

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, JUNE 27, 2022 – 7:00 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.

7:00 p.m. OPEN SESSION

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

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

7:25 p.m. COMMITTEE INTERVIEWS

1. Interview and vote to reappoint committee member
– Historical Commission – Lee Drescher
2. Vote committee reappointments

7:30 p.m. PUBLIC HEARINGS

1. Wetlands/Dock – Simon and Irina Streltsov – Application for Special Permit for a permanent license to supersede existing interim License #4487 and to allow redevelopment of existing dock in the same location in the waters of Childs River located at 8 Edgewater Drive East, East Falmouth **(5 minutes)**
2. Wetlands/Dock – John P. Graci, Sr. and Diane M. Graci – Application for Special Permit for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond located at 23 Southview Way, East Falmouth **(15 minutes)**
3. Application for a Transfer of License, and Pledge of License and Inventory of an All Alcoholic Beverages Package Store License – Kenyon Market & Liquor, LLC d/b/a Kenyon's Market, 769 East Falmouth Highway, East Falmouth **(5 minutes)**
4. Application for a New All Alcoholic Beverages Common Victualler License – Olive Restaurants, Inc. d/b/a Shiverick's Café & Bar located at 285 Main Street, Falmouth **(10 minutes)**

8:05 p.m. BUSINESS

1. Presentation of Draft Great Pond Targeted Watershed Management Plan – Water Quality Management Committee (WQMC) **(30 minutes)**
2. Report – Transportation Committee **(15 minutes)**
3. Update on Curbside Trash and Recycling Collection **(5 minutes)**
4. Act on application for approval of Local Initiative Plan to create one affordable rental unit located at 462 Teaticket Highway, East Falmouth **(5 minutes)**

9:00 p.m. CONSENT AGENDA

1. Licenses

- a. Application for a Change of Manager of a Lodging House License – Inn on the Square located at 40 North Main Street, Falmouth
- b. Approve application for a Special One-Day Wine & Malt Beverages License – Gray Matter Marketing – Cape Cod Brew Fest – Cape Cod Fairgrounds, 1221 Nathan Ellis Highway, East Falmouth on Saturday, September 24, 2022 from 2:00 – 5:30 pm.
- c. Approve application for two Special One-Day Wine & Malt Beverages Licenses – Silver Beach Improvement Association - association tennis courts at the corner of West Avenue and Ocean View Avenue, North Falmouth– Saturday, August 6 and Saturday, August 27, 2022

2. Administrative Orders

- a. Vote to accept a donation in the amount of \$500.00 from David’s Old Silver Swim, Inc. c/o Robert Catalano to the Beach Donations Account to fund the Dr. David Garber “Dare to be Great” Award given to a lifeguard during the annual banquet
- b. Vote to accept a donation in the amount of \$732.60 from the Old Stone Dock Association to the Beach Donations Account to fund the 14 window boxes for the Ellen T. Mitchell Bathhouse at 56 Surf Drive, and
- c. Vote to expend those funds for paying the Soares Flower Garden Nursery invoice dated 5/31 for 48 pink New Guinea impatiens, 32 blue scavola, and planting services
- d. Appoint Onjalé Scott Price as liaison to Affirmative Action/Diversity Committee
- e. 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.
- f. Approve request for variance to sign code §184-30C (Special Events) – Falmouth Fireworks Committee – temporary banner – Falmouth Heights – June 28 - July 5, 2022
- g. Approve request for variance to sign code §184-20 – Falmouth Rotary Club – off premise sandwich board promotional signs – June 28 – July 9, 2022

3. Review and Vote to Approve Minutes of Meetings

- Public Session – May 12, 2022; June 6, 2022; June 13, 2022; June 21, 2022

9:10 p.m. TOWN MANAGER’S SUPPLEMENTAL REPORT

9:15 p.m. SELECT BOARD REPORTS

9:25 p.m. DISCUSSION OF FUTURE AGENDA ITEMS

9:30 p.m. ADJOURN

Nancy R. Taylor, Chair
Select Board

TOWN MANAGER'S PRELIMINARY REPORT

June 27, 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: Preliminary Report for June 27, 2022
DATE: June 24, 2022

AGENDA TOPICS – PRELIMINARY REPORT:

Public Hearings:

1. & 2. Two Wetland/Dock Hearings:

Both of the Wetland/Dock applications have been approved by the Conservation Commission, which approval requires MES approval with respect to navigation and shellfish resources. No staff concerns have been raised with respect to these applications.

3. Transfer of Package Store License – Kenyon Market:

There were no staff concerns raised in connection with the transfer of the package store license for Kenyon Market & Liquor. We were advised the manager may not be able to attend but the applicant will be represented by one of the owners and possibly counsel.

4. Application for New Alcohol and Common Victualler license – Shiverick's Café, 285 Main Street:

This application is for the former Bear N' Boots location most recently operated as the Burger Bar. There are no physical changes proposed and no issues raised from staff. There were some inconsistencies in the spelling of the name of the new establishment in documents received from the applicant. The correct spelling as shown on the license is Shiverick's Café.

Business:

1. Great Pond Targeted Watershed Management Plan:

The Board is asked to approve the proposed Plan which was prepared by consulting engineers under the direction of the Water Quality Management Committee and Wastewater Superintendent Amy Lowell. Ms. Lowell reports that the overall strategy has not changed since it was presented to the Select Board on December 6, 2021. You have in your packet a cover memo from Wastewater Superintendent Amy Lowell and a copy of the body of the watershed plan report. The appendices for this plan can be found on the Town website at: <https://www.falmouthma.gov/1350/Great-Pond-Targeted-Watershed-Management>. This collaboration among the Committee, consulting engineers and staff have been capably guiding the community through a methodical process to evaluate the complex technical and financial challenges of addressing the water quality of our estuaries.

3. Curbside Trash and Recycling Collection Update:

As the Board is aware, the 5-year contract for curbside collection of trash and recycling has been transferred from Republic Services to Waste Connections effective July 1st. DPW Director Peter McConarty will be meeting with the principals of the new operator next week to address the transition and logistical details. I am happy to discuss any questions or suggestions the Board may have regarding this matter.

4. Local Initiative Plan (LIP) for 462 Teaticket Highway:

The Select Board is asked to approve an application for a "local action unit" under Massachusetts "local initiative program" to create a deed restricted affordable rental unit. The application is for an accessory dwelling unit within an existing two-family structure which is allowed by-right project under zoning bylaw sections 240-12.2, 240-6.6 and 240-3.3. The Planning Board has issued a site plan approval which is included in your packet. Select Board approval of the application is required by Massachusetts Department of Housing and Community Development in order to make this unit eligible for the Subsidized Housing Inventory under MGL 40B. We do not anticipate any request for Town funding in connection with the creation of this affordable unit.

Consent Agenda:

All the Licenses and Administrative Orders on the Consent Agenda have been reviewed by staff and I recommend approval.

For the Silver Beach Improvement Association Special One-Day Wine & Malt Beverages Licenses (Licenses item c.) we recommend approval with conditions which are spelled out in a memo in your packet.

The Eversource pole relocation for Montauk Street (Administrative Orders item f.) was carried over from the last meeting. The Engineering Department has confirmed that the home owner is comfortable with the proposed location with the stipulation contained in the Engineering Department recommendation that "...the proposed pole does not disturb any existing trees or underground utilities." The Engineering Department also noted that as a matter of routine, Eversource seeks to place trees in a manner that they do not interfere with trees or utilities. I recommend approval with this stipulation.

COMMITTEE APPOINTMENTS

1. Interview, vote and appoint committee member
 - Historical Commission – Lee Drescher

Historical Commission

1 alternate member position with a term until 6/30/25

- Lee Drescher (alternate member incumbent requesting reappointment)

COMMITTEE APPOINTMENTS

2. Vote committee reappointments

Town Committee Appointments

Other Appointments:

Appointment	Name	Term Ending
Parking Clerk	Patricia O'Connell	6/30/23
Assistant Parking Clerk	Mary Ellen Lopes	6/30/23
Certified Weighers – Wastewater Treatment Facility	Charles Pires	6/30/23
	Kruser Keller	6/30/23
	Steven Devonis	6/30/23
	Cory Melemed	6/30/23
	Ronald MacLaughlin	6/30/23
	Maxwell Holbrook	6/30/23

PUBLIC HEARINGS

1. Wetlands/Dock – Simon and Irina Streltsov – Application for Special Permit for a permanent license to supersede existing interim License #4487 and to allow redevelopment of existing dock in the same location in the waters of Childs River located at 8 Edgewater Drive East, East Falmouth (5 minutes)



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Simon and Irina Streltsov for a permanent license to supersede existing interim License #4487 and to allow redevelopment of existing dock in the same location in the waters of Childs River located at 8 Edgewater Drive East, East Falmouth, MA. Area affected is Childs River. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, June 10, 2022 and Friday, June 17, 2022; Falmouth Enterprise.

...ance of drugs, acts found but continued a finding until June 15-day loss of license, pay \$600 in fines; negotiation of a motor vehicle upon the request Commonwealth; possess class A drug, sufficient but continued until June 7, 2023; decision on administrative carrying a dangerous dismissed upon request Commonwealth.

nd

...ida, including how to ...ed volunteers and alike will learn about ...es to play an active ...e election process ...vassing, phone bank- ...d writing and other ...port Democratic can- ...2022 elections. ...ic is welcome to at- ...ceive the link to the ...PC meeting, send an ...t_Simenas@comcast.

...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

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 6:30pm

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

Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Cur-rently-Under-Review>

By Order of the Planning Board

Paul Dreyer
Clerk/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 @ 6:30pm and Open Meeting** in the Select Board's Meeting Room, Town Hall on **Thursday, June 23, 2022**

Amended - Application #044-22 Michele C. Brandt, 95 Club Valley Drive, East Falmouth, Ma. 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. 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. Publication Dates: June 10, 2022 and June 17, 2022

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 Virtual Meeting to discuss the possibility of establishing a local historic district in the Crown Circle area and to hear community 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

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

...for an additional 10-year period. The Board has determined that the option to purchase is subject to M.G.L. Chapter 30B and Commonwealth of Massachusetts Regulations 840 C.M.R. - Public Employee Retirement Administration Commission (PERAC).

All respondents are hereby advised that any proposal selected shall be subject to: (1) formal approval by the Board in accordance with the specified evaluation criteria, including but not limited to, the best interests of the retirement system, (2) a written agreement, and (3) authorization of the engagement by PERAC. Additional terms of lease or purchase to be reasonably negotiated.

