable, Dukes and Nantucket).

In addition, the town committee will share information on the process of "ballot curing" with its sister town, commingling in Collier

County, Florida, including how to volunteer.

Experienced volunteers and newcomers alike will learn about opportunities to play an active role in the election process through canvassing, phone banking, postcard writing and other ways to support Democratic candidates in the 2022 elections.

The public is welcome to attend. To receive the link to the June 15 FDTIC meeting, send an email to Scott.Simmons@comcast.net

Falmouth Man Dies Following Crash

By NOELLE ANNONEN
 Falmouth resident Peter Ray, 34, died Saturday after his truck struck a utility pole in East Falmouth.

He was instead taken to Falmouth Hospital, where he died from his injuries.

The incident is under investigation by the Falmouth Police Department and the State Police Crash Reconstruction Team.

The Falmouth Fire Rescue Department responded to reports of an erratic pickup truck that crashed into several mailboxes in the Seacoast Shores Boulevard area on Saturday at approximately 12:29 PM, according to a press release.

While en route, the fire department received a second call that the truck had hit a utility pole and then a tree in the Edgewater Drive East and Hampden Road area, according to the news release. Fire department dispatch said Mr. Ray was the sole occupant of the truck and sustained traumatic injuries.

Rescuers arrived on the scene just before the police and began administering medical aid. A medical flight was requested for the high-priority patient, according to reports.

Fire department dispatch said the patient was not flown out of Falmouth.

Documents may be viewed online at <https://www.falmouth.gov/1127/Applications-Currently-Under-Review>.

By Order of the Planning Board
 Paul Dwyer
 Clerk/Secretary

Request for a copy of the RFP, should be sent to the Office of the RFP, should be sent to the Office of the RFP.

Legal Notices

TOWN OF FALMOUTH PLANNING BOARD PUBLIC MEETING NOTICE

APPLICANT: Butler Engineering on behalf of the Town of Falmouth

Location: 378 Sandwich Road, Suite 1701 017 002

PROPOSAL: Sign Plan Review application to construct a new structure.

DATE & TIME: Tuesday, June 28, 2022 at 6:30pm

PLACE: Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540

All respondents are hereby advised that any proposal submitted shall be subject to 100% approval by the Board in accordance with the approved evaluation criteria, including but not limited to the best interests of the town and the public good. (2) any other agreement and (3) any other terms of the agreement (PERAC). Additional terms of lease or purchase to be reasonably negotiated.

The RFP may be viewed online at <https://www.falmouth.gov/1127/Applications-Currently-Under-Review>.

Documents may be viewed online at <https://www.falmouth.gov/1127/Applications-Currently-Under-Review>.

By Order of the Planning Board
 Paul Dwyer
 Clerk/Secretary

Falmouth Zoning Board of Appeals Notice of Public Hearing for June 23, 2022

Notice is hereby given of the following Public Hearing to be held at 7:00 pm on Wednesday, June 23, 2022 at the Select Board Meeting Room, Town Hall on Thursday, June 23, 2022.

Agenda Item - Application #2022-0126, Michele C. Branch, 31 Club Valley Drive, East Falmouth, MA. Applied to the Zoning Board of Appeals for a special permit pursuant to section 240-9.5B(1) of the Zoning Ordinance to operate a yoga studio in home occupation to operate a yoga studio. The subject property is 055 Club Valley Drive, East Falmouth, MA.

Fees are available in the Board of Appeals Office at Town Hall for review by interested parties. Publication Dates: June 10, 2022 and June 17, 2022.

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14 B (Variances Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:00 pm in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Simon and Janis Stravos for a permanent license to operate existing permits License #4887 and to allow additional use of existing dock in the same location in the waters of Crosses River located at 8 Edgewater Drive East Falmouth, MA. Area affected is a Fair Port. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the Select Board
 June 10, 17, 2022

Town of Falmouth Historical Commission Public Meeting Notice

The Falmouth Historical Commission will hold a public meeting, in accordance with the Falmouth Historic District Bylaw and M.G.L. Chapter 40C, on Wednesday, June 15, 2022 at 5:30PM via Zoom. All meetings to discuss the possibility of establishing a local historic district in the Crown Cove area and to hear community support or concern. Participants and the meeting link for this specific meeting can be found at the following web address: www.falmouth.gov/historical

On behalf of the Falmouth Historical Commission
 June 10, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14 B (Variances Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:00 pm in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Simon and Janis Stravos for a permanent license to operate existing permits License #4887 and to allow additional use of existing dock in the same location in the waters of Crosses River located at 8 Edgewater Drive East Falmouth, MA. Area affected is a Fair Port. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the Select Board
 June 10, 17, 2022

REQUEST FOR PROPOSAL REAL PROPERTY

The Falmouth Retirement Board is seeking proposals from qualified property owners to lease and/or purchase a parcel of land, with buildings thereon, which associated parking with the Town

Friday Distribution Assistant

The Enterprise is looking to fill a vital role in the distribution department.

Responsibilities include:

- Unloading newspapers every Friday morning
- Assist the Enterprise drivers with loading their vehicles with the correct amount of papers.

Must be able to lift bundles of papers (up to 30 pounds)

Position is 5-6 hours once a week (every Friday)

Experience not required

If interested, please email Tyler Amral tamral@falmouthenterprise.net or call 508-289-8379

SOARES Flower Garden Nursery

VOTED BEST GARDEN CENTER ON THE UPPER CAPE!!

Well Stocked with Fabulous Plants

Unique Annual "Hot Plants" Are In! Perennials, Fruits, & Vegetables

~ Pollinator & Hummingbird Plants ~

Till Weeds: Reduced Prices on Native Shrubs

SALE: STONINGTON BLEND PREMIUM POTTING SOIL

SHOW STOPPING PATIO POTS

"We Plant Windows & Containers"

1021 Sandwich Road, East Falmouth
 between Route 151 & Carriage Shop Road
www.soaresflowergarden.com 508-548-5288

Pick of the Week Featured Book

The Edge of Summer

120 Main St • Falmouth, MA • 508-289-5544
www.falmouthcousins.com

trip
bers

and to install approximately thirty eight (38) feet of conduit and cable under town road.

The work is to be done to provide electric service to 17 Shoreview Avenue, Falmouth.

Per Order of the Falmouth Select Board

May 27, 2022

n
his
ads
heir
ajor

nge
mal
own
He
eet-
s to

give
aid.

PUBLIC HEARING NOTICE

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, June 9, 2022, upon the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to remove/relocate/install 1 JO pole #211/3 approximately 30' (feet) southwest towards pole 211/4.

Pole to be relocated for customer at 58 Montauk Street.

This proposed relocation is required because existing pole is obstructing the driveway of the customer at #58 Montauk Street, Falmouth.

Per Order of the Falmouth Select Board

May 27, 2022

The FALMOUTH CONSERVATION COMMISSION will hold a public hearing under Section 40, Chapter 131 of the general laws of the Commonwealth of Massachusetts Wetlands Protection Act and/or the Town of Falmouth Wetlands Protection Bylaw on Wednesday June 8, 2022 at 7:00 PM.

S

In accordance with Chapter 22 of the Acts of 2022, relating to the 2020 novel Coronavirus outbreak, the June 8, 2022 public meeting of the Falmouth Conservation Commission shall be physically closed to the public to

PLICABILITY

Benjamin Carroll, 367 West Falmouth Highway, Falmouth, MA – For permission to renovate the existing guest house.

Old Silver Beach Estates Homeowners Association, 36 & 11 Nauset Avenue West, North Falmouth, MA – For permission to remove two sections of broken asphalt and replace with new black top.

Judith T. Bohn, 7 Gunning Point Avenue, Falmouth, MA – For permission to reconstruct and enlarge the existing deck, to install a spa, and to install a drywell.