The R.F.P. will be available on Monday, June 13, 2022. Completed original, hard copies and electronic copies of the respondent's R.F.P. response must be received no later than 2:00 p.m. EST on Friday, August 5, 2022. Any bids submitted after this 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 interest of the retirement system.

Requests for a copy of the R.F.P. should be sent to:

Falmouth Retirement System
Attn: Francis St. Germaine, Director
80 Davis Straits, Suite 102
Falmouth, MA 02536

Email: retire@falmouthretirementma.gov

June 10, 17, 24, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of John P. Graci, Sr. and Diane M. Graci for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond. The proposed work also includes mitigation plantings and restoration resource area buffer on the property located at 23 Southview Way, East Falmouth, MA. Area affected is Flax Pond. 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

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Simon and Irina Streltsov for a permanent license to supersede existing interim License #4487 and to allow redevelopment of existing dock in the same location in the waters of Childs River located at 8 Edgewater Drive East, East Falmouth, MA. Area affected is Childs River. 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

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~

Weeds: Reduced Prices on Native Shrubs

STONINGTON BLEND PREMIUM POTTING SOIL

SHOW STOPPING PATIO POTS

We Plant Windowboxes & Containers"

11 Sandwich Road, East Falmouth
between Route 151 & Carriage Shop Road
soaresflowergardennursery.com 508-548-5288



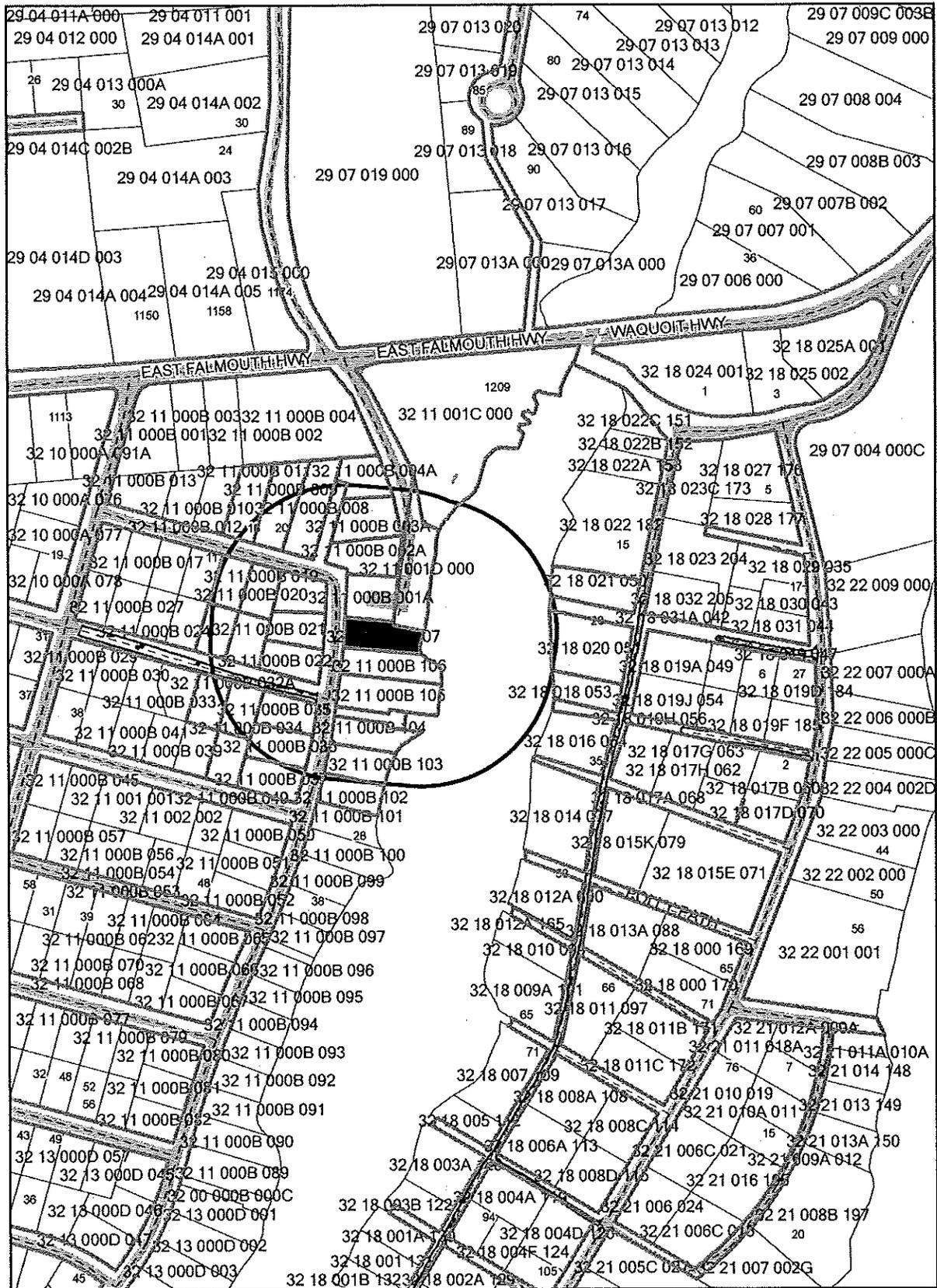
8 EDGEWATER DR EAST

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
June 14, 2022

8 EDGEWATER DR EAST



29 CHILDS RIVER RD 29 CHILDS RIVER RD LLC 36 PARK ST MILTON. MA 02186	32 18 018 053 LUC: 101	27 EDGEWATER DR EAST GREGORY-ALLEN RICHARD W PO BOX 321 WOODS HOLE. MA 02543-0321	32 11 000B 037 LUC: 101	22 ASHLEY DR OLIVA SHEILA 846 EAST ST WRENTHAM. MA 02093	32 11 000B 008 LUC: 101
26 EDGEWATER DR EAST BINGEL MARIANNE C BINGEL JOSEPH J 20 DENNETT RD WINCHESTER. MA 01890-4007	32 11 000B 102 LUC: 101	20 ASHLEY DR HANLEY TRUSTEE KATHERINE M LAMBROUKOS TRUSTEE PHILIP P 15 OTIS ST MEDFORD. MA 02155-4017	32 11 000B 009 LUC: 101	11 EDGEWATER DR EAST ONUFRAK MICHAEL D ONUFRAK JANET 21 CONCORD ST NATICK. MA 01760	32 11 000B 021 LUC: 101
23 WHITES LANDING RD BURTON MARY JO BACH 26 ASHELY DR EAST FALMOUTH. MA 02536	32 11 000B 003A LUC: 101	47 MARSHALL DR HEFFERNAN TRUSTEE NANCY BELLOMO TRUSTEE ANTHONY P 38 COOK ST WESTBOROUGH. MA 01581	32 11 000B 034 LUC: 101	18 EDGEWATER DR EAST OSULLIVAN MARK OSULLIVAN JOANN 6 LINDA ST WESTBOROUGH. MA 01581	32 11 000B 104 LUC: 101
19 ASHLEY DR CENTOFANTI JEFFREY P CENTOFANTI JULIANNE D 10 PARKMAN ST C/O KEITH JURSS WESTBOROUGH. MA 01581	32 11 000B 019 LUC: 101	9 EDGEWATER DR EAST JAMBHEKAR TRUSTEE SHRINIWAS D JAMBHEKAR TRUSTEE PRIYA S 14 IRONWORKS RD SUDBURY. MA 01776	32 11 000B 020 LUC: 101	44 MARSHALL DR PAGEAU TERRANCE L PAGEAU MARILYN A 18 GERALD AVE RANDOLPH. MA 02368-5125	32 11 000B 024 LUC: 101
19 CHILDS RIVER RD CHASE WILLIAM H PO BOX 1924 FRAMINGHAM. MA 01701	32 18 021 050 LUC: 101	23 CHILDS RIVER RD LACANA JOSEPH M LACANA KATHRYN 1 BIGELOW PL NORFOLK. MA 02056	32 18 020 051 LUC: 101	54 MARSHALL DR PERRIN TRUSTEE ANDREW J PERRIN TRUSTEE LISA A 14 CHARLES RIVER DR FRANKLIN. MA 02038	32 11 000B 022 LUC: 104
0 EDGEWATER DR EAST COMMONWEALTH OF MASS DIV OF FISHERIES & WILDLIFE 251 CAUSEWAY ST SUITE 400 BOSTON. MA 02114	32 11 000B 001A LUC: 911	24 EDGEWATER DR EAST LACORTE TRUSTEE RITA J LA CORTE FAMILY TRUST 22 SIDEWINDER RD C/O DAVID T LACORTE EAST FALMOUTH. MA 02536	32 11 000B 103 LUC: 101	14 EDGEWATER DR EAST PERRY SR TRUSTEE LEONARD S PERRY TRUSTEE MURIEL A 14 EDGEWATER DR E E FALMOUTH. MA 02536-5459	32 11 000B 105 LUC: 101
15 ASHLEY DR ERICKSON KALI S VILCHEZ JAIME 15 ASHLEY DR E FALMOUTH. MA 02536	32 11 000B 018 LUC: 101	16 ASHLEY DR LAGOS GEORGE T 16 ASHLEY DR EAST FALMOUTH. MA 02536	32 11 000B 010 LUC: 101	21 EDGEWATER DR EAST SCHOFIELD JR ROGER T SCHOFIELD SUSAN L 3 CUBS PATH HOPKINTON. MA 01748	32 11 000B 036 LUC: 101
0 WHITES LANDING RD FALMOUTH TOWN OF INHABITANTS OF 59 TOWN HALL SQ FALMOUTH. MA 02540-2761	32 11 000B 004A LUC: 980	1209 EAST FALMOUTH HWY LEEDHAM TRUSTEE TIMOTHY R & G REALTY TRUST 100 FALMOUTH RD MASHPEE. MA 02649	32 11 001C 000 LUC: 384	48 MARSHALL DR SCIORTINO PAOLO G SCIORTINO LAURA J 27 BELMONT RD BILLERICA. MA 01821	32 11 000B 023 LUC: 101
0 WHITES LANDING RD FALMOUTH TOWN OF 59 TOWN HALL SQ FALMOUTH. MA 02540-2761	32 11 001D 000 LUC: 930	28 ASHLEY DR MCELHENY DAVID MCELHENY HENRIETTA 28 ASHLEY DR EAST FALMOUTH. MA 02536	32 11 000B 002A LUC: 101	0 SEACOAST ROW SEACOAST SHORES ASSOC INC PO BOX 768 EAST FALMOUTH. MA 02536	32 11 000B 000A LUC: 201
48 CHURCHILL DR FONTES TRUSTEE BETSY FONTES FAMILY REALTY TRUST 48 CHURCHILL DR E FALMOUTH. MA 02536-6312	32 11 000B 038 LUC: 101	51 MARSHALL DR MCHALE BRIAN T MCHALE GERALDINE A 8 RAINBOW DR MEDWAY. MA 02053	32 11 000B 035 LUC: 101	8 EDGEWATER DR EAST STRELTSOV SIMON STRELTSOV IRINA 3 EGREMONT RD BRIGHTON. MA 02135	32 11 000B 107 LUC: 101