Saraswathy and Vaidyanathan Shekar, 76 Bywater Court, Falmouth, MA – For permission to construct an addition and patio, and to install a drywell.

Allison Blasch, 26 Zell Street, Falmouth, MA – For permission to reconfigure the existing driveway and to install mitigation plantings for unpermitted impervious surface.

Michael Roof, 100 Bridge Street, East Falmouth, MA – For permission to remove the existing first and second story decks and to construct a sunroom.

Helen Kilkenney, 66 Seatauket Road, East Falmouth, MA – For permission to either pump and fill or to remove an existing leaching pit, and to install a new gravity fed soil absorption system in conformance with Title V.

REQUESTS FOR A HEARING UNDER A NOTICE OF INTENT

Barbara Good Toohey, Trustee, 16 Rock Street Nomine Trust, 16 Rock Street, Falmouth, MA – For permission to construct an addition and to replace existing pavement with lawn and GravelPave.

Continuation(s)

#013-22 Sacchetti, Trustee, 461 Central Avenue, East Falmouth

Application #040-22 Christopher J. and Joan H. Eident: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-10.1C (3) and 240-11.3A (4) (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to demolish a portion of the existing non-conforming dwelling and construct a two-story addition; exceeding 20% lot coverage by structures on subject property known as 129 Jericho Path, Falmouth, Ma.

Application #043-22 Stephen J. and Ruthanne Molyneaux: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-11.3A (4) and 240-10.2A (formerly 240-3 C. and 240-69 E.) of the Code of Falmouth to allow an above ground pool; increasing lot coverage by structures on subject property known as 137 Old Main Road, North Falmouth, Ma.

Application #044-22 Michele C. Brandt: Applied to the Zoning Board of Appeals for a special permit pursuant to section(s) 240-9.5B(1) a (formerly 240-162) of the Code of Falmouth to allow a home occupation to operate a yoga studio / pursuant to M.G.L. c. 40A §§ 8 & 15 and 240-12.4A(1)b (previously 240-202 of the Code of Falmouth) appealing the Building Commissioner's letter of March 4, 2022 (*March 23, 2022). The subject property is 95 Club Valley Drive, East Falmouth, Ma.

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

May 27, 2022 and June 3, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands



PETITION FOR JOINT OR IDENTICAL POLE RE-LOCATIONS
WO#7793931

April 14, 2022

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

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY
VERIZON NEW ENGLAND INC.

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Montauk Street, Falmouth
To relocate 1 JO pole labeled 211/3 approximately 30' (feet) southwest towards pole 211/4.
Pole to be relocated for customer at 58 Montauk Street.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked plan#7793931 Dated April 14, 2022.

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with the poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY

By Jessica Elder

Right of Way Agent
Jessica S. Elder

VERIZON NEW ENGLAND INC.

By Daryl Crossman

Manager-Right of Way
Daryl Crossman

5/19/22



FORM OF ORDER FOR
PETITION FOR JOINT OR IDENTICAL POLE RELOCATION
WO#7793931

SELECT BOARD FOR THE TOWN OF FALMOUTH, MASSACHUSETTS.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY and
VERIZON NEW ENGLAND INC.

be and they are hereby granted joint or identical locations for permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 14th day of April 2022.

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

Poles shall be of sound timber and reasonably straight and shall be set substantially at the points indicated upon the plan marked sketch work order#7793931 Dated April 14, 2022 filed with said petition. There may be attached to said poles by said VERIZON NEW ENGLAND, INC. not to exceed 40 wires and 4 cables and by said NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY necessary wires, cables and fixtures

and all said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet from the ground elsewhere.

The following are public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Montauk Street, Falmouth

remove/relocate/install 1 new JO pole#211/3 approximately 30' feet southwest towards pole 211/4

One (1) JO Pole 211/3

Also that permission be and hereby granted to each of said companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board for the Town of Falmouth, Massachusetts held on the 27th day of June 2022.

Phyllis A Downey
Clerk of Select Board

_____, Massachusetts _____ 2022.

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

Attest:

Town Clerk

We hereby certify that on June 9 2022, at 2:00 o'clock, P M. at Falmouth Town Hall a public hearing was held on the petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY
VERIZON NEW ENGLAND INC.

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

Select Board for the Town of
Falmouth, Massachusetts

CERTIFICATE

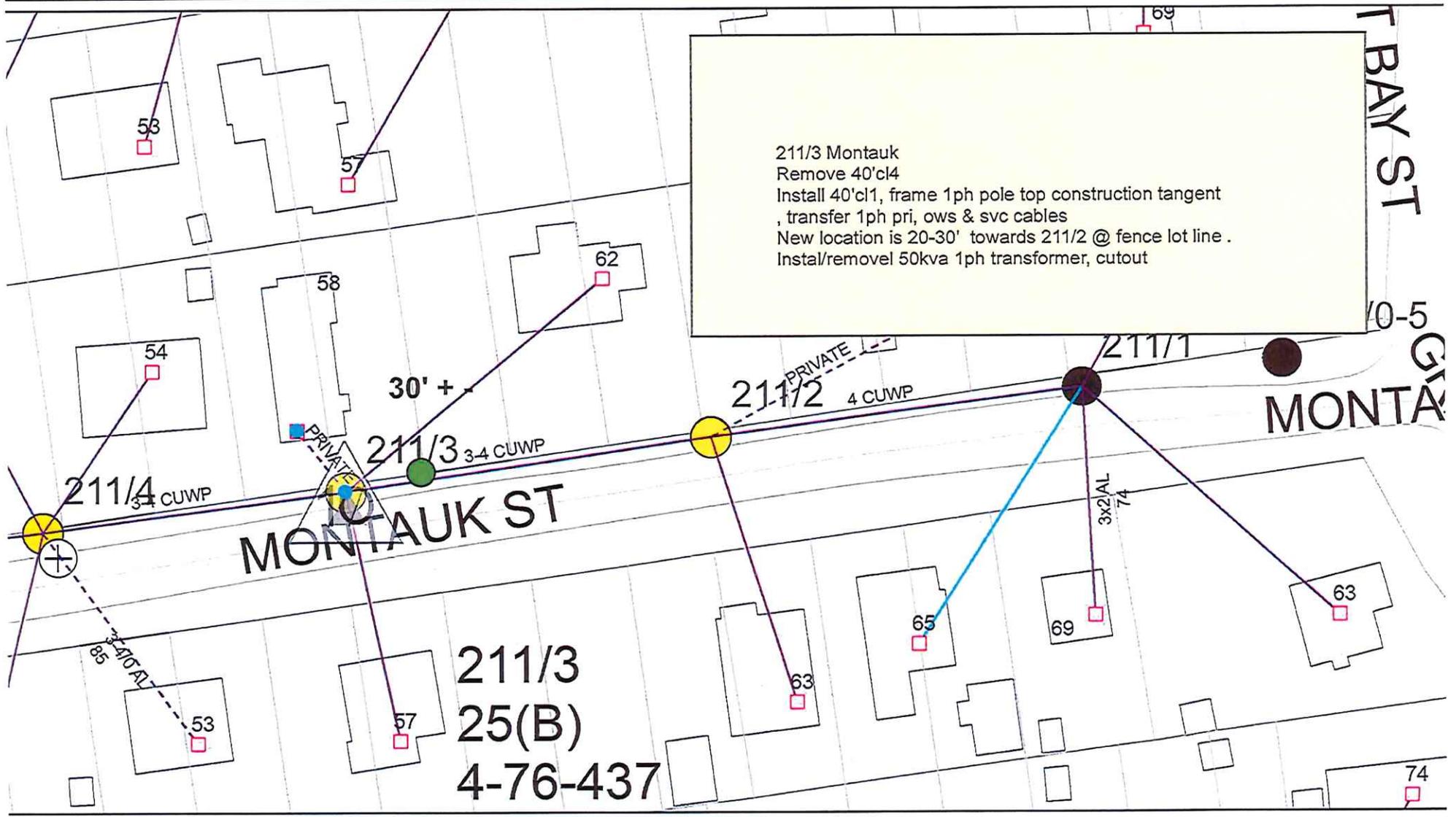
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Falmouth, Massachusetts, on the _____ day of _____ 2022, and recorded with the records of location orders of said Town, Book _____, Page _____.