12 EDGEWATER DR EAST 32 11 000B 106

TERRY JR DAVID A LUC: 101

TERRY MICHELLE L
57 RICE CORNER RD
BROOKFIELD. MA 01506

43 MARSHALL DR 32 11 000B 033

WESTON JR TRUSTEE RUSSELL L LUC: 101

WESTON TRUSTEE KAREN ENGLISH
733 WEBSTER ST
NEEDHAM. MA 02492-3141

Diane Davidson

From: Wayne Tavares of Wet Tech Land Design <wettechlanddesign@gmail.com>
Sent: Saturday, May 28, 2022 10:27 AM
To: Falmouth Town Manager
Subject: Part 2-Application for Falmouth Selectpersons to permit interim dock seeking permanent status with DEP
Attachments: Plan & XSection w-notes (03-02-22) 2.pdf

Falmouth Town Manager;

Our clients are Simon & Irina Stretsov of 8 Edgewater Dr East of East Falmouth. They are seeking permanent status with Mass. DEP for their (currently) interim dock (#4487)

Attached please find:
(3b) Cross-section plan view will be sent immediately.
This is only Part 2 as the files exceeded 15,000 MB and sometimes do not send, so we have divided into 2 parts. A previous e-mail with the (3a) Plan view was sent.

The fee of \$75 shall be paid when we deliver plans on Tuesday, May 31.

Respectfully,
Wayne Tavares LA PWS CS

Wayne Tavares

508-642-7701

Diane Davidson

From: Wayne Tavares of Wet Tech Land Design <wettechlanddesign@gmail.com>
Sent: Saturday, May 28, 2022 10:24 AM
To: Falmouth Town Manager
Subject: Part 1-Application for Falmouth Selectpersons to permit interim dock seeking permanent status with DEP
Attachments: Plan & XSection w-notes (03-02-22) 1.pdf; 1-APPLICANT PROCEDURE FOR WETLAND HEARINGS AND APPLICATION-2021.pdf; 000-Edgewater Dr East 8 (Streltsov) 25-4720 OOC 04 13 22.pdf

Falmouth Town Manager;

Our clients are Simon & Irina Stretsov of 8 Edgewater Dr East of East Falmouth. They are seeking permanent status with Mass. DEP for their (currently) interim dock (#4487)

Attached please find:

(1) application procedure for wetlands hearings (Town of Falmouth Selectpersons);

(2) Town of Falmouth Conservation Orders of Conditions for 8 Edgewater Dr East

(3a) Plan View of the dock as professionally stamped and approved by Falmouth Con Com

This is only Page 1 as the files exceed 15,000 MB and sometimes do not send, so we have divided into 2 parts. Another e-mail with the (3b) Cross-section view will be sent immediately.

The fee of \$75 shall be paid when we deliver plans on Tuesday, May 31.

Respectfully,
Wayne Tavares LA PWS CS

Wayne Tavares

508-642-7701

TOWN OF FALMOUTH
BOARD OF SELECTMEN



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

TOWN CLERK

JUN 14, 2022 PM 4:02
RECEIVED

To the Board of Selectmen
Falmouth, MA

Date: May 28, 2022

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

OWNER: Simon & Irina Streltsov 8 Edgewater Dr East East Falmouth, MA 02536
(full name) (address)

AGENT: Wayne Tavares Wet Tech Land Design, Inc. PO Box 1580 Sagamore Beach, MA 02562
(full name) (address)

APPLICANT: Simon & Irina Streltsov 8 Edgewater Dr East East Falmouth, MA 02536
(full name) (address)

1. Location of Property: Map _____ Section _____ Parcel _____ Lot _____

Street Name and House Number 8 Edgewater Dr East East Falmouth, MA 02536

2. Body of water, marsh or stream affected: Childs River

3. Description of property and project site: Map 32 11 000B 107A residential lot with existing interim licensed dock (#4487). Owner is seeking to upgrade license to permanent status

a. Dimensions, Acreage of total parcel: 0.209 Ac=10,300 SF

b. Length of water marsh frontage: 65 LF

c. Dimensions of area to be dredged: Not applicable Depth N/A

d. Dimensions of area to be filled: Not applicable

e. Volume of dredging spoil to be moved: None

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

Disposition of Spoil: Not Applicable

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

g. Other (docks, piers and etc.) "in-kind" Dock redevelopment; 61 LF of fixed dock plus 30' Ramp/Float

h. Method (equipment to be used) for proposed work: 10" Piles/Piers will be Rammed, not jetted

4. Purpose of proposed work: Redevelopment of existing dock

5. Zoning which governs area: Residential

6. Date of application for permit to dredge or fill from the Commonwealth of
Mass. Not being sought Army Engineers Not being sought

7. Has a permit ever been approved or refused for this location by State,
Federal or Local Authority? No, current license(interim) exists (#4487)

8. Remarks Straight for replacement, in-kind, of existing dock

9. Project Summary for legal notice: Application for permanent license to supercede existing interim
License #4487 and to allow redevelopment of existing dock in same location.

Owner: Simon and Irina Streltsov Agent: Wayne Tavares of Wet Tech Land Design, Inc.

8 Edgewater Dr East East Falmouth, MA 02536
(Name & Address)

PO Box 1580- Sagamore Beach, MA 02562
(Name & Address)

TEL #: 617-953-8504

TEL #: 508-642-7701

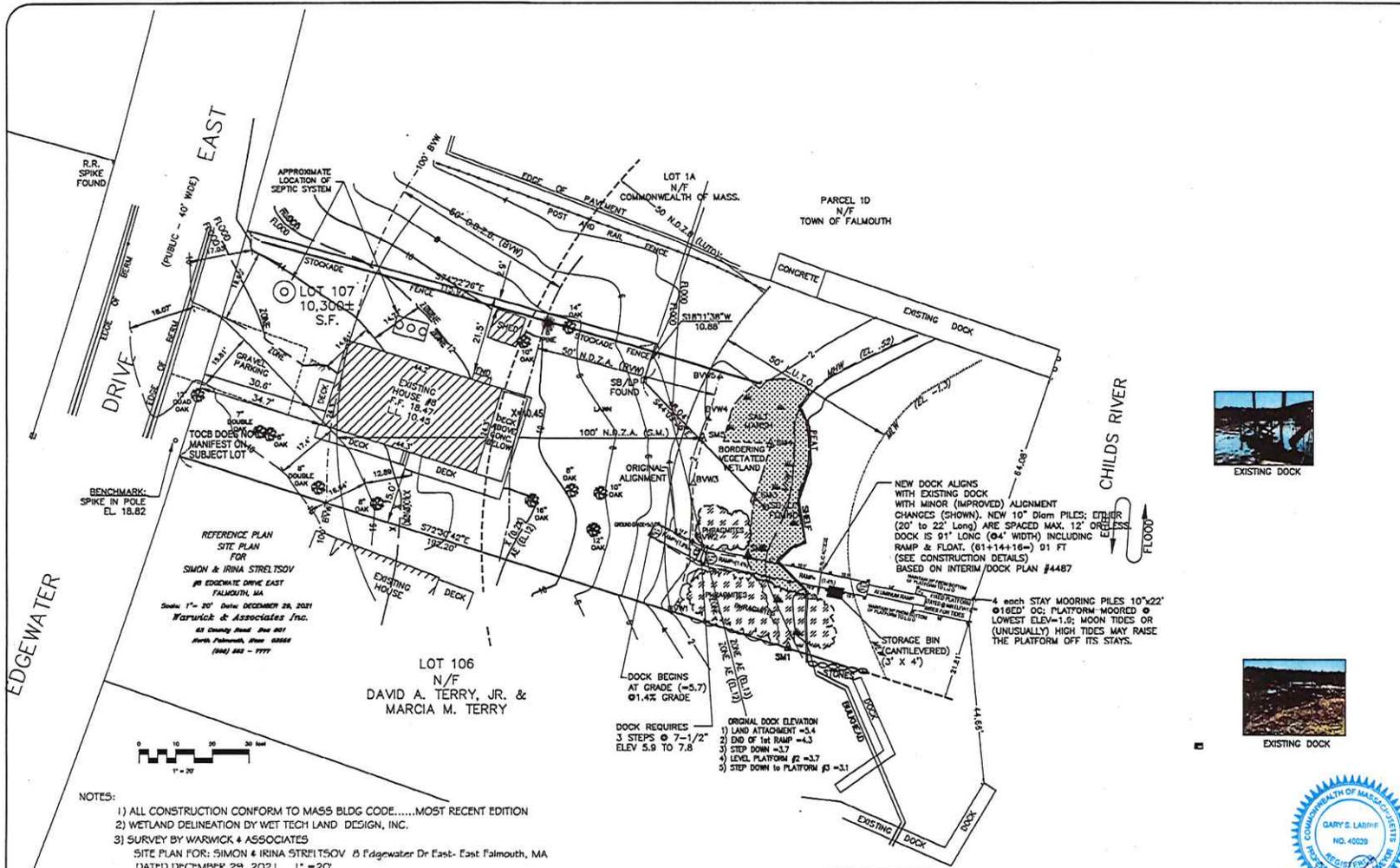
Applicant: Simon and Irina Streltsov

8 Edgewater Dr East East Falmouth, MA 02536

(Name & Address)

TEL #: 617-953-8504

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



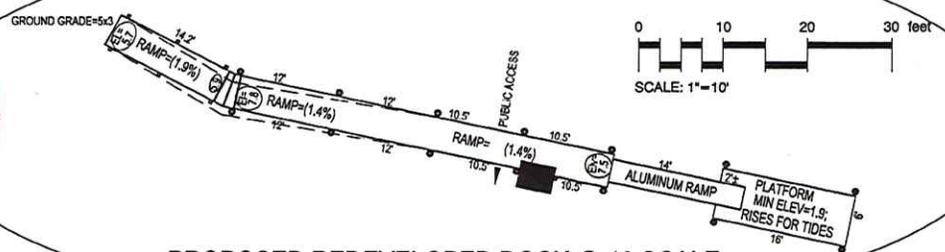
REFERENCE PLAN
SITE PLAN
FOR
SIMON & IRINA STRELTSOV
88 EDGEWATER DRIVE EAST
FALMOUTH, MA
Scale: 1" = 20' DATED DECEMBER 28, 2021
Warwick & Associates Inc.
65 County Road, Box 493
North Falmouth, MA 02556
(508) 888-7777

- NOTES:
- 1) ALL CONSTRUCTION CONFORM TO MASS BLDG CODE.....MOST RECENT EDITION
 - 2) WETLAND DELINEATION BY WET TECH LAND DESIGN, INC.
 - 3) SURVEY BY WARWICK & ASSOCIATES
SITE PLAN FOR: SIMON & IRINA STRELTSOV 88 Edgewater Dr East- East Falmouth, MA
DATED DECEMBER 29, 2021 1" = 20'
 - 4) ALIGNMENT OF DOCK SHALL BE PERFORMED BY SURVEY
 - 5) ALL WORK COMPLETED BY HAND; PILES DRIVEN BY IMPACT HAMMER
 - 6) PILES SHALL BE MARINE LUMBER WITH ACQ ONLY; NO GCA LUMBER TO BE USED
 - 7) ALL HARDWARE SHALL BE GALVANIZED OR PLASTIC COATED
 - 8) NO STRINGER JOIST TO BE LONGER THAN 12'
 - 9) RAILING SHALL BE 2" x 6" SPACED @7'-1/2"; A 10" BALL CANNOT BE PASSED THROUGH THE RAILINGS

DATE 2-9-22
[Signature]
KEITH E FERNANDES, PE#48725

DIG-IT
CONSTRUCTION, LLC
PO BOX 248 SOUTH DENNIS, MA 02660 PHONE:
508-432-1635 www.digitconstructionllc.com

PROFESSIONAL SEAL
KEITH E. FERNANDES
CIVIL
No. 48725
MASSACHUSETTS
REGISTERED PROFESSIONAL ENGINEER



PROPOSED REDEVELOPED DOCK @ 10 SCALE

REVISED:
02-18-22
DMF requires 25' from LLD
FALMOUTH requires 5' from LLD
FALMOUTH 56' Buffer to LLD
& Museum (Continue to SHW)
Public Access > 6'
Fleet 15' from platform to SHW
Allow 15' from platform to SHW
DEP Returns for documents
TERR not mandated on plan



COMMONWEALTH OF MASSACHUSETTS
GARY S. LABRE
NO. 40020
REGISTERED PROFESSIONAL ENGINEER
[Signature] 2/10/22

A DOCK PLAN FOR:

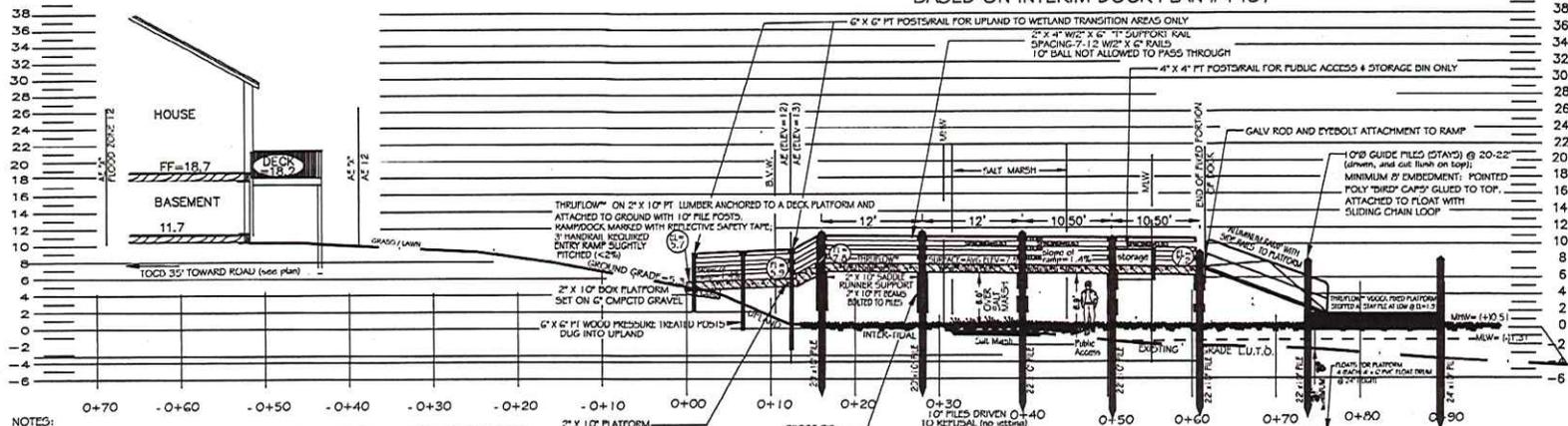
Simon & Irina Streltsov
8 Edgewater Dr East
East Falmouth, MA 02556

WET TECH LAND DESIGN, INC

WET TECH LAND DESIGN
WETLANDS PERMITTING/LANDSCAPE PLANNING
P.O. Box 1590-Sageamore Beach, MA 02562
508-642-7701
wettechlanddesign@gmail.com
www.wetlandplans.com

Scale: 1" = 20'
Date: Jan 10, 2022
Drawn: WAYNE TAVARES L.L.
Checked:
Project No. 22-0300

BASED ON INTERIM DOCK PLAN #4487



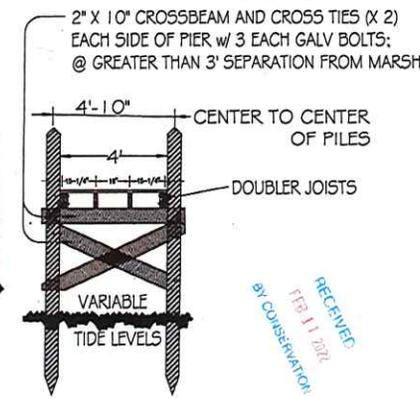
- NOTES:
- 1) ALL CONSTRUCTION CONFORM TO MASS BLDG CODE.....MOST RECENT EDITION
 - 2) WETLAND DELINEATION BY WET TECH LAND DESIGN, INC.
 - 3) SURVEY BY WARWICK & ASSOCIATES
 - 4) ALIGNMENT OF DOCK SHALL BE PERFORMED BY SURVEY
 - 5) ALL WORK COMPLETED BY HAND; PILES DRIVEN BY IMPACT HAMMER
 - 6) PILES SHALL BE MARINE LUMBER WITH ACO ONLY; NO CCA LUMBER TO BE USED
 - 7) ALL HARDWARE SHALL BE GALVANIZED OR PLASTIC COATED
 - 8) NO STRINGER JOIST TO BE LONGER THAN 12'
 - 9) ALL (2" x 6") HANDRAILS SHALL BE SPACED 7-1/2' APART; A 10" BALL CANNOT BE PASSED THROUGH THE RAIL

REVISED:
02-15-22
DWF requires 25' from L110;
Buckingham requires 3' from L110
Buckingham "P" Pile to L110
& minimum clearance - Salt Marsh
Public access 2' &
Floor is now Platform w/ "cleare"
allowance upward from marshline
DWP to perform for detentions.
7-2-B does not manifest on plan.

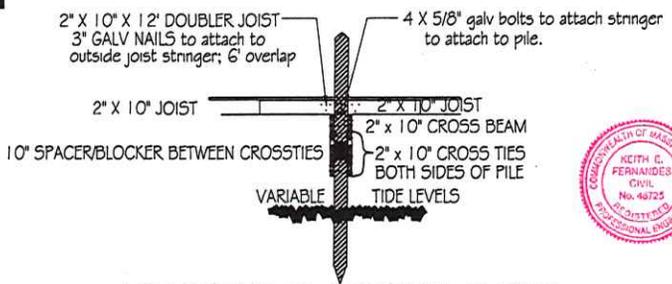
PILE DOCK

10" DIAM piles located at maximum 12' OC; installed by ramming
TOP OF PROPOSED DOCK=7.5 (average) NAV 88
USE THRU-FLOW COMPOSITE DECK SURFACE
6(ea) 2" X 10" X 12' PT JOISTS @ 16" O.C. SPACING
(Length of joist depends upon variable longitudinal distance between piles;
but not any longer than 12' spacing)
5/8" GALV BOLT-WASHERS-DOUBLE NUT (@6" Spc.) ON PILE
SUPPORTED WITH (2) 2" X 10" X 6" CROSSBEAMS AT EACH PILE

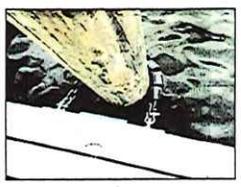
Pile Detail



TRANVERSE SECTION @ PILE N.T.5



LONGITUDINAL SECTION @ PILE N.T.5



Float & Pile chain Loop



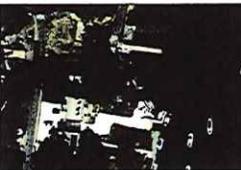
Wetland Flag



Existing Float & Dock



Existing Dock Cross Section



Aerial 2020



Existing Dock



DATE 2-9-22
KEITH E FERNANDES, PE#48725

DIG-IT CONSTRUCTION, LLC
PO BOX 268 SOUTH DENNIS, MA 02660 PHONE: 508-432-1635 www.digitconstructionllc.com

A DOCK CROSS SECTION DOCK PLAN FOR:
Simon & Irina Streltsov
8 Edgewater Dr East
East Falmouth, MA 02538

WET TECH LAND DESIGN, INC

WET TECH LAND DESIGN
WETLANDS PERMITTING/PLANNING/FLORIDA
P.O. Box 1580-Sageamore Beach, FL 32926
508-642-7701
wettechlanddesign@gmail.com
www.wetlandplans.com

Scale: 1" = 10'
Date: Jan 10, 2022
Drawn: WAYNE TAVARES LA.
Checked: Keith Fernandes PE
Project No. 22-0300



Falmouth Conservation Commission

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

April 13, 2022

Simon & Irena Streltsov
8 Edgewater Dr East
E Falmouth, MA 02536

RE: 8 Edgewater Dr East, E Falmouth, MA
DEP# 25-4720

Dear Simon & Irena Streltsov:

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

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

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

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

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

cc: Wet Tech Land Design, Inc



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

Provided by MassDEP:
 25-4720
 MassDEP File #

 eDEP Transaction #
 Falmouth
 City/Town

A. General Information

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

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



1. From: Falmouth
 Conservation Commission

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

3. To: Applicant:
Simon & Irena Streltsov
 a. First Name b. Last Name

c. Organization
8 Edgewater Dr East

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

4. Property Owner (if different from applicant):

 a. First Name b. Last Name

c. Organization

 d. Mailing Address

 e. City/Town f. State g. Zip Code

5. Project Location:
8 Edgewater Dr East E Falmouth
 a. Street Address b. City/Town
32 11 000B 107
 c. Assessors Map/Plat Number d. Parcel/Lot Number

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



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

Provided by MassDEP:
 25-4720
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 Falmouth
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Barnstable
 a. County
33902
 c. Book
 b. Certificate Number (if registered land)
Pg 271
 d. Page

7. Dates: 1/18/2022 2/16/2022 4/13/2022
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

A Dock Plan for Simon & Irena Streltsov
 a. Plan Title
Wet Tech Land Design, Inc Wayne Tavares LA
 b. Prepared By c. Signed and Stamped by
02/15/2022 1"=10'
 d. Final Revision Date e. Scale
Site Plan For Simon & Irina Streltsov 12/29/2021
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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B. Findings (cont.)