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

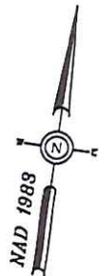
Attest:

Town Clerk.

Service Address: 58 Montauk St.	City: Falmouth	Page Number: 1 of 1 Pages	Auth. No.	Work Order Number: 6212191
Customer's Name/Title: Alan Waters		Prepared by: Joanna Dixon 12/29/21		
Sales Representative: Ted Hooker Humphries	Customer requests pole relocation towards 211/2 30' +/- Use end of driveway @ fence as new pole location		Circuit Number:	
Electrician:			TLM:	
Switch Size:			Secondary Sheet Number:	



Plan to accompany petition of EVERSOURCE ENERGY
to relocate pole #211/3 30'± toward to
pole #211/4 at 58 Montauk St.



39A 12 000 005
54 MONTAUK ST
N/F
CRIMLISK TRUSTEE
JANET T
JT CRIMLISK TR

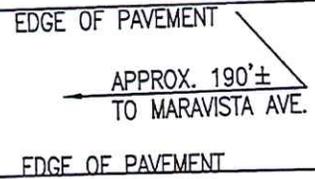
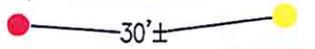
39A 12 000 006
58 MONTAUK ST
N/F
WATERS ALAN
WATERS ROBERTA

39A 12 000 008
62 MONTAUK ST
N/F
YAUCKOES JOHN F
YAUCKOES MAUREEN C

PROPOSED
JO-POLE
211/3

211/3 (JO-ES)
TO BE RELOCATED

211/2

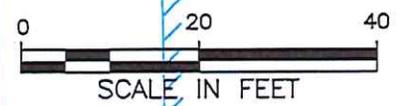


MONTAUK ST

39A 11 000 118
53 MONTAUK ST
N/F
GARRY OLIVER
GARRY JOAN

39A 11 000 116
57 MONTAUK ST
N/F
DUMAIS JR TRUSTEE ROBERT P
RPD FAMILY NOMINEE TRUST

39A 11 000 112
63 MONTAUK ST
N/F
MIRAGLIOTTA VINCENT J



LEGEND

- ⊕ Proposed Hand Hole
- ⊖ Existing Hand Hole
- Proposed Pole
- Existing Pole
- Riser Pole

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus	⊕	C#	
Pole locations to be abandoned, shown thus	○	Ward #	-
Proposed Anchor Guy shown thus	T	Work Order #	7793931
Proposed Hip Guy shown thus	T _H	Surveyed by:	-
Proposed Underground location shown thus	—	Research by:	N/A
Proposed Push Brace shown thus	⊕	Plotted by:	TL
Existing Pole location shown thus	●	Proposed Structures:	TL
		Approved:	T THIBAUT
		P#	

NSTAR EVERSOURCE
ELECTRIC
d/b/a
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of #58 MONTAUK ST
FALMOUTH
Showing PROPOSED POLE LOCATION

Scale 1"=20' Date APRIL 14, 2022
SHEET 1 of 1

CONSENT AGENDA

1. Review and Vote to Approve Minutes of Meetings

- a. Public Session – May 23, 2022; May 26, 2022**

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, MAY 23, 2022
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

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

Select Board Present: Chair Nancy Taylor; Vice Chair Onjalé Scott Price; Sam Patterson; Doug Brown; Scott Zylinski.

Staff Present: Peter Johnson-Staub, Acting Town Manager; Maura O'Keefe, Town Counsel.

Chair Brown called the open session to order at 6:00 p.m. and motioned to convene the executive session M.G.L. c.30A s.21(a)(3) – To discuss strategy with respect to collective bargaining with all unions excluding police and fire; and M.G.L. c.30A s.21(a)(2) to discuss strategy with respect to non-union personnel (COVID premium pay) M.G.L. c.30A s.21(a)(2) – To conduct strategy with respect to negotiations with non-union personnel: Town Manager because to not go into executive session could prejudice ongoing negotiations. Mr. Patterson seconded the motion. It was followed by a roll call vote in Open Session to go into Executive Session for the purpose of discussing the above-listed items, and to return to Open Session after discussion. Roll Call Vote: Chair Brown, aye; Mr. Patterson, aye; Ms. Scott Price, aye; Dr. Taylor, aye; Chair Brown, aye; Mr. Zylinski, aye.

1. Chair Brown reconvened open meeting.
2. Pledge of Allegiance
3. Reorganization of the Select Board
Ms. Scott Price nominated Dr. Taylor for Select Board Chair. Second Mr. Zylinski. Vote: Yes-5. No-0. Chair Taylor accepted the nomination.

Chair Taylor nominated Ms. Scott Price for Vice Chair. Second Mr. Patterson. Vote: Yes-5. No-0. Ms. Scott Price accepted the nomination.

4. Proclamation – None.
5. Recognition

Mr. Brown recognized that the Town has good quality staff, is in a tumultuous time now, and the Select Board (Board) appreciates the employee services. Acting Town Manager Peter Johnson-Staub will do an excellent job. The change in Town Manager has to do with the dynamic between the Board and the Town Manager, there are no other big changes planned.

Mr. Johnson-Staub stated that this transition may lead to anxiety, he appreciates the Board saying that publicly.

Mr. Patterson attended the Eagle Court of Honor for Logan Moniz.

6. Announcements – Vote to set date for hearing on removal of the Town Manager - This item was not discussed.
7. Reports: Beach Committee update
Maggie Clayton, Beach Superintendent reported preparing for full functioning season, had 4 days of interviews for new hires in the parking attendant sector and lifeguards, intentionally hiring extra parking attendants to accommodate the sunset hours at Old Silver Beach resident lot and Chapaquoit Beach sticker parking lot, along with staffing parking lots in the event they do not have lifeguards. Applications are

continuing to be accepted. Per-diem substitute list in place, and they added a chance for returning staff to come back as a part time employee. Part time employees are asked to commit to 2-4 shifts per week, this will enable them to retain experienced staff and understand they continue to grow in other employment/internships. Another day of interviews is planned for lifeguards tomorrow. Additional session of lifeguard training course the first week of work; anyone 15 years and older can take the course, 16-year-olds who pass can begin work on 7/2/22. The Beach Department reached out to Bourne Recreation Director and the schools to forge a connection, unknown if any applicants are a result of that effort. Over 48 applications for the parking lot attendant positions, of which 25 are new hires. Lifeguard applications received total 26 to date, 10 new hires so far. The positions have been advertised via flyers, 911 system, Town website, and Beach Managers across the Cape are communicating with each other, though all are facing the same challenges.

Barbara Schneider noted they are doing social media campaigning on Fabulous Falmouth, encouraging teachers and others. Goal is to staff all beaches fully.

8. Public Comment

Dianna Mota, Falmouth, asked why the Town Manager was being fired, she would like the community to have the opportunity to evaluate him.