Denied because:

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

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

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



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions
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Provided by MassDEP:
 25-4720
 MassDEP File # _____
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 Falmouth
 City/Town

B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	(49x4) + (1x16)=212'	_____		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	42 LF	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	25-	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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

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

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

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

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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4720 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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eDEP Transaction #

Falmouth

City/Town

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

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

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

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



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

Provided by MassDEP:
 25-4720
 MassDEP File #
 eDEP Transaction #
 Falmouth
 City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

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

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

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



Falmouth Conservation Commission

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

Name: Simon & Irena Streltsov
Address: 8 Edgewater Dr East, E Falmouth
DEP #: 25-4720

FINDINGS:

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

STANDARD CONDITIONS

1. Permission is granted to Simon and Irina Streltsov, 8 Edgewater Drive East to construct and maintain a pier, ramp and float according to the plans by Wet Tech Land Design, Inc., dated January 10, 2022 and revised February 15, 2022 and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.
3. All work shall be done according to the plan of reference noted in paragraph 1. Any proposed changes will require that the applicant first obtain all necessary permits and approvals from the Conservation Commission. Any changes undertaken without obtaining approval from the Commission are not permitted and subject to an Enforcement Order. Violations of the Wetlands Protection Act are subject to a maximum fine of \$25,000.00 per day.
4. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).

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

Resource Area and to encourage the growth of protective vegetation on ground draining into the wetlands or other Resource Areas.

12. All cuttings and debris from permitted clearing of the lot prior to construction shall be removed offsite immediately. No debris can be stored, even temporarily, in a resource area or within 100 feet of any resource area. .
13. All fill or excavated material not required to backfill and grade to the approved plan of reference shall be immediately removed offsite or to an appropriate upland location more than 100 feet from any resource area.
14. No creosote-treated wood or CCA treated wood may be used. The use of non-toxic materials is mandatory and shall be specified by a professional engineer.
15. Equipment, vehicles or other objects are **not** allowed to be placed or stored on any wetland or resource area at any time.
16. Any additional work, not identified at the time this permit was granted, within the Limit of Work , in a resource area or within 100 feet of any resource area will require that the applicant first obtain all necessary permits from the Conservation Commission before proceeding with such work.
17. All work shall be done by hand or from a barge-supported crane during high tide.
18. Any barge used for this project must float at all times.
19. Piles shall be driven, not jetted.
20. All decking surfaces crossing Salt Marsh shall be constructed per design criteria per application.
21. All seasonal floats shall be stored in a predetermined upland location per application and the plan of reference.
22. All construction debris shall be removed off-site to an approved upland disposal site.
23. All disturbed areas are to be re-vegetated using either native plant species (or drought-tolerant fescues on 8-10 inches of loam). Re-vegetation is to be done immediately following completion of construction.
24. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
25. Water lines and attached hoses shall have nozzles attached.

26. Boats shall only be tied up in those areas designated as the mooring field on the plan of reference.
27. Boats at the dock shall not be allowed to leak oil or other pollutants into the water, nor shall oil or fuel be stored on the dock or pier.
28. Motorboats shall not be run in gear while tied to the dock, since prop wash disturbs shellfish beds, stirs up sediment and causes bank erosion.
29. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.
30. Photographic evidence of winter storage location of floats or seasonal dock parts on uplands shall be presented to the Conservation Commission within one year of completion of structure.
31. This Order of Conditions will not be fully complied with unless and until a duly executed Certificate of Compliance is recorded or registered, as appropriate, in Barnstable Registry of Deeds. A request for a Certificate of Compliance must be accompanied by an Engineers written certification of compliance certifying the dock or pier has been constructed and completed in accordance with the conditions contained herein and notes any deviation from the approved plans.
32. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions, **does not** extend the Original Order. You may renew this order of conditions and permit for periods of 5 years provided that there is a Certificate of Compliance recorded in the Registry of Deeds and there is no measurable adverse impact upon any protected resource area from the construction or use of the pier. If adverse impacts are identified, you will be required to mitigate any such adverse impacts prior to the issuance of a renewal permit. Renewals may be requested not sooner than 60 days and not later than 30 days prior to expiration of this order and permit. Failure to renew this order and permit shall result in order to remove the dock and pier.
33. If this dock and pier is operated in such a fashion as to cause actual damage to resource areas, including prop dredging, you may be ordered, at your expense, to remove a portion or the entire dock and pier. You have a right to hearing prior to any such order being issued.
34. The dock must be properly maintained in a safe and functioning manner. Docks and piers are coastal structures requiring continual maintenance or else lend themselves to causing significant damage to property at the time of storms. If not properly maintained docks and piers pose a significant danger to public safety. Docks and piers not properly maintained, which in the opinion the Commission have a potential of being destroyed in a storm, may be ordered removed at the owner's expense. You have a right to hearing prior to any such order being issued.

SPECIAL CONDITIONS:

1. All floats and piers if designed to be in continual use shall have adequate bubblers protecting piles during winter months.
2. The Conservation Department and the Marine and Environmental Service Department shall be notified of the date and time of construction activities utilizing a barge.
3. Only one (1) boat shall be moored to the dock at any one time. This boat shall be located in the area depicted as the mooring field on the plan of reference.
4. No trees shall be removed on the coastal bank or within the buffer to the coastal bank for the creation of the path depicted on the plan of reference.
5. Special Condition # 3 shall be written into the COC and registered with and ongoing with the deed.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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



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

Provided by MassDEP:
 25-4720
 MassDEP File #

eDEP Transaction #
 Falmouth
 City/Town

E. Signatures

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

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

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

4/13/2022
 1. Date of Issuance
 4
 2. Number of Signers

Jennifer Lincoln
 Signature

Jennifer Lincoln, Conservation Administrator

Jamie Mathews
 Signature

Printed Name
 Jamie Mathews, Chair

Courtney Bird
 Signature

Printed Name
 Courtney Bird

Peter Walsh
 Signature

Printed Name
 Peter Walsh

Elizabeth Gladfelter
 Signature

Printed Name
 Elizabeth Gladfelter

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

7019 2970 0000 0046 4797

4/13/2022

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

2. Wetlands/Dock – John P. Graci, Sr. and Diane M. Graci –
Application for Special Permit for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond located at 23 Southview Way, East Falmouth (15 minutes)



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of John P. Graci, Sr. and Diane M. Graci for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond. The proposed work also includes mitigation plantings and restoration resource area buffer on the property located at 23 Southview Way, East Falmouth, MA. Area affected is Flax Pond. Interested parties may review the file on this hearing at the Office of the Select Board.

Per Order of the
Select Board

Publication dates: Friday, June 10, 2022 and Friday, June 17, 2022; Falmouth Enterprise.

...acts found but continued until June 15-day loss of license, pay \$600 in fines; negotiation of a motor vehicle upon the request Commonwealth; possess class A drug, sufficient but continued until June 7, 2023; denied on administrative carrying a dangerous dismissed upon request Commonwealth.

nd

...sida, including how to ...ed volunteers and alike will learn about ...es to play an active election process ...vassing, phone banked writing and other ...port Democratic cane 2022 elections. ...ic is welcome to at...eive the link to the ...PC meeting, send an ...tt_Simenas@comcast.

...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

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 6:30pm

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

Documents may be viewed online at: <https://www.falmouthma.gov/1327/Applications-Currently-Under-Review>

By Order of the Planning Board

Paul Dreyer
Clerk/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 @ 6:30pm and Open Meeting** in the Select Board's Meeting Room, Town Hall on **Thursday, June 23, 2022**

Amended - Application #044-22 Michele C. Brandt, 95 Club Valley Drive, East Falmouth, MA. 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. 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. Publication Dates: June 10, 2022 and June 17, 2022

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 Virtual Meeting to discuss the possibility of establishing a local historic district in the Crown Circle area and to hear community 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

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

...The Board has determined that the option to purchase is subject to M.G.L. Chapter 30B and Commonwealth of Massachusetts Regulations 840 C.M.R. - Public Employee Retirement Administration Commission (PERAC).

All respondents are hereby advised that any proposal selected shall be subject to: (1) formal approval by the Board in accordance with the specified evaluation criteria, including but not limited to, the best interests of the retirement system, (2) a written agreement, and (3) authorization of the engagement by PERAC. Additional terms of lease or purchase to be reasonably negotiated.

The R.F.P. will be available on Monday, June 13, 2022. Completed original, hard copies and electronic copies of the respondent's R.F.P. response must be received no later than 2:00 p.m. EST on Friday, August 5, 2022. Any bids submitted after this 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 interest of the retirement system.

Requests for a copy of the R.F.P. should be sent to:

Falmouth Retirement System
Attn: Francis St. Germaine, Director
80 Davis Straits, Suite 102
Falmouth, MA 02536

Email: retire@falmouthretirementma.gov

June 10, 17, 24, 2022

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of John P. Graci, Sr. and Diane M. Graci for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond. The proposed work also includes mitigation plantings and restoration resource area buffer on the property located at 23 Southview Way, East Falmouth, MA. Area affected is Flax Pond. 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

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-14.8 (Wetlands Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, June 27, 2022 at 7:30 p.m. in the Select Board Meeting Room, Falmouth Town Hall, 59 Town Hall Square on the application of Simon and Irina Streltsov for a permanent license to supersede existing interim License #4487 and to allow redevelopment of existing dock in the same location in the waters of Childs River located at 8 Edgewater Drive East, East Falmouth, MA. Area affected is Childs River. 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

EIGHT COUSINS
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ERICA GEORGE

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between Route 151 & Carriage Shop Road
soaresflowergardennursery.com 508-548-5288

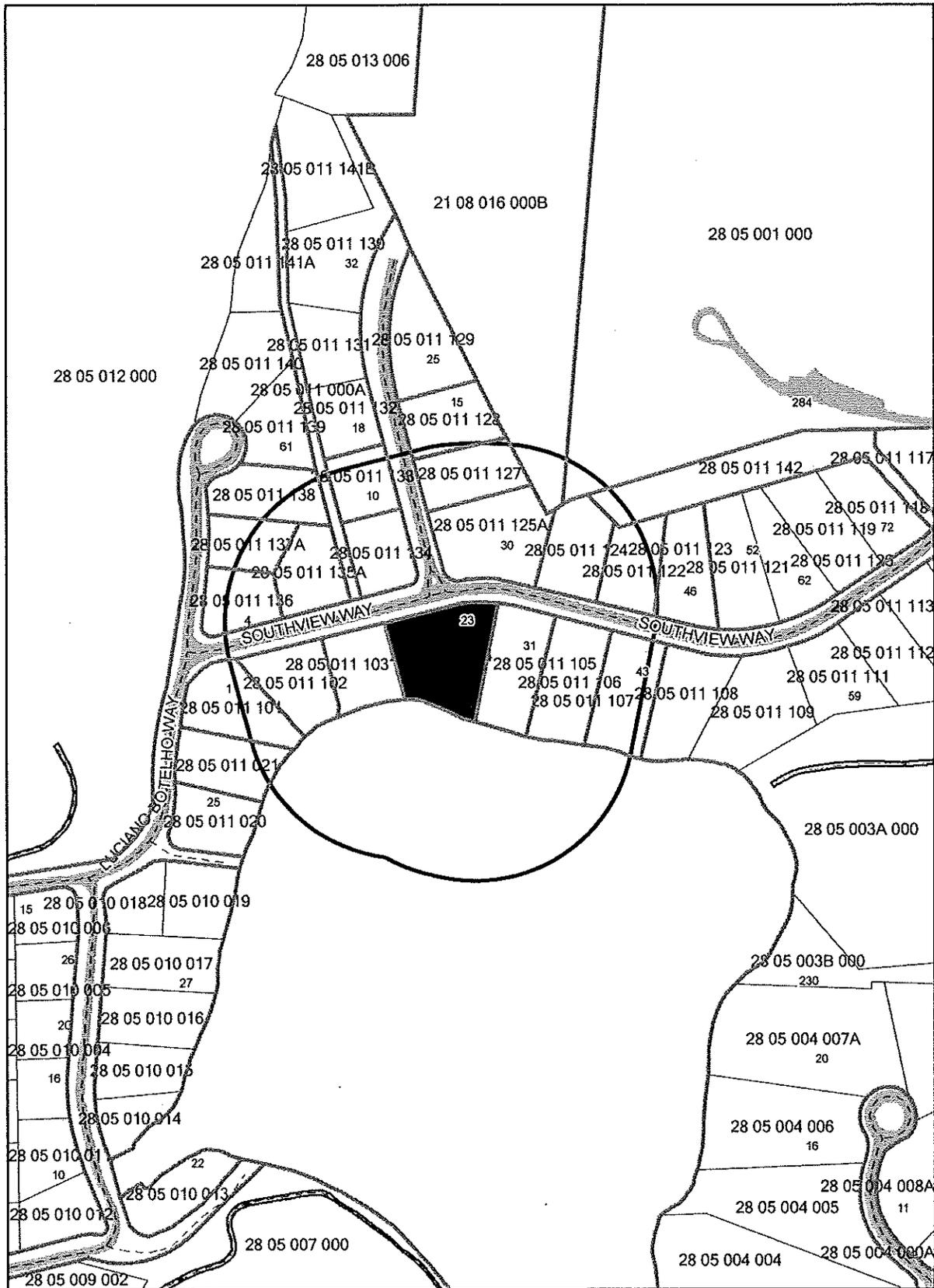
23 SOUTHVIEW WAY

CERTIFIED



Bruce Cabral
Assistant Assessor
Town of Falmouth, MA
June 14, 2022

23 SOUTHVIEW WAY



42 SOUTHVIEW WAY ARTH MICHAEL J ARTH KATHLEEN M 42 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 123 LUC: 101	0 BERRY PATCH LN FALMOUTH TOWN OF CONSERVATION COMMISSION 59 TOWN HALL SQ FALMOUTH. MA 02540-2761	21 08 016 000B LUC: 9034	7 SOUTHVIEW WAY POOR HOOSHANG D MOIEN-POOR FARZANEH 123 BALDPATE HILL RD NEWTON CENTER. MA 02459-2853	28 05 011 102 LUC: 101
10 SOUTHVIEW WAY BATILO MARIA T 10 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 135A LUC: 101	36 SOUTHVIEW WAY FOLEY JR TRUSTEE EDMUND M FOLEY TRUSTEE JANET M 36 SOUTHVIEW WAY E FALMOUTH. MA 02536	28 05 011 124 LUC: 101	15 DEOLINDA PL PROSHUTINSKY ANDREY PROSHUTINSKY TATIANA 15 DEOLINDA PL EAST FALMOUTH. MA 02536	28 05 011 128 LUC: 101
37 SOUTHVIEW WAY BEARDSLEY TRUSTEE ROBERT C BEARDSLEY TRUSTEE SUSAN K 37 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 106 LUC: 101	1 SOUTHVIEW WAY GARRISON DAVID F GARRISON LORETTA H 1 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 101 LUC: 101	18 SOUTHVIEW WAY STEVENS ROGER STEVENS REBECCA 18 SOUTHVIEW WAY EAST FALMOUTH. MA 02536	28 05 011 134 LUC: 101
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40 SOUTHVIEW WAY BOTELHO TRUSTEE GEORGE BY WATER REALTY TRUST 10 DEOLINDA PLACE EAST FALMOUTH. MA 02536	28 05 011 142 LUC: 106	51 LUCIANO BOTELHO WAY IGO TRUSTEE KAREN K IGO TRUST 51 LUCIANO BOTELHO WAY E FALMOUTH. MA 02536	28 05 011 137A LUC: 101		
9 DEOLINDA PL BOWKER SCOTT D BOWKER KATHLEEN E 9 DEOLINDA PL EAST FALMOUTH. MA 02536-5230	28 05 011 127 LUC: 101	30 SOUTHVIEW WAY LOFTUS KEVIN M LOFTUS CAROLYN A 26 STALLION TR BREWSTER. NY 10509	28 05 011 125A LUC: 101		
55 LUCIANO BOTELHO WAY BROWN GAIL H 55 LUCIANO BOTELHO WAY EAST FALMOUTH. MA 02536	28 05 011 138 LUC: 101	4 SOUTHVIEW WAY MEDEIROS TRUSTEE JEANNE M MEDEIROS TRUSTEE KENNETH J 4 SOUTHVIEW WAY E FALMOUTH. MA 02536-5222	28 05 011 136 LUC: 101		
46 SOUTHVIEW WAY CHIN TONY 288 RIVER ST #2 CAMBRIDGE. MA 02139	28 05 011 122 LUC: 101	284 OLD MEETING HOUSE RD MIDWAY TRAP & SKEET CLUB OF FALMOUTH INC PO BOX 2097 TEATICKET. MA 02536-2097	28 05 001 000 LUC: 385		



AMENT KLAUER LLP

Attorneys at Law
39 Town Hall Square
P. O. Box 919
Falmouth, MA 02541-0919

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

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

June 3, 2022

Nancy Taylor, Chair
Falmouth Board of Selectmen
Town Hall Square
Falmouth, MA 02540

**RE: Chapter 91 License for 23 Southview Way, East Falmouth, MA
28 05 011 104 ~ John & Diane Graci**

Dear Madame Chair and Members of the Board:

Enclosed, please find the application as required under Section 240-18A(2) of the Zoning Bylaw, for permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" ends in and over the waters of Flax Pond located at 23 Southview Way, East Falmouth.

Please schedule this matter at your earliest convenience. Do not hesitate to contact me if there are any questions. Thank you.

Very Truly Yours,

Kevin P. Klauer II, Esq.

KPK/
Enclosures

cc: John & Diane Graci
Matthew Costa, Cape & Islands Engineering

Town Of Falmouth
BOARD OF SELECTMEN

RECEIVED

JUN - 6 2022

FALMOUTH TOWN CLERK

APPLICATION FOR PERMIT TO DREDGE, FILL OR ALTER WETLANDS
(As required under §240-14.8A(2) (Wetland Regulations) of the Zoning Bylaw

To the Select Board
Falmouth, Mass.

Date: May 31, 2022

The undersigned hereby applies to the Board of Selectmen as required by Section 240-14.8A(2) of the Zoning Bylaw, for a permit to alter, as indicated below, the following described premises:

Owner: John P. Graci, Sr. & Diane M. Graci, 23 Southview Way, E. Falmouth, MA 02536
(Full name) (Address)

Agent: Kevin P. Klauer II, Esq., Ament Klauer LLP, 30 Town Hall Sq., Falmouth, MA
(Full name) (Address)

Applicant: Kevin P. Klauer II, Esq., Ament Klauer LLP, 30 Town Hall Sq., Falmouth, MA
(Full name) (Address)

1. **Location of Property:** Map 028 Section 05 Parcel 011 Lot 104

Street Name and House Number: 23 Southview Way, East Falmouth, MA 02536

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

3. **Description of property and project site:** The project site is located at 23 Southview Way, East Falmouth, MA, a private residential waterfront property with frontage on Flax Pond, a freshwater pond. The subject parcel consists of 28,798 (+/-) sq. ft. and is on the northern shore of Flax Pond. The property has been developed as a legal single family residence as of 1994 per the Town Assessors records. The property includes a single family dwelling with a porch, deck and septic system, fence, flagstone steps, manicured lawn and landscaped areas and a pathway to Flax Pond.

a. **Dimensions, Acreage of total parcel:** 28,798 sq. ft. +/-

b. **Length of water marsh frontage:** 72' +/-

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

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

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

Disposition of Spoils: N/A



APPLICATION FOR PERMIT TO DREDGE FILL OR OTHERWISE ALTER WETLANDS
(As required under §240-14.8A (Wetland Regulations) of the Zoning Bylaw)

- f. **Describe proposed riprap or bulkheading, if any:** NONE
 - g. **Other (docks, piers and etc.):** Construct and maintain a private residential seasonal dock 4' x 32' pier, with two (2) 6' x 8' "T" end with pipe support posts in and over the waters of Flax Pond, property located at 23 Southview Drive, East Falmouth. Resource area restoration activities including proposed mitigation plantings.
 - h. **Method (equipment to be used) for proposed work:** Pre-assembled and to be installed manually
- 4. **Purpose of proposed work:** Private Pier and Float System
 - 5. **Zoning which governs area:** Residential A Zoning District
 - 6. **Date of application for permit to dredge or fill from the Commonwealth of Mass:** N/A
Army Engineers: N/A
 - 7. **Has a permit ever been approved or refused for this location by State, Federal or Local Authority:** No.
 - 8. **Remarks:**
 - 9. **Project Summary for legal notice:**
For permission to construct and maintain a private residential 4' x 32' pier, with two (2) 6' x 8' "T" end in and over the waters of Flax Pond. The proposed work also includes mitigation plantings and restoration resource area buffer on the property located at 23 Southview Way, East Falmouth.