TOWN MANAGER'S PRELIMINARY REPORT

Mr. Johnson-Staub noted a public hearing regarding additional two lanes to the license, no concerns. Committee reports, accessible play space and Kathleen Haynes, Disability Commission, is present, purpose for the Board to provide direction to staff regarding a potential location. There was a prior Board vote to place it at the Emerald House properties, Ms. Haynes wants to talk about an alternative site. There are a lot of considerations and details in any land acquisition.

Policy for disposal of items less than \$10,000, Mr. Johnson-Staub and Attorney O'Keefe drafted two policies, Atty. O'Keefe consulted with the Inspector General, confirmed that a separate policy may be drafted for firearms to allow for more flexibility, as a unique item regarding disposal, as a public policy matter. This is not a clearly established aspect of the procurement law, no written guidance from the State, confident the policy will stand up to muster. Update with status on procurement of police department weapons and disposal of surplus rifles, there is an existing purchase order, new rifles have been delivered, it is problematic, and he recommends going ahead with the procurement as put forward in the purchase order that includes trade in of the existing rifles. Powderhorn is the supplier, they committed to selling those rifles only to members of law enforcement, there is enough interest within the Falmouth Police Department (FPD) officers to purchase all rifles that are being traded in.

Falmouth Housing Corporation application for \$100,000 from the Falmouth Affordable Housing Fund for existing single family home at 51 Esker place, which is an affordable unit, deed restriction subject to expiration, this would make it affordable in perpetuity.

Consent Agenda items were reviewed.

COMMITTEE INTERVIEWS

1. Interview, vote and appoint committee members to the Commission on Disabilities – Rosemarie Gagnon,

There are several positions open, terms ending 6/30/24, two vacancies with terms ending June 30, 2025, and one term ending 6/30/23.

Rosemarie Gagnon has lived in Town for 40 years, taught special needs at the Upper Cape Technical High School for 20 years, then worked at the Cape Cod Collaborative. She currently works for Living Independently Forever, working with folks with physical, intellectual, and developmental disabilities

Mr. Patterson nominated Ms. Gagnon for a term expiring 6/30/24. Second Ms. Scott Price. Vote: Yes-5. No-0.

Dianna Mota takes care of people with disabilities, stopped because she was tired of seeing the abuse and neglect. She would like to advocate for what they need. She is capable of talking to anyone, people like her, she treats everyone with dignity and respect.

Mr. Patterson nominated Ms. Mota for a term expiring 6/30/23. Second Ms. Scott Price. Vote: Yes-3. No-2 (Mr. Zylinski and Chair Taylor.)

7:30 p.m. PUBLIC HEARINGS

1. Application for an Amendment to a Bowling Alley License – Town Hall Partners d/b/a Timber located at 23 Town Hall Square, Falmouth (10 minutes)

Chair Taylor read the public notice.

Devin Muttard, General Manager of Timber and representing them for the amendment, asking the Board to amend the bowling alley license from ten to twelve lanes because the original license listed ten incorrectly; there are twelve existing bowling lanes.

Public comment: none.

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

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

BUSINESS

1. Report – Falmouth Cultural Council (FCC)

Marilyn Rowland, Chair, presented. Also present: Alice Kociemba, Secretary; and Jane Parhiala Chair of the summer Art Market. They get money from MA Cultural council to distribute for projects arts, interpretive sciences, and humanities. MA Cultural Council receives applications and forwards them to the FCC for review. They divide the funds they receive among the applicants. There were 34 applications in the Fall 2021, there were evaluated, had over \$9,000 to distribute, of which about \$2,000 was raised from the Falmouth Art Market. They would like more money and will be applying to see if the Town will match those figures. The amounts of money are small, people have said it is hardly worth the work to apply for such a small amount of money. They could do a lot more with more money, they are successful in getting applications, we have a very active arts community, and they promote it. Art Market is a separate entity under the Council, they charge a low fee to vendors, and hire musicians to entertain people. They submitted a Special Events application for the Art Market, and the Town is charging them a \$2,000 special application fee; this represents their entire income for the summer. She hopes the Town will adjust that amount. They work for nothing, it is significant work to give out the grants, record keeping, making sure people are paid and final reports done.

Mr. Brown asked if ARPA funds could be applied. Mr. Johnson-Staub said there is some funding but need to look at the provisions and he will explore with Town Counsel. This will be discussed under a future agenda item under ARPA funding.

Mr. Patterson thanked the Council for all the activities, they enhance the community.

Alice Kociemba said that because of the pandemic, there has been the loss of 24 gigs, average of \$10,000 lost income from gig economy. Local artists have struggled, looking to Fall Town Meeting to make right those with less income. Looking to the Board to support matching funds to make these cultural workers whole again.

2. Report – Commission on Disabilities

Kathleen Haynes, Chair, noted the Commission suggests things, they do not make policies. They do what they can to find initiatives that work for all in Town. They have been working with the Beach Committee on getting mats for all the beaches. They presented their plan to Jennifer Mullen. The estimates are between \$10,000-12,000 for 5 mats, 50' long x 5' wide to go from the parking lot to the water. These will make the beaches inclusive and attractive to beachgoers who are disabled. The mats still need to be ordered, the Beach Superintendent is responsible for ordering. The Commission receives \$200 for every handicap parking violation in Town. The money is then spent to help the greatest amount of disabled

persons. Some examples of work done include the press box lift at the Commodore's field which allows those living with a disability access to the press box. They opened up the funds to organizations who may apply for a grant to fund projects. Shiverick's Pond, kayak for those with disabilities, looking at various transfer benches so person who is disabled can lower themselves to the water and lift themselves into the kayak. Proposing Falmouth conduct a self-study what is accessible in Town buildings, what is not, and what should be brought up to current ADA standards; there are grants that can help pay for the self-study. She suggested the Town considering hiring a consultant. Hoping Eversource will remove the telephone poles located in the sidewalks. Complaints from those with handicap vans, the striping is not wide enough in parking lots, 8 feet would make it an improvement to allow for a loading zone. Worked with Megansett Beach on new signs, striping, and wall removed so the mats can go from the parking lot to the water. They need to build the Commission membership as much as possible.

3. Accessible Play Space Site Selection

Mr. Johnson-Staub noted two parcels of land at 70 and 81 Davisville Rd. The parcel with the Emerald House on it, has article 97 protections on it, affordable housing cannot be built on that without legislative approval because it was taken for recreation and open space. The other location Ms. Haynes inquired about is 0 Sharon Ave., which has those same protections. The Board can consider whether to limit the housing to the parcel with no restrictions or contemplate housing on both parcels. The initial plan for the play space was to be on the Davisville Rd. location, which is also the best opportunity for affordable housing, how best to use the land for accessible play space, affordable housing, and community gardens. They are about to begin community engagement, have housing coordinator, and community engagement consultant.

Ms. Haynes noted there has been a vote already on the play space, but if selling the land to a developer, it would take the inclusive play space away from the children.

Mr. Johnson-Staub noted it is not being proposed to eliminate the accessible play space at these properties, he is suggesting studying how to configure the parcels to accommodate housing and the accessible play space. They are pursuing the directive of the Board a couple years ago when they said pursue all three uses, so placing affordable housing and accessible play space is the direction they have been given. It is important for Board to hear from the Recreation Committee, it is a public park, and it is their role to advise the Board and suggested the Board seek their input. An engineering feasibility study is one building block, more work needs to be done. Access to Sharon Rd. space would require taking of properties in order to create access to the parcel, and they need to determine the long term vision of that property. He will continue to work with the Commission on Disabilities in seeking a location for the play space. He would like to bring forward the options and costs with the three goals accommodated.

Ms. Haynes noted that the space is actually inclusive intergenerational play space (IP), and she prefers that language be used. She noted that they were told the Senior Center property would include the space, then Emerald House property, but no one can agree on anything. The play space is another \$1 million to build due to material costs. She would like to have a committee who would work on this.

Ms. Patterson noted the Sharon Road parcel was looked at for housing, there was concern that natural heritage had some control over that parcel and suggested it be looked into.

Ms. Brown commented the Board vote may have been an error on 81, maybe it should have been on 67.

Chair Taylor noted the Board is committed to it, the issue seems to be the location of the IP. The Acting Town Manager will continue to consult with Ms. Haynes throughout the process.

4. Discussion of Select Board policy for disposition of items valued less than \$10,000

Ms. Johnson-Staub noted draft policy in the packet, subsection e addresses commodities like firearms. The Town Manager determines the value and if no resale value, it can be disposed of; for surplus property with value may be disposed of through trade in credit to purchase, donate to government entity or charitable organizations, and, in limited circumstances, may be destroyed.

The Board is pleased to see this, does this need to be presented in draft and then voted in a subsequent meeting? Hearing for public comment at a later date?

Mr. Johnson-Staub said that when the policy is adopted, the policy will be discussed and there will be opportunity for public input and then adopted at subsequent meeting. It allows for in limited circumstances and in accordance with an articulated public policy reason for doing so, the surplus properties may be destroyed. There is another section of the policy that covers firearms as a separate case.

Public Comment:

Richard Duby, Precinct 6, asked to review destruction of property? What is the articulated policy and how do you determine what will be destroyed?

Atty O'Keefe, said the policy gives the Town Manager the ability to articulate the policy, depending on what the item is. It is written broadly to make the policy fit the circumstances. Firearms Disposal Policy, the Board and the Town has an obligation to do its best to maintain the health and safety of the residents of this Town. Make the best efforts as they can to ensure firearms do not find their way into the hands of those who should not possess them. Destroy or make best efforts to sell them back to those who are qualified, in this case that would be law enforcement members.

Nan Logan, Precinct 1, thanked the FPD for their response to the recent incident in North Falmouth. The sale to law enforcement, is that a requirement?

Chair Taylor asked the Board if they want to deal with the two policies separately? Disposition of surplus supplies and then policy of surplus firearms. Board wants to address them separately.

Mr. Patterson motion approval of the first policy, Disposal of Surplus Supplies Policy. Second Ms. Scott Price. Vote: Yes-5. No-0.

Surplus Firearms

Mr. Johnson-Staub reviewed the policy in the packet, noted firearms of any value that can be legally purchased, possessed by anyone in MA holding license to carry, may be destroyed in a safe manner or disposed of, such as resold to those qualified to own/purchase them. There are second amendment considerations, which is why it is not as clear as one may want.

Ms. Scott Price, asked how would the Board manage potential enforcement of the policy. Mr. Brown noted trust the Town Manager to execute the policies of the Board, until such time as they feel the policy has been breached.

Mr. Zylinski noted these can only be sold to law enforcement personnel by State statute, they have documentation indicating they would be sold back to the FPD. With budgeting and training, these are identical to the weapons they took on, it allows officers to stay proficient by training on their own time.

Chair Taylor stated it is incumbent on the Town Manager and in collaboration with the FPD Chief.

Mr. Patterson recognized the Board does not enforce anything, they rely on staff. He trusts staff to execute the policies the Board sets up.

Public Comment:

Catherine Bumpus, Precinct 1, said it is about trust and what happens later on, this is an opportunity the Town has to say we could do something more, the gun violence is too much, and we do not want to put assault weapons that were used by Falmouth back on the street. People want more than just saying we'll take care of it, they should not go back to the community. She would feel more comfortable with fewer guns in the world. These type of weapons are designed for law enforcement and the military, they should not be anywhere else. They are not safe to use by the FPD now, she would like first choice to be disposal. It is unfortunate an agreement was reached where that is not happening.

Mr. Duby passed a document out to the Board, report by the Police Executive Forum, on suicide in police departments. Pg. 3 highlighted area, number of officers die by suicide exceeds the number killed feloniously or accidentally. P. 4 highlighted, risk of suicide among police officers is 51% greater than workers in general. He is perplexed by selling this type of weapon to a group of people with greater risk of suicide. They are able to practice enough to make them efficient, given the opportunity to purchase

weapons for their personal use, what is the rationale of putting a military grade weapon in a home? The weapons should be destroyed.

Marc Finneran, Falmouth, gun violence is mostly committed by unlicensed people. Suicide rate of dentists is higher than police officers. A licensed dealer will sell according to the state law. To consider destroying something that belongs to the taxpayer is foolish. He feels this is a waste of time to focus on.

Mr. Brown supports the FPD officers purchasing back the weapon they carry, they are capable of handling the weapons.

Trish Mullen, Falmouth, read a statement, this is an opportunity to make a difference in children dying from guns. Guns no longer useful to the FPD should be destroyed and the Board has the ability to make that decision. Is the preference required or optional?

Sgt. Guthrie, Lead firearms instructor for the FPD and local academy, he takes training very seriously. The reference to police officer suicide is irresponsible, supervisors take that very seriously and constantly assessing their officers. He has had to take an officer's sidearm away because of concern he may harm himself. Honor all fallen officers who have harmed themselves in the line of duty, invited others to the memorial they participate in.

Chair Taylor asked if FPD has the clinical support that they need. Sgt. Guthrie said there are provisions in their contract, agency that oversees training, they have wellness seminars and is something the Chief is pursuing. He appreciates the comments about how they handled the incident, because of the training of his officers, these officers purchasing these firearms and they are encouraged to train with them even more than the two days they go to the range with the FPD. Practice is needed in order to respond in a highly stressful situation, you rely on instincts and training.

Chief Dunne assured the Board and citizens of Falmouth, he was President of MA Chiefs last year, police suicide is growing and taken very seriously. The FPD is working with the men and women, included mental health check up and are working on other projects. They have clinicians meet with the officers after incidents; do their best to keep their officers healthy and safe.

Mr. Duby agrees with Sgt. Guthrie with what happens in a gun fight. In 1967 he served in the military, was in daily gun fights, so he is aware of the training, what it is like to be in a gun fight, and it takes a long time to acclimate to life after. His understanding is that the officers who responded to the North Falmouth incident, their training was very good because they handled an incredibly difficult situation without the benefit of having their own personal firearms to train with.

Mr. Zylinski said that there are assault rifles for sale to active duty law enforcement to buy their own assault rifle.

Mr. Patterson motion to approve the disposal of surplus firearms policy in the packet. Second Mr. Zylinski. Vote: Yes-5. No-0.

Town Counsel noted the wording is carefully done, the second amendment includes the right to buy and sell weapons, it is worded like this to draw back to place a requirement on the gun dealers to only sell to law enforcement because it could be interpreted as a violation of their second amendment right.

5. Status update on procurement of Police Department weapons

Mr. Johnson-Staub noted the Board asked for clarification regarding the status of new weapons and disposition of the existing rifles. Chief understood he had the authority to proceed, and a purchase order including trade ins was sought. With the Board's agreement, they are ready to proceed with the purchase order. Powderhorn provided a letter committing to sell these weapons only to members of local law enforcement.

Ms. Scott Price noted two quotes in the packet with market values and another quote with different market values. Sgt. Guthrie explained the first quote is the estimated market value but was in error.

Public Comment:

Mr. Duby said this part of the process was flawed from the beginning. When the warrant was originally provided to Town Meeting, there was \$86,000 cost breakdown, which was reviewed by Mr. Duby. There were optics and lights also purchased and called for in the warrant, about \$71,000 was approved. When it came time when the bid was brought back, cost of the rifles was \$31,000, but because the optics and lights were taken out of the \$71,000. This is bid splitting, there is a \$50,000 threshold in the law. Why was the threshold not enforced? Inspector General told him that aggregation is merely a recommendation, has nothing to do with enforcement of 30B or Inspector General's manual on 30B.