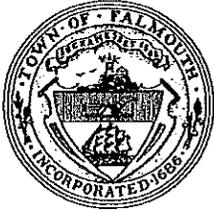
Owner: John & Diane Graci
23 Southview Way
East Falmouth, MA 02536

Agent: Kevin P. Klauer II,
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540

Applicant: John & Diane Graci
23 Southview Way
East Falmouth, MA 02536



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



Falmouth Conservation Commission

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

November 22, 2021

John P SR & Diane M Graci
23 Southview Way
E Falmouth, MA 02536

RE: 23 Southview Way, E,Falmouth, MA
DEP# 25-4659

Dear John P SR & Diane M Graci:

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

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

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

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

Sincerely,

Jennifer L. Lincoln, Conservation Administrator
Falmouth Conservation Commission

cc: Cape & Islands Engineering, Inc.



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

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A. General Information (cont.)

6. Properly recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Barnstable

a. County	b. Certificate Number (if registered land)
32232	53
c. Book	d. Page

7. Dates:

6/10/2021	11/3/2021	11/22/2021
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Proposed Pler Plan

a. Plan Title	Matthew C Costa, PLS, RS
b. Prepared By	c. Signed and Stamped by
10/18/2021	1"=10'
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

B. Findings

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

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

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

Approved subject to:

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



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B. Findings (cont.)

Denied because:

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

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

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	.22 _____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	1.45 _____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

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

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



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B. Findings (cont.)

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

23. Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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



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C. General Conditions Under Massachusetts Wetlands Protection Act

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

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 25-4659 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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



Falmouth Conservation Commission

59 TOWN HALL SQUARE, FALMOUTH, MASSACHUSETTS 02640
(508) 495-7445

Name: John P. Sr, & Diane M. Graci
Address: 23 Southview Way, East Falmouth
DEP #: 25-4659

FINDINGS:

1. The applicant proposes to install a seasonal dock, seek after the fact permission for a kayak rack, install a fence along the eastern property boundary, enlarge an existing deck by 68 square feet, install 204 square feet of mitigation plantings for the enlargement of the deck, and restore the resource area buffer, required to be left undisturbed in its natural state, in accordance with the order of conditions DEP #25- 1819 issued in 1993, this buffer shall be restored with 3,020 square feet of native woody shrubs.
2. Resource areas onsite and within 100 feet of the proposed project include Land Under Waterbodies, Inland Bank, Bordering Vegetated, and Resource Area Buffer.

INTERESTS

1. Pollution Prevention
2. Protection of private and public water supply
3. Protection of groundwater
4. Protection of fisheries
5. Protection of wildlife habitat

STANDARD CONDITIONS

1. Permission is granted to John P. Graci, Sr and Diane M. Graci, 23 Southview Way, Falmouth, MA, to install a seasonal dock, seek after the fact permission for a kayak rack, install a fence along the eastern property boundary, enlarge an existing deck by 68 square feet, install 204 square feet of mitigation plantings for the enlargement of the deck, and restore the resource area buffer according to the narrative and plan prepared by Cape and Islands Engineering dated May 12, 2021 and revised September 21, 2021 and October 18, 2021 and entitled "Proposed Pier Plan" and subject to the following Standard and Special Conditions.
2. This Order is issued pursuant to Mass. General Laws, Chapter 131, sec. 40, the Wetlands Protection Act and Chapter 235 of the Code of Falmouth the Wetlands Bylaw. The Wetlands By-law is more stringent than the Wetlands Protection Act as permitted by that Act. The Conservation Commission reserves the right to impose additional or other conditions to protect the Interests of the Massachusetts Wetlands Protection Act and Falmouth Wetlands Bylaw.

3. The determinations of the Falmouth Conservation Commission are made solely to determine issues arising under the Massachusetts Wetlands Protection Act and the Town of Falmouth Wetlands By-Law, and are therefore concerned exclusively with the question whether any proposed activity will have an adverse effect on the wetlands resource interests listed in the applicable statutes, regulations, by-laws and rules. Nothing contained in this determination is intended in any way to grant to any person any title, easement or other interest in lands, public or private, and the Falmouth Conservation Commission is without legal authority to make any grant of title, easement or other property interest, or to make any determination of property interests. See Tindley v. D.E.Q.E. 10 Mass. App. Ct. 623 (1980).
4. Any work taking place prior to all administrative and legal appeal periods expiring or during the pendency of any such appeal is at the risk of the applicant and/or owner of the property. At the risk of means that should an administrative agency or court find this order and permit were granted in error, all work will have to be restored to its original condition (at the time work was instituted) at the expense of the applicant and/or owner.
5. Issuance of the Order of Conditions does not relieve the permittee from obtaining all other necessary municipal, county, state or federal permits, permission or other approvals required.
6. By the acceptance and recording of this Order, the applicant hereby grants the commission and its duly authorized agents the right to enter onto the land governed by this Order to examine the project and ensure Compliance. Such visits shall be made in a reasonable manner. The Conservation Commission as well as its staff and agents have the authority to issue an Enforcement Order if work does not comply with the terms or intent of the conditions contained herein or the plans herein referenced.
7. The Order of Conditions expires three (3) years from the original date of issuance. Any Amendments to the Order of Conditions do not extend the Original Order. You may request an Extension to the original Order of Conditions, in writing, at least 30 days prior to the expiration. Unless otherwise specified, all Conditions cited herein will apply to any and all Amendments to this Order of Conditions.
8. Prior to any work commencing:
 - a. Proof of recording of this Order of Conditions at the Barnstable County Registry of Deeds must be received by the Conservation Commission.
 - b. At least 10 days advance **written** notification shall be provided to the Conservation Commission.
 - c. Copies of any other permits and licenses including building permit, special permit, variances, and Chapter 91 license shall be submitted to Conservation Commission.
 - d. The DEP File Number shall be posted on a sign on the street side of the lot and maintained in a visible condition throughout the project. A copy of this Order of Conditions is to be posted onsite, to be maintained in a visible location and condition throughout the project. Copies of this Order of Conditions are also to be provided to all outside contractors, to be kept onsite during work at all times.
 - e. The Limit of Work must be installed prior to any work, excavation, construction or clearing of vegetation, in order to prevent damage to the Interests of the Act and Bylaw. The Limit of Work shall consist of a single row of staked strawbale/silt fencing.

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

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

SPECIAL CONDITIONS:

1. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Department.
2. Prior to conducting any work on the property, pre-construction photos shall be taken and submitted to the Conservation department for review. Photos shall be submitted with the 10 day start work notification required by Standard Condition #8(b).

3. Prior to the installation of the dock, the restoration of the resource area buffer (required to be left undisturbed in the 1993 OOC) shall be completed. Immediately upon completing the restoration plantings, the Conservation staff shall be notified to confirm work was done in accordance with the plan and OOC.
4. The restored resource area buffer shall be left undisturbed and shall be allowed to grow into its full and mature state. This condition shall be registered with and ongoing with the deed.
5. All mitigation plantings shall be installed prior to construction of the deck. Once the plantings have been installed the Conservation department shall be notified to conduct a site visit.
6. All plantings shall be from 2-gallon or 3-gallon containers and spaced 3 feet on center. No dwarf varieties such as "shamrock" inkberry (*Ilex glabra "shamrockii"*) or "hummingbird" sweet pepperbush (*Clethra alnifolia "hummingbird"*) may be used. Tags depicting the plant species and variety shall be left on the plants until established.
7. All mitigation plantings shall be maintained in good health and shall be allowed to grow into their full and mature form. These plantings shall not be altered in any way (pruned, removed, etc.) without first obtaining a permit from the Conservation Commission for such work. This condition shall be ongoing with the deed.
8. No permanent and/or subsurface irrigation system shall be installed. A temporary above ground drip irrigation system will be allowed to insure the survival of the restoration and mitigation plantings. Once plantings have been established the temporary system shall be removed.
9. The applicant shall submit one (1) monitoring report on the restoration plantings each year until a Certificate of Compliance is obtained. Reports shall be submitted by October 31st of each year. The report shall contain photographs from established monitoring stations and a narrative of the progression and health of the restoration and mitigation plantings.
10. No chemically treated wood may be used in the design of the dock. The use of non-toxic materials is mandatory.
11. The street number and address and the DEP number of the dock approved by this Order shall be affixed to the seaward face (end) of the dock using three inch (3") digits of bright contrasting color. This number shall be maintained in clear visible condition throughout the lifetime of the dock.
12. All cuttings/debris, etc. are to be kept out of the Resource Areas.
13. The construction site is to be cleaned daily to remove any loose debris.
14. No Certificate of Compliance will be issued until the entire project, including landscaping, is completed and the site is permanently stabilized with vegetation.

15. Special Condition 4 and 7 shall be written into the Certificate of Compliance and shall be registered with and ongoing with the deed.

VOTE AUTHORIZING SIGNATURES OF COMMISSIONERS

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
25-4659
MassDEP File #

eDEP Transaction #
Falmouth
City/Town

E. Signatures

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

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

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

11/22/2021

1. Date of Issuance

2. Number of Signers

Jennifer Lincoln
Signature
Jennifer Lincoln
Signature

Jennifer Lincoln, Conservation Administrator

Printed Name
Elizabeth Gladfetter

Printed Name
Kevin O'Brien

Printed Name
Peter Walsh

Printed Name
Pat Harris

Signature

Printed Name

Signature

Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

Date # 7020 2450 0000 8608 8020

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

3. Application for a Transfer of License, and Pledge of License and Inventory of an All Alcoholic Beverages Package Store License – Kenyon Market & Liquor, LLC d/b/a Kenyon's Market, 769 East Falmouth Highway, East Falmouth (5 minutes)



TOWN OF FALMOUTH

Office of the Town Manager & Select Board

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Kenyon Market & Liquor, LLC d/b/a Kenyon's Market has applied for a Transfer of an All Alcoholic Package Store License and a Pledge of License and Inventory located at 769 East Falmouth Highway, East Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, June 27, 2022, at 7:30 p.m. on the above application.