Mr. Johnson-Staub said he was not involved in the procurement process, but just because the Town Meeting Article has a number on it, it doesn't drive the procurement. There are a lot of factors to look at. He did not speak to the Inspector General, disaggregate the weapons when buying weapons. Atty. O'Keefe had conversation with the IG's office, firearms have their own discreet marketplace because they are so highly regulated. IG's office said that public policy could overrule the strict letter of the law of 30B. She did not have a conversation specifically about bid splitting or purchase, she spoke with them about disposal of surplus supplies, the theme is the same. Firearms are unique.

Ms. Bumpus said that it is legal to destroy the weapons, but the Board has decided not to do that. She requested the responses, but never received them from the Town.

Sgt. Guthrie said that the numbers were provided by Cape Gun Works as an estimate, was for Colt rifles, they found a cheaper yet comparable weapon, is more versatile, and he told Mr. Duby about Powderhorn providing the letter, he brought up the procurement. Town Meeting members spoke up and not an overwhelming message, they got the optics from a State procurement list, which is part of the procurement law.

Ms. Logan, Precinct 1, she speaks for 17 people, they would like to have the weapons destroyed and sent the list to the Board members. There are 43 states that do not regulate this type of military weapon being owned by private citizens. Of those states, 20 do not require a permit to purchase one.

Mr. Finneran grew up in one of those 43 states and had a gun at age 7. He does not want them destroyed, citing the firearms' monetary value.

Mr. Ripley, Precinct 9. Talking about procurement, Town Meeting voted on a dollar amount. It would be a shame if they do not get the equipment needed to protect us. He hopes they have not been waiting to make a decision not to protect the community. The money was voted, he does not care how many bids it takes, they said they are getting the best price, and lets let them do their job of protecting us and get the guns for the FPD.

6. Acting as Trustees of the Falmouth Affordable Housing Fund, consider approval of application from Falmouth Housing Corp. for \$100,000 to secure permanent deed restriction to preserve affordability of one existing single-family house located at 51 Esker Place

Linda Clark, President, Falmouth Housing Corp., they have history on the affordable house that was rehabbed after an expensive eviction, put about \$154,000 in renovations to bring it up to a level for sale. The house was a disaster and needed to be gutted. When purchased in 2007, it was purchased because it was going into foreclosure. The Town did not have the ability to find another person who met the criteria to buy the house, the house sat for a time, the house was purchased and rented. The Town offered \$85,000 towards purchase of the home with \$42,500 back to the Town when there was a sale to a qualified buyer. The deed is expired, no affordability attached to the home any longer. Back into restricted deed, in perpetuity, looking for a grant of \$100,000, \$42,000 back to the Town from an MOA from way back and they have a \$73,000 mortgage on the home. They have a buyer, she meets the criteria.

Mr. Johnson-Staub noted the net cost to the fund will be \$57,500 because \$42,500 will be paid back to the fund.

Mr. Zylinski asked if there is any relief adjudicated by the person evicted? There is a 20-year money judgement.

Mr. Patterson motion acting as Trustees of the Falmouth Affordable Housing Fund, motion approval of application from the Falmouth Housing Corp. for \$100,000 to secure permanent deed restriction

to preserve affordability of one existing single family house located at 51 Esker Place. Second Ms. Scott Price. Vote: Yes-5. No-0.

7. Consider changes to Select Board meeting schedule

Mr. Brown motion approval of the revised schedule in the packet. Second Mr. Patterson. Vote: Yes-5. No-0.

8. Review of Select Board liaison assignments (10 minutes)

Transportation Committee unhappy with the Board's lack of action on their initiatives, they have a lot of great ideas.

Ms. Scott Price asked if they could discuss the role of the liaison; attend the meetings, provide ideas and feedback on ideas. They do not vote or influence conversations. Primary role is to share information with them. If they are unable to attend, liaisons may read the minutes.

Ms. Scott Price took Agricultural Commission and Human Services Committee.

The Affirmative Action Committee remains unassigned, the Board will discuss this further.

Other committee assignments will remain.

Mr. Zylinski will take on the ZBA and committees that Ms. English Braga was assigned to.

CONSENT AGENDA

1. Licenses

- a. Application for a New Common Victualler License – Shiverick Café & Bar located at 285 Main Street, Falmouth
- b. Application for a special one-day wine and malt liquor license – Woods Hole Historical Museum – 80 Church Street – Saturday, 6/25/22
- c. Application for a special one-day wine and malt liquor license – Food Truck Festivals of America – Cape Cod Food Truck & Craft Beer Festival – Cape Cod Fairgrounds – Saturday, 8/6/22
- d. Application for a special one-day wine and malt liquor license – Shipwrecked – Cornhole Tournament – Shipwrecked and Heights Hotel parking lot – Saturday, 6/11/22
- e. Application for a special one-day wine and malt liquor license – Shipwrecked – Road Race After Party – Shipwrecked and Heights Hotel parking lot – Sunday, 8/21/22

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

2. Administrative Orders

- a. Vote to accept a donation in the amount of \$335.00 from Kane Productions to the Conservation Department donation account

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

3. Review and Vote to Approve Minutes of Meetings

- a. Public Session –
January 31, 2022

Mr. Patterson motion approval and release for public access as edited. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1 (Mr. Zylinski).

April 25, 2022

Mr. Patterson motion approval and release for public access as edited. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1 (Mr. Zylinski).

May 9, 2022

Mr. Patterson motion approval and release for public access as edited. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1 (Mr. Zylinski).

b. Executive Session – May 9, 2022 Session #1

Mr. Patterson motion approval and not release for public access as edited. Second Ms. Scott Price. Vote: Yes-4. No-0. Abstain-1 (Mr. Zylinski).

TOWN MANAGER'S SUPPLEMENTAL REPORT

Mayflower public forum 6/8/22 6pm at the Lawrence School. Remote participation is unable to occur, staff can suggest on Board's behalf that members unable to attend can submit comments/questions in writing. If time allows, and questions/comments not heard already during the forum, perhaps have the messages addressed at the forum.

Staffing and hiring; all employers in the region are challenged to fill some of their positions, this is the case for the Town.

- Associate Town counsel filled, Brian Tobin, starting 5/31/22.
- Diversity, Equity, and Inclusion officer advertised, job description not changed, existing salary available.
- Recreation Program Director: offer and accepted 5/16/22.
- GIS coordinator position, Bob Shea is retiring, advertised and may have difficulty filling this position. Mr. Shea has agreed to come back on a part time basis to assist as a consultant.
- Asst. Town Planner advertised
- Human Resource Director advertised.

SELECT BOARD REPORTS

Mr. Patterson:

Falmouth Police Department recognition ceremony.
Falmouth Affordable Housing Committee, they are active, sent letter with recommendations to the Board.
Attended the Court of Honor for Logan Moniz.

Ms. Scott Price:

Attended 2 events on opioid abuse, preventing overdoses, how to support someone suffering from an overdose.
Walk for Hope, Housing Assistance Corp., nice to see local officials taking part.
She will share the GIS vacancy with her networks.

Mr. Brown:

Transportation Committee looking for resurgence in their work, agenda item in the near future.
Waterways Committee moving forward with planning for additional new projects.

DISCUSSION OF FUTURE AGENDA ITEMS

Mr. Brown would like policy discussions, embarkation fee fund and whether the Board can come up with a policy on that. North Falmouth Village Association wants the Board to discuss policy for speed tables in neighborhoods, there should be a policy by the Board to deal with it. Hiring opportunities because no opportunity to offer remote work and is this something that Mr. Johnson-Staub would entertain and if he has considered implementing it on his own. Need to be mindful and careful because it raises complicated equity and union issues. It is the direction the labor market is moving, need to examine it and how they can be a more flexible employer. Challenge will be some kinds of work lend themselves to remote work more than others, may have union issues. Mr. Johnson-Staub would like to explore.

Mr. Johnson-Staub reports no permanent situations where employees are working from home-occasions employee is on leave of absence where an accommodation is made to work from home. If unable medically to be in the office and work, but able to be at home and work, they can accommodate that. He will need time to work with attorneys and give some thought to it, it needs to be bargained and can have conversation in executive session about development of the policy.

Ms. Scott Price motion to adjourn at approximately 9pm. Second Mr. Zylinski. Vote: Yes-5. No-0.

Respectfully Submitted,

DRAFT

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
THURSDAY, MAY 26, 2022 – 6:00 P.M.
SELECT BOARD MEETING ROOM

OPEN SESSION

Present: Nancy R. Taylor, Chair; Onjalé Scott Price, Vice Chair; Samuel H. Patterson, Douglas C. Brown and Scott Zylinski

Absent: None.

The meeting was called to order by Dr. Taylor, Chair at 6:00 p.m.

BUSINESS

1. Set a date for a hearing requested by Julian M. Suso pursuant to the Town Charter section C5-10(C).

Dr. Taylor stated that the purpose of the meeting is to set a date for a hearing requested by Julian M. Suso pursuant to the Town Charter section C5-10(C).

Ms. Scott Price made a motion to schedule a hearing as requested by Julian M. Suso pursuant to the town charter for June 21 at 1:00 p.m. in the Select Board meeting room. The Town Moderator has agreed to this date and time. Seconded by Mr. Patterson. Approved 5-0.

Dr. Taylor stated for the public's information at this hearing of June 21, the Select Board will be represented by Special Counsel Robert Troy.

Mr. Zylinski made a motion to adjourn at 6:02 p.m. Seconded by Ms. Scott Price. Vote: All in favor, Aye 5-0.

Respectfully submitted,

Diane S. Davidson
Recording Secretary

TOWN MANAGER'S SUPPLEMENTAL REPORT

June 13, 2022



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

TO: Select Board
FROM: Peter Johnson-Staub, Acting Town Manager *PJS*
SUBJECT: Supplemental Report (Not Related To The Agenda):
DATE: June 10, 2022

SUPPLEMENTAL REPORT (NOT RELATED TO THE AGENDA):

Solid Waste and Recycling Collection Contract:

Republic Services continues to have staffing shortages which results in curbside collection of solid waste being delayed by more than a day in some instances. As of June 1st, the Town is paying a higher rate which should enable Republic Services to hire the additional staff it needs to meet its contractual requirements though. We know the labor market is very challenging and it may take some time for Republic Services to staff up. In the interim, DPW Director Peter McConarty and I continue to monitor the situation closely and look for solutions including contract enforcement.

Mayflower Wind Public Forum:

We heard strong opposition from many individuals who spoke at the forum on June 8th. It bears repeating that the Select Board has not taken a position in support of this project. At this point, we are waiting for Mayflower Wind to respond to the Select Board's request consider some landfall alternative sites within Falmouth. Mayflower will also need to update the plans it filed with the Energy Facilities Siting Board to incorporate the substantial change in the design that they announced recently – from High Voltage Alternating Current to High Voltage Direct Current. It is not known when Mayflower Wind will be submitting updated plans so there may not be a lot of activity on this matter in the coming weeks. We do want to assure the public that the Town will publicize any change in plans and solicit further public input before the Select Board takes a position to support or oppose the project.

Changes to MA Title V Septic Regulations:

The MA Department of Environmental Protection (DEP) recently announced plans to propose new septic system regulations to address nitrogen contamination. To date, we have received only an outline of the proposed regulations. A DEP representative has asked to arrange a meeting with Town staff within the coming weeks. They are purportedly seeking local input but it will be challenging to provide meaningful input based on the limited information received and the proposed timing. We have shared this information with the Board of Health and the Water Quality Management Committee. I will keep you posted on further developments.

//SB Meeting Supplemental Report 06-13-2022



Department of Environmental Protection

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

Fact Sheet

MassDEP Regulatory Strategy for Estuaries Impaired by Nitrogen June 1, 2022

1. Nitrogen Sensitive Area Designations: A primary source of nitrogen contamination of coastal estuaries in Southeastern Massachusetts and Cape Cod and the Islands are on-site septic systems. MassDEP, in conjunction with local Boards of Health, regulates these systems through “Title 5” regulations, 310 CMR 15.00.

To ensure the Title 5 regulations are protective of the environment, particularly in relation to the impact of nitrogen discharges on surface water quality, MassDEP is proposing the following revisions to Title 5:

Establish New Nitrogen Sensitive Areas (NSAs)

To more effectively address nitrogen impacting estuaries, MassDEP is proposing to establish new “Natural Resource Area” NSAs for:

- any watershed to an embayment or sub-embayment that is the subject of a Nitrogen Total Maximum Daily Load (TMDL) approved by the EPA pursuant to the federal Clean Water Act and an Area-Wide Water Quality Management Plan pursuant to Section 208 of the Clean Water Act addressing nitrogen pollution:
 - A “TMDL” is an EPA-approved calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the sources of the pollutant.
 - All Cape Cod communities are subject to the “208 Plan” approved by EPA in 2015.
 - There are currently 30 watersheds across Cape Cod with EPA-approved nitrogen TMDLs.

- For these watersheds, the NSA designation is effective on the effective date of the final regulations.
- any watershed to an embayment or sub-embayment that is the subject to an EPA-approved TMDL or determined to be nitrogen sensitive by the Department based on scientific evaluation and adopted through a public process involving public notice, including the scientific and regulatory rationale for the designation, and a 60-day public comment period.
 - For these watersheds, the NSA designation is effective upon completion of the public process and MassDEP's issuance of the final designation.

New Requirements for Natural Resource Area NSAs

MassDEP is proposing new requirements for these new NSAs to more effectively address the specific problems related to septic systems contaminating coastal estuaries.

- Unless a community is the subject of a Watershed Permit described below, any system serving a new construction, or an existing facility must incorporate Best Available Nitrogen Reducing Technology within five years of the effective date of the NSA designation of the watershed in which they are located.
- Best Available Nitrogen Reducing Technology is an alternative system certified by MassDEP for general use pursuant to Title 5 which has the lowest effluent Total Nitrogen performance value. An alternative system granted provisional or pilot approval by MassDEP may also be utilized as long as such system has a Total Nitrogen performance value less than or equal to the lowest alternative system certified by the Department for general use.

Exemption from Enhanced Treatment Requirements in Watersheds with Watershed Permits

While the enhanced treatment requirements for septic systems will result in significant reductions in nitrogen pollution, they may not be the most effective and efficient way to restore the impacted estuaries and achieve established water quality goals. Therefore, MassDEP is also proposing a second, concurrent regulatory revision to formally establish a "watershed permit process." If communities take advantage of this approach, and obtain a watershed permit that covers an area that would be subject to new "Nitrogen Sensitive Area" regulations, the above Title 5 NSA requirements would not become effective for that area.

However, if a Watershed Permit is terminated by the permittee or revoked by MassDEP, new systems installed after the date of termination/revocation would have to install Best Available Nitrogen Reducing Technology and existing systems would have to install such technology within five years from the effective date of the new NSA regulations or two years of the date of termination/revocation, whichever is longer.