Per order of the Select Board

LICENSING BOARD

Nancy R. Taylor

Onjalé Scott Price

Samuel H. Patterson

Douglas C. Brown

Edwin (Scott) P. Zylinski, II

Publication date: Friday, June 17, 2021; Falmouth Enterprise

LIQUOR LICENSE HEARING

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Friday, June 17, 2021



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee: Kenyon Market & Liquor, LLC DBA: kenyon's Market

Street Address: 769 East Falmouth Highway Zip Code: 02536

Manager: Manan Patel

Granted under Special Legislation? Yes No

If Yes, Chapter: of the Acts of (year)

\$15 Package Store (Type) Annual (Class) All Alcoholic Beverages (Category)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Retail store located at 769 East Falmouth Highway, Falmouth. Consists of approximately 8,000 sq. ft. of retail on first floor. 1 main entrance/exit. Side entrance/exit for redemption center. 2 emergency exits in rear. Storage in basement

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date: 6/1/2022 Time: 11:55 am

Advertised: Yes No Date Published: 6/17/2022 Publication: Falmouth Enterprise

Abutters Notified: Yes No Date of Notice:

Date APPROVED by LLA: 6/27/2022 Decision of the LLA: Approves this Application

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

For Transfers ONLY:
Seller License Number: 00090-PK-0390 Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LICENSE APPLICATION REVIEW

Restaurant/Business: Kenyon's Market

Address: 769 East Falmouth Highway

License Type: All Alcohol Package Store License

New or Transfer of License _____

or

Change of License _____

- | | |
|--|---|
| <input checked="" type="checkbox"/> Police | <u>No objection</u> |
| <input checked="" type="checkbox"/> Fire | <u>No issues</u> |
| <input type="checkbox"/> Building | _____ |
| <input type="checkbox"/> Health | _____ |
| <input type="checkbox"/> Zoning | _____ |
| <input checked="" type="checkbox"/> Planning | <u>No physical changes, no comments</u> |
| <input checked="" type="checkbox"/> DPW | <u>No comment</u> |
| <input type="checkbox"/> Assessor | _____ |
| <input type="checkbox"/> Tax Collector | _____ |
| <input type="checkbox"/> _____ | _____ |
| <input type="checkbox"/> _____ | _____ |
| <input type="checkbox"/> _____ | _____ |

The Manager of Record, who is one of the three proposed owners, is out of town. At least one other owner will be present at the Hearing.

Manager of Record has completed the town background check

DEMAKIS LAW OFFICES, P. C.

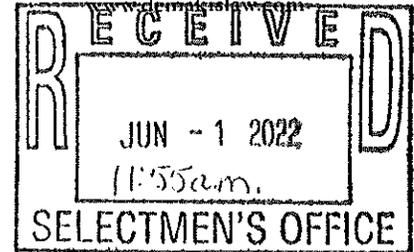
GREGORY C. DEMAKIS
THOMAS C. DEMAKIS
SANDOR RABKIN
JOHN M. MOORADIAN

PAID
\$130.00

ck# [REDACTED]
56 CENTRAL AVENUE
LYNN, MASSACHUSETTS 01901

TEL. (781) 595-3311

FAX (781) 592-4990



May 27, 2022

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

RE: Transfer application for an Annual All Alcohol Beverages License of Kenyon Market & Liquors, LLC d/b/a Kenyon's Market, 769 East Falmouth Highway, Falmouth, MA

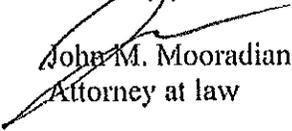
Dear Sir/Madam:

Enclosed please find the following documents with regard to the above-referenced application:

- 1) DOR and DUA Certificates for Kenyon's Market, Inc.
- 2) ABCC Transaction Summary.
- 3) ABCC Online Application Forms, including:
 - a. Monetary Transmittal Form with Proof of ABCC Payment.
 - b. Retail Application.
 - c. Manager Application.
 - d. Applicant's Statement.
 - e. CORI Forms.
- 4) Corporate Resolution naming Manan Patel manager and authorizing the Manan Patel, to apply for the transfer of the above-referenced liquor license and to pledge said license.
- 5) Corporate Documents – copy of Articles of Organization.
- 6) Sales Agreements - Copy of Asset Purchase and Sale Agreement.
- 7) Proof of Citizenship for the director(s) and manager.
- 8) Flow Chart for financing.
- 9) Loan Documents.
- 10) Source of Funds.
- 11) Proof of Legal Right to Occupy - Lease Documentation.
- 12) Floor Plan.

Thank you very much for your time and cooperation. If you have any questions or need additional information, please feel free to call me at extension 105.

Sincerely yours;


John M. Mooradian
Attorney at law

Enclosure

TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- ✓ \$200 Fee paid online through our online payment link: ABCC PAYMENT WEBSITE
- ✓ Monetary Transmittal Form
- ✓ DOR Certificate of Good Standing This must be obtained by the seller, not the buyer.
- ✓ DUA Certificate of Compliance This must be obtained by the seller, not the buyer.
- ✓ Transfer Application
- ✓ Manager Application
- ✓ Vote of the Entity
- ✓ Business Structure Documents
 - If Sole Proprietor, Business Certificate
 - If partnership, Partnership Agreement
 - If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
- ✓ CORI Authorization Form Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ Purchase and Sales Agreement
- ✓ Proof of Citizenship for the proposed Manager of Record.
 - Supporting Financial Records for all financing and or loans, including pledge documents, if applicable.
- ✓ Legal Right to Occupy, a lease or deed.
- ✓ Floor Plan
- ⊙ Advertisement
 - Additional information, if necessary, utilizing the formats provided and or any affidavits.
 - Management Agreement, if applicable, requires the following : *n/a*
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

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



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

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

Kenyon Market & Liquors, LLC is purchasing the business assets and all alcohol liquor license issued to Kenyon's Market, Inc. Kenyon Market & Liquors, LLC is seeking 1) approval of the transfer of the license, 2) approval of Manan Patel as Manager of Record, and 3) approval of the pledge of license and inventory to Martha's Vineyard Bank. As part of the transaction, 769 Falmouth Realty, LLC is purchasing the real estate located at 769 East Falmouth Highway, Falmouth, Massachusetts.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="Off-Premises-15"/>	<input type="text" value="\$15 Package Store"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Retail store located at 769 East Falmouth Highway, Falmouth. Consists of approximately 8,000 square feet of retail on first floor. 1 main entrance/exit. Side entrance/exit for redemption center. 2 emergency exits in rear. Storage in basement

Total Sq. Footage	<input type="text" value="8,000"/>	Seating Capacity	<input type="text" value="N/A"/>	Occupancy Number	<input type="text" value=""/>
Number of Entrances	<input type="text" value="2"/>	Number of Exits	<input type="text" value="4"/>	Number of Floors	<input type="text" value="1, storage in basement"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	Kenyon's Market, Inc.	By what means is the license being transferred?	Purchase
------------------------	-----------------------	---	----------

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Richard C. Lemoine	President, Director	50%
Joann M. Lemoine	Treasurer, Secretary, Director	50%

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
Jigar Patel	74 Village Drive, Quincy, MA 02169	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager/LLC Member	33.33%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Manan Patel	21 Old Farm Road, Norwood, MA 02062	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager/LLC Member	33.33%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Bhavya Patel	8 Queens Circle, Sharon, MA 02067	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager/LLC Member	33.33%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
MA Resident			
<input type="radio"/> Yes <input type="radio"/> No			

Additional pages attached? Yes No

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

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

Name	License Type	License Name	Municipality
See Attached Spreadsheet			

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

Name	License Type	License Name	Municipality
See Attached Spreadsheet			

6A. Beneficial Interest Disclosure		Licenses Currently Held	
Name	License Type	License Name	Municipality
Jigar Patel	Section 15	New Jamaica Plain Market, Inc.	Boston
Jigar Patel	Section 15	20 Ten Larry's Liquors, Inc.	Bellingham
Jigar Patel	Section 12	S&H Hotel Yarmouth, LLC	Yarmouth
Jigar Patel	Section 15	Eastham Market, Inc.	Eastham
Jigar Patel	Section 12	700 Taunton, LLC	Taunton
Jigar Patel	Section 12	Squire Revere, LLC**	Revere
Bhavya Patel	Section 15	New Jamaica Plain Market, Inc.	Boston
Bhavya Patel	Section 15	20Ten Larry's Liquors, Inc.	Bellingham
Bhavya Patel	Section 12	S&H Hotel Yarmouth, LLC	Yarmouth
Bhavya Patel	Section 12	Squire Revere, LLC**	Revere
Manan Patel	Section 12	S&H Hotel Yarmouth, LLC	Yarmouth
Manan Patel	Section 15	Eastham Market, Inc.	Eastham

6B. Beneficial Interest Disclosure		Licenses Previously Held	
Name	License Type	License Name	Municipality
Jigar Patel	Section 15	Kalval Hanson, LLC	Hanson
Jigar Patel	Section 15	20Ten Ashmont Market, Inc.	Boston
Bhavya Patel	Section 15	20Ten Ashmont Market, Inc.	Boston
Bhavya Patel	Section 15	Kalval Hanson, LLC	Hanson

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

7. CORPORATE STRUCTURE

Entity Legal Structure

LLC

Date of Incorporation 04/12/2022

State of Incorporation

Massachusetts

Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name 769 Falmouth Realty, LLC

Landlord Phone

Landlord Email

Landlord Address 769 East Falmouth Highway, Falmouth, MA 02536

Lease Beginning Date x/2022

Rent per Month

Lease Ending Date x/2037

Rent per Year

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

Yes No

9. APPLICATION CONTACT

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

Name:

John M. Mooradian

Phone:

781-595-3311

Title:

Attorney

Email:

jmooradian@demakislaw.com

12. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
2018	Present	Co-Owner	Kiki's Kwik Mart	
2017	Present	Co-Owner	Cape Point Hotel	
2021	Present	Co-Owner	Eastham Superette	

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

CORPORATE VOTE

The Board of Directors or LLC Managers of Kenyon Market & Liquors, LLC
Entity Name
duly voted to apply to the Licensing Authority of Falmouth and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on April 29, 2022
Date of Meeting

For the following transactions (Check all that apply):

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

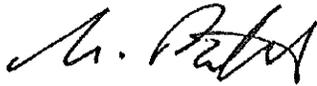
"VOTED: To authorize Manan Patel
Name of Person

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

"VOTED: To appoint Manan Patel
Name of Liquor License Manager

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

A true copy attest,



Corporate Officer /LLC Manager Signature

Manan Patel
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)