2. **Watershed Permit Regulations:** The Watershed Permitting regulations are a new, innovative approach to provide communities the opportunity to develop and implement the most effective

and efficient solutions to addressing water quality challenges. This approach provides the opportunity for communities to employ a greater range of solutions to address their water quality needs, including alternative or innovative approaches. The Watershed Permit is a 20-year permit instead of the traditional five-year permit which utilizes an adaptive management approach, requiring permittees to monitor, evaluate and report results, and adjust and modify the strategies and practices as needed to address conditions that are causing the water quality impairments.

Watershed Management Plan

The Watershed Permit is based on a “Watershed Management Plan” a long-term plan to address an existing water quality impairment to restore and protect water quality. The Watershed Management Plan must be approved by town meetings of each respective watershed permit applicant, and is based on a Comprehensive or Targeted Watershed Management Plan. The Plan provides a schedule and description of actions to restore the waterbody to applicable Water Quality Standards in accordance with any applicable TMDL and/or any other applicable scientific evaluation, such as the Massachusetts Estuaries Project (MEP) report.

For watersheds where a TMDL has been established, the Watershed Management Plan must achieve compliance with the Water Quality Standards required by the TMDL and demonstrate that at a minimum, 75% of the necessary pollutant reduction levels will be achieved within 20 years, unless MassDEP determines an alternative schedule is appropriate based on watershed-specific issues.

Watershed Permit Application

- Any Local Government Unit or Regional Local Government Unit can file for a watershed permit. Multiple local government units that share a watershed or sub-watershed may apply jointly for a Watershed Permit, provided they have entered into an enforceable agreement (e.g., Intermunicipal Agreement) that confirms each permittee’s percentage share of the aggregate pollutant removal responsibility and provides a framework to coordinate resource management decision-making and arrangements relating to the receipt and expenditure of funds for implementation.
- The Watershed Permit authorizes work needed to implement the Permittee’s mitigation strategy for the watershed or sub-watershed, therefore the Application must include the Watershed Management Plan for the watershed or sub-watershed including:
 - maps depicting the regulated area (watershed boundary) and a narrative describing the area proposed to be covered under a Watershed Permit;
 - a description of the current and historic water quality conditions, including short- (daily/seasonal) and long- (annual) term variability, proposed sentinel sampling locations within the watershed/stations, sampling frequency, parameters and sampling technique (e.g., grab/observation);

- the earlier planning approaches taken prior to filing the application, including any related findings and recommendations;
- the types, locations, and timing of any on-going and proposed TMDL or alternative TMDL implementation activities within the watershed or sub-watershed proposed for coverage;
- a table identifying the nitrogen load that the area proposed for coverage under the watershed permit contributes to the surface waters of the watershed for the past 10 years and projected loads for the following 10 and depicting the necessary load reductions (removal requirements) within the watershed to meet the TMDL or TMDLs and a concise description of the means of achieving those specified reductions during the term of the permit;
- the Conventional Control Technologies and Alternative Control Approaches or Technologies selected for pollutant load reductions, the area covered by these approaches, and identification of the permittee who will be responsible for implementing each activity;
- the estimated load reductions needed to meet the threshold concentration(s) at the sentinel station(s) for each of the selected Conventional Control Technologies and Alternative Control Approaches or Technologies;
- the implementation schedule for each Alternative Control Approach or Technology proposed, including a timeframe for demonstration, testing, and acceptance or abandonment of such approaches or technologies;
- the Core Sewer Area and the service areas prioritized for wastewater collection and treatment after accounting for implementation of the selected Alternative Control Approaches and Technologies;
- if Alternative Control Approaches and Technologies are proposed, a contingency plan for a back-up Conventional Control Technology in the event that the Alternative Control Approaches and Technologies selected do not function as predicted;
- the proposed approach to control 100% of all future pollutant loads to ensure that loads will always stay below the applicable threshold levels cost estimates for the infrastructure and programs associated with the proposed actions, if available;
- an implementation schedule, not to exceed 20 years, currently envisioned by the applicant(s), including a designated set of activities that will occur in the first 5-year block of time, and the results of which will enable the permittee to revise the implementation plans for the next 5-year period as necessary to meet load reduction requirements as specified.

Standard Watershed Permit Provisions

- The Department shall not issue a Watershed Permit if the Watershed Management Plan does not provide for achievement of the Surface Water Quality standards applicable to the

water bodies covered by the permit or if the permit does not provide for reasonable progress in achievement of the TMDL load reductions necessary to meet water quality standards.

- Consistent with the Watershed Management Plan, the permit shall require that 75% of the necessary pollutant reduction levels will be achieved within 20 years, unless MassDEP determines an alternative schedule is appropriate based on watershed-specific issues.
- The proposed activities, implementation schedule for such activities, and facilities set forth in the applicant's Watershed Management Plan shall be enforceable requirements, incorporated in a Watershed Permit.
- Subject to Department approval, a permittee is granted pollutant reduction credit for Alternative Control Approaches and Technologies only if the permittee implements and maintains such approaches and/or technologies in accordance with the terms and conditions of the Watershed Permit.
- The permittee shall provide a Contingency Plan in its Watershed Management Plan that relies on Conventional Control Technologies to achieve the target threshold concentrations identified in the Watershed Management Plan.
- The permittee shall monitor water quality in accordance with the permittee's monitoring plan and report the results in the Annual Reports required by the Watershed Permit.
- The Permit requires annual reporting, with 5-Year Reports evaluating results of program and proposed adjustments through adaptive management.
- Any prospective changes to the Watershed Management Plan or the approved implementation schedule shall be identified in the Annual Reports required by the Watershed Permit. Any such proposed changes to the Watershed Management Plan shall be subject to the Department's review and approval.
- For a permittee(s) to terminate permit coverage, they must provide public notice and hold a public meeting.
- Any permits issued by the Department that comprise a component of the implementation activities or are applicable to the pollutant discharges in the watershed shall be incorporated by reference into the Watershed Permit.

Watershed Permit Process

- The applicant shall publish public notice of the Watershed Permit proceeding in the MEPA Environmental Monitor and in a newspaper circulated within the area that will be affected by the Watershed Permit. The Department will post the notice on the Department's webpage.
- Public notice will afford a comment period of at least 60 days.
- A public hearing will be held if requested by the applicant, or if the Department determines a public hearing to be in the public interest.

- After the conclusion of the 60-day public comment period, the Department may issue or deny a final Watershed Permit.
 - If no comments objecting to the issuance or terms of the Watershed Permit were received by the Department during the public comment period, then the Watershed Permit shall take effect upon issuance.
 - If comments objecting to the issuance or the terms and conditions of the Watershed Permit were received by the Department during the public comment period, then the final Watershed Permit shall become effective 21 days after issuance, unless a request for an adjudicatory hearing is timely filed.
 - During the 21-day period following issuance of the Watershed Permit or determination to deny, any person aggrieved by the decision may file a request for an adjudicatory hearing with the Department.

Watershed Permit Modification/Suspension/Revocation

- The Department may propose and determine to modify, suspend or revoke any Watershed Permit, in whole or in part, for cause including, but not limited to, violation of any permit, obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge or activity.
- The Department shall process a Watershed Permit modification, suspension or revocation in the same manner as an application for a Watershed Permit; provided, however, that the Department may revise a schedule in a Watershed Permit at the request of a permittee if the Department determines that good and valid cause, for which the permittee is not at fault, exists for such revision, and in such cases the provision for public notice and hearing shall not apply.
- Any one or more of the permittees may terminate coverage under this Permit by providing written notice to the Department at least 60 days in advance of the date such termination is to take effect. Such notice will include public notice of a public hearing to be held at least 30 days prior to the termination date. Such notice will be published in the MEPA Environmental Monitor and in a newspaper circulated within the area affected by the Watershed Permit at least 30 days prior to the hearing